

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION QUESTION PAPER: JULY 2005

TITLE OF PAPER: CIVIL PROCEDURE

COURSE CODE: DL 032

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS.

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR ON THE DAY OF THE EXAMINATION

QUESTION 1

Not every person or legal entity has the capacity to litigate. Discuss in the light of decided cases

(25 Marks)

QUESTION 2

Discuss the jurisdiction of the following courts.

- i. The Magistrate's Court (10 Marks)
- ii. The High Court (5 Marks)
- iii. The Swazi Court (5 Marks)
- iv. The Court of Appeal (5 Marks)

(25 Marks)

QUESTION 3

Certain rules have to be observed by every litigant when pleading. What are these rules ?

(25 Marks)

QUESTION 4

Discuss the various ways in which service of a legal process may be effected in Swaziland.

(25 Marks)

QUESTION 5

Distinguish between action proceedings and application proceedings

(25 Marks)

QUESTION 6

Write short notes on the following :

- i. Plea (5 Marks)
- ii. Answering Affidavit (5 Marks)
- iii. Notice of intention to defend (5 Marks)
- iv. Replying affidavit (5 Marks)
- v. Default judgment (5 Marks)

(25 Marks)