



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 I (PPL 203)

TIME: 11:00AM-2PM

TIME: 3 HOURS

INSTRUCTION: ANSWER TWO (2) QUESTIONS FROM EACH SECTION.
QUESTION ONE (1) AND FOUR (4) ARE COMPULSORY.

ALL QUESTIONS CARRY EQUAL MARKS

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SECTION A

1. Mr. Sanni had earlier married Funke under the native law and custom in Zaria where both of them served under the NYSC Scheme, he has now decided to 'remarry' her under the Statute. Meanwhile during the last Christmas celebration, both of them discovered that they are related and in fact direct cousins. Sanni is convinced that Funke is his wife as directed by a herbalist/seer they visited before they contracted the customary marriage. Funke had initially planned to withdraw from the relationship because she caught Sanni having an affair with Bello his flat mate and Bello also informed her that both of them are already 'married' as gay couple but Sanni threatened to kill Funke if she backs out. With the latest discovery of being related she is no longer interested in continuing the affair but Sanni kidnapped and married her at a Registry in Plateau State without the knowledge of both families and against her will. Discuss the legal issues in this case and advise the parties.
2. Miss Aromire a primary school teacher at Ilara-Mokin got engaged to Mr. Ojo whilst both of them were living and working in Akure, Ondo State. Mr. Ojo left Akure to resume a new job as the regional manager of a multinational company in Port Harcourt, Rivers State. In the course of his stay in Portharcourt, his father at Ojo's request and authorisation effected the

payment of dowry and celebration of the 'idana' ceremony according to the Yoruba customary law. Miss Aromire however continued to live with her parents in Akure. Meanwhile, Ojo met Miss Salewa in Portharcourt and they agreed to marry each other. Notice of the intended marriage was given to the registrar of marriage in Portharcourt. Aromire's father however entered a caveat on the ground that 'Idana' ceremony in respect of Miss Aromire constituted a valid marriage by Yoruba custom and so precluded a marriage under the Marriage Act with Miss Salewa. With the aid of Judicial and Statutory authorities comments on the viability of the caveat entered by Aromire's father.

b. Discuss the requirements of a valid customary marriage.

3. Marriage is a contract; marriage is not a mere contract but one that creates status. Discuss.

b. Enumerate and discuss the essentials and formalities of a valid statutory marriage.

SECTION B

4. Under Section 2 (3) of the MCA 1970, a person is domiciled in any state of the Federation of Nigeria is domiciled in Nigeria for the purpose of the Act. Examine this assertion with reference to the classification of domicile.

b. Comment on the lack of consent and inability to consent in statutory marriage

5. A void marriage is the one that has never existed. A voidable marriage is one that will be regarded by every court as valid until a decree annulling it has been pronounced by a Court of competent jurisdiction. Examine this statement of fact and discuss its veracity.

b. Mr. Akinsoyinu got married to Mrs. Akinsoyinu under the English law at United Kingdom on the 15th March, 2008. Mr. Akinsoyinu had since returned to Nigeria in January, 2015. He is now happily married to his former school mate and the marriage was contracted at the Marriage Registry, Lagos. **Comment on the validity of subsequent marriage.**

6. Halima is a young Muslim daughter of Alhaji Tafo, Halima is engaged to Rabi'u and both of them are planning to get married soon. Alhaji Tafo has decided to marry out Halima against her consent to his business partner Alhaji Sadiq who is happily married to 4 four wives already. Halima has approached you for advice on the validity of her father's decision and the **basic requirements of an Islamic marriage.**