



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 202: FAMILY LAW

1ST SEMESTER 2021/2022

TIME: 2 HOURS

INSTRUCTIONS:

1. Answer **ALL** questions
2. Support your answer with relevant illustrations from case law, statutory provisions and any other references
3. Your writing must be **NEAT** and **LEGIBLE**.
4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein.
5. Do not scribble or draft answers on the inner or outer cover pages or your answer booklet.
6. Do not write anything except your **REGISTRATION NUMBER** on this question paper.
7. **ALL** Kenyatta university Examinations rules apply as if they were contained herein.

QUESTION ONE

- a) Magarita and Obama have been happily married for over 30 years. They have grown up children, one is married and working out of the country. While the other two are in University. Both the couple are Senior level managers in their respective organizations. Earning close to half a million per a month. They have three homes, a holiday home at Wundanyi, work place home at Nairobi and a rural home at Ushagoo. In the past one year Magarita has drastically changed she has taken up drinking and clubbing on a daily basis. Her dressing style has changed as well, to something that is quite offensive for a lady of her caliber and to say the least a 55 year old. Word has gone round and the husband and the children are ridiculed in the village. She has openly become unfaithful with young men. This is not rumors the husband and one of the sons has caught her red handed in compromised situations with young university men. She is supporting two young university men. Of the two young men, one is the husbands' neighbor at Ushagoo. Conversely she is jealousy of her husband and she occasionally hacks into the husbands

email and threatens any female she finds in the contacts. She routinely goes to his work place and insults and threatens all the female colleagues. A week ago when Obama was unwell margarita came in and threatened to kill him. Obama feels that enough is enough. He comes to you for advice on whether there are valid grounds for divorce having married in church. He also wonders whether there are alternatives to divorce. (20 marks)

b) Distinguish between annulment and divorce (10 marks)

QUESTION TWO

a) Comment on the following types of families Punuluan, Pairing and Monogamous families. (10 marks)

b) 'The matrimonial property Act presents a unique and interesting way of dealing with matrimonial property'

In light of the above statement analyze the provisions of the Matrimonial Property Act. (10 marks)

QUESTION THREE

Children in a marriage are usually the innocent bystanders in a divorce situation yet they suffer most. With aid of case law, discuss the considerations that the court has to bear in mind while awarding custody in a divorce proceedings. (20 marks)