

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION, MAY 2006

TITLE OF PAPER : CIVIL PROCEDURE

COURSE CODE : DL 032

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : ANSWER ANY FOUR QUESTIONS.

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THE INVIGILATOR**

QUESTION 1

Discuss the various methods used to effect service of a legal process in Swaziland.

[25 MARKS]

QUESTION 2

Distinguish between action proceedings and application proceedings.

[25 MARKS]

QUESTION 3

What are the various options available to a defendant who has filed the notice of intention to defend before he answers to the allegations contained in the particulars of claim.

QUESTION 4

Under what circumstances can a court do the following:

- (a) rescind its own judgement (10 marks)
- (b) grant summary judgement (10 marks)
- (c) issue out a final judgement. (5 marks)

[25 MARKS]

QUESTION 5

Write short notes on the following:

- (a) Notice of intention to oppose. (5 marks)
- (b) Irregular proceedings. (5 marks)
- (c) Notice of bar. (5 marks)
- (d) Edictal citation. (5 marks)
- (e) Minority as a disability for notifying proceedings. (5 marks)

[25 MARKS]

QUESTION 6

Mrs. Moyo is married in community of property. She is desirous to sue Mr. Dlamini for twenty five thousand emalangeni (25 000.00) for the damage of her husband's motor vehicle caused by the negligence of Mr. Dlamini. The accident occurred in Mbabane.

Mrs. Moyo decides to sue at the Manzini Magistrate's Court because there is a backlog of cases in the High Court and after all, she is a resident of Manzini. So the Manzini Magistrate's Court is nearer to her place of residence.

Mrs. Moyo decides to approach the court by way of application for a speedy remedy to her situation.

Discuss the various legal issues involved in this matter.

[25 MARKS]