



ELIZADE UNIVERSITY, ILARA-MOKIN ONDO STATE
PROF YEMI OSINBAJO FACULTY OF LAW
FIRST SEMESTER 2017/2018 ACADEMIC SESSION
BACHELOR OF LAWS (LL.B) DEGREE EXAMINATION

FAMILY LAW II - PPL 204

TIME: 3 HOURS

INSTRUCTION: Question One (1) is Compulsory and answer any other three (3).
All Questions Carry Equal Marks

1. Mr Israel filed a suit of divorce against the respondent (the wife), Mrs Israel in the High Court of Onitsha. In his petition, he did not specify any ground of divorce. He simply alleged that his wife, Mrs Israel was a chronic traditionalist and she was found with different native charms. The wife on her own cross-petitioned and alleged that she has suffered exceptional hardship as an attempt was made on her life by Mr Israel on several occasions and she could not live with him any longer.
With decided cases, advise the parties.
b. Critically examine the concept of desertion under the Matrimonial Causes Act.
2. Black's Law Dictionary defines 'Bar' as an impediment, obstacle or preventing barrier". Ordinarily, a petitioner who has proved to the satisfaction of the court that the marriage has broken down irretrievably is entitled to a decree of divorce but such a decree may be refused if an absolute bar or a discretionary bar applies to the case. Criticise this statement of fact.
3. Mr Akin got married to his childhood friend Kemi in December 2008 and the marriage is blessed with one kid. Since the marriage, Mr Akin had been a convict at the prison (twice for pick pocketing and once for assault). Every time he was away in prison, his family took very good care of Kemi and Olufemi who is now 3 years. During the last bombings and killings at Damaturu, he was mistakenly captured as one of the Boko Haram Sect members, whilst he was hiding for his safety on a farm which unknown to him belonged to a prominent member of the sect; he has now been sentenced to 24years imprisonment

with hard labour. Meanwhile, his family members are contributing funds together to finance his appeal, but the efforts so far have not yielded any meaningful amount. Kemi has employed you as her lawyer to help file a petition to divorce Akin. Advise her and analyse the steps to be taken with adequate reference.

4. Adamu and Yewande got married in March 2000 according to the traditions and customs of the Ondo people in Ondo State. The marriage is blessed with four children. Recently, Akande took a second wife who gave birth to a set of triplets who are all boys. This brought great joy to the family because Adamu's (first wife) children are all girls and Akande is from one of the royal families in the land. After six months of the delivery of the triplets, two of them died in a mysterious circumstance whilst they were being fed by their mother. Again the last one died in his sleep and this has caused a lot of discord and sorrow in the home. Yewande has been accused of killing the boys despite the fact that she was not around when the incident happened. Adamu has resorted to beating Yewande and her female children incessantly. Adamu and Yewande have both approached you to file a notice of divorce; whilst Yewande is claiming cruelty and lack of support from her husband; the husband is claiming divorce on the ground of witchcraft and cruelty.

Discuss the available modes of dissolution and recommend the relevant mode to both parties.

5. Discuss the modes of dissolution of marriage under customary law.

6. Section 71 (1) of the MCA- states that in proceedings relating to the custody, guardianship, welfare, advancement or education of the children of a marriage, the court is enjoined to regard the interest of those children as paramount. Analyse this assertion with the aid of relevant authorities.

6b) Write short notes on the following:

- i. Restitution of Conjugal rights
- ii. Jactitation of Marriage
- iii. Judicial Separation