

**BOWEN UNIVERSITY, IWO**  
**COLLEGE OF LAW**  
**FIRST SEMESTER EXAMINATION 2022/2023 SESSION**  
**COURSE CODE: PCL 307** **COURSE TITLE: FAMILY LAW I**

**INSTRUCTIONS:** A. Answer any two questions from **Section A** and any two questions from **Section B**.

B. Time allowed: 3 hours.

C. Each question carries 17<sup>1/2</sup> marks

**SECTION A**

1. Mr Kakadu married Mrs Tope Kakadu under the Yoruba native law and custom in 1972. Mr Kakadu later married Mrs Helen Kakadu in 1976 at the Surulere Marriage Registry in Lagos. Mr Kakadu died in 2015, and Mrs Helen Kakadu brought an application that Letters of Administration (LA) of the estate of Mr Kakadu be issued to her and her children since Mrs Tope Kakadu's children are all bastards. Mrs Tope Kakadu's children contend that the marriage of their father (Mr Kakadu) was still subsisting as at 1976 and so, their mum should be issued the Letters of Administration. Along the line, Mrs Helen Kakadu made a formal application to the court that she was willing that the Letters of Administration be granted jointly to her and Mrs Tope Kakadu in order to avoid any long drawn legal battle. Meanwhile in another development, one Mrs. George is about petitioning the Court for divorce based on adultery because a certain Mrs. Agama confessed to have committed adultery with her husband (Mr. George). **Citing relevant statutory and judicial authorities, consider all the legal issues involved in the Kakadu case, including the legal status of the marriage of the parties, the possible outcome of the formal application made by Mrs Helen Kakadu. In addition, state the position of law on Mrs Agama's confession.**
  
2. Chief Fredy Okaro, Snr. and his former daughter-in-law, Ms Zainab Okaro, filed an application in the Lagos High Court to marry after she was divorced by her husband, Dr Fredy Okaro, Jnr. for committing adultery with his father (Chief Fredy Okaro, Snr). Chief Fredy Okaro, Snr had seduced his son's (Dr Fredy Okaro, Jnr) wife and had thereafter lived as man and wife with her and the two young children of his son's marriage despite the displeasure and feelings of indignation expressed by every member of his family and community. Chief Fredy Okaro, Snr. and Ms Zainab Okaro had intended, if married, to have at least one child. The application was refused and Chief Fredy Okaro, Snr. is of the opinion that the Judge erred in law in refusing his application because the circumstances should have been regarded as exceptional so as to justify the exercise of the court's discretion and the granting of the permission sought. He has consulted you as his new lawyer to advise him on the matter before taking further steps.  
**Citing relevant statutory and judicial authorities, advise Chief Fredy Okaro, Snr.**
  
3. **Advise the parties in the following cases with the aid relevant authorities:**
  - a. Mr Jeje petitioned for divorce based on adultery just because his wife (Mrs Jeje) omitted his name as the child's father when entering the birth in the birth register.
  - b. Mrs Dauda is set to petition the court for divorce because she contracted a venereal disease from her husband (Mr Dauda).

- c. Mr Okoro who claims his wife is too familiar with Mr Ekene wants to petition for divorce. According to Mr Okoro, he once saw his wife talking outside the house with Mr Ekene and at another time, he saw them chatting for about 20 minutes in the Church premises.
- d. Titi and Peter were married in accordance with the provisions of the Marriage Act. Peter discovered after the marriage that Titi was not a virgin and wants to divorce her because of his discovery.

#### SECTION B

4. Family Law has been described as a fascinating and challenging area of law because of its constant change in social dynamics surrounding it. It is a branch of law with an expanse of subject matters such as marriage, adoption, and divorce. Family Law has continued to evolve in Nigeria with a plethora of cases, legislation, practice direction, rules of court, etc.

**Discuss the above, emphasizing the sources of family law.**

5. a. Marriage consists of a number of features similar to commercial contracts in terms of validity, capacity, and form. However, these features, which are similar to commercial contracts, are quite different.

**Discuss the features and the legal characteristics of marriage.**

- b. The word 'family' cannot be restricted to a particular meaning, but it could be described in accordance with different grades of relationship.

**Briefly discuss the functions of a family.**

6. Kelechi has approached you to advise him on how to go about divorcing his wife Kachi to whom he has been married to for 10 years under customary law. The allegations against his wife are adultery and intolerable behaviour. Kachi on the other hand is tired of the marriage and has also accused her husband, Kelechi, of maltreatment and abandonment.

- a. Advise the parties on how to go about their divorce under customary law.
- b. Discuss the issue of bride price under dissolution of a customary law marriage.
- c. If Kelechi and Kachi had been married under Islamic law, would your answer be different?