



ELIZADE UNIVERSITY, ILARA-MOKIN, ONDO STATE.  
PROF YEMI OSIBAJO FACULTY OF LAW  
SECOND SEMESTER 2018/2019 ACADEMIC SESSION  
BACHELOR OF LAWS (LL.B.) DEGREE EXAMINATION

LAW OF TORTS II (PPL 302)

Answer Four Questions. Attempt at least one question from each Section.  
Time Allowed: 2 ½ Hours

SECTION 1

1. Mr. Showoff is a student of Elizade University who resides in Akure from where he attends his lectures at Ilara-Mokin. Miss Slayqueen is also a student of Elizade University who resides in the hostel at Elizade University, Ilara-Mokin. On 1<sup>st</sup> June 2019, Miss Slayqueen was to travel to Ibadan to see her parents and while telling her friends of her intention to travel and thinking whether or not to go, Mr. Showoff came to her and was boasting that he had current information that the road from Ilara-Mokin to Ibadan was very safe and that there are both military stop and check patrols as well as motorized patrols all the way to Ibadan. As a mark of reassurance to Miss Slayqueen, Mr Showoff made a purported telephone call to someone who claimed that he was on the road (when in fact Showoff was not talking to anyone on the phone) but just to deceive Miss Slayqueen to travel. On the strength of Showoff representation, Slayqueen entered her car and hit the road enroute Ibadan. Sadly, Miss Slayqueen was violently robbed on her way to Ibadan and was dispossessed of her car and other valuables though she managed to escape alive. Miss Slayqueen has now approached you as a lawyer. Please advise her. (15marks)
2. Using copious illustrations, decided cases and statutory authorities, critically discuss the following as it relates to the law of tort:
  - (a) the remedies of damages and injunction. (7.5marks)
  - (b) the defences of consent, statutory limitation and res judicata. (7.5marks)

SECTION 2

3. Mr. Fred and Mr Chuks were business partners in agricultural foods production before the latter pulled out to set up a similar business. The business headquarter is located at No 20, Port Harcourt Road, Rivers State, which happens to be the only agricultural firm in the area. The two got to see each other a year after the split at an annual meeting of agro-foods producers in the State. Mr. Chucks when invited to give a closing remark spoke of his newly established business successes and how qualitative his produce are, 'unlike the produce of a certain firm at No 20, Port Harcourt Road, Rivers State. Mr. Fred has filed an action in court complaining that the statement is defamatory to him and his business having been published in Mr Chuck's staff magazine. During trial, Mr Chuks' counsel argued that the complained statement neither mentioned his name nor his business firm. Defence counsel also argued that the plaintiff needs to prove both special and general damages to succeed in the action.

With the aid of judicial authorities, comment fully on these line of arguments.  
Would you consider the statement by Mr. Chucks a legal or popular innuendo? Give answers with the aid of judicial authorities.

4. The existence of a valid contract is a pre-requisite to an action for unlawful interference with contract. Discuss in line with the Supreme Court decision in SPARKLING BREWERIES LTD & 5 ORS (2001) ALL NLR VOL. 6

### SECTION 3

5. According to a generally accepted test laid down by Parke B in Joel v Morrison,

‘If the driver was going out of his way, against his master’s implied commands, when driving on his master’s business, he will make his master liable; but if he was going on a frolic of his own, without being at all on his master’s business, the master will not be liable’

Discuss, using relevant case laws, the guidelines which the court will use in determining whether the employee was acting in the course of his employment or not

6. The rule in Rylands v Fletcher is not about fault. It is a strict liability based on the dangerous propensity of the things that have escaped. Discuss with the aid of relevant case laws