

**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).