

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER.

TITLE OF PAPER : **CIVIL PROCEDURE**

COURSE CODE : **DL 032**

TIME ALLOWED : **TWO (2) HOURS**

INSTRUCTION : **ANSWER ANY THREE (3) QUESTIONS.**

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

The concept of *locus standi in judicio* is one of the factors taken into account in determining a person's capacity to sue and be sued. Discuss this concept in the light of decided cases.

[25 MARKS]

QUESTION 2

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

[25 MARKS]

QUESTION 3

- (a) Distinguish between action and application proceedings. [15 marks]
(b) What are the consequences of using the wrong form of procedures in initiating proceedings.

[10 marks]

TOTAL: 25 MARKS

QUESTION 4

Discuss the jurisdiction of the following courts in civil matters.

- (a) Magistrate's Courts [10]
(b) Supreme Court [5]
(c) High Court [5]
(d) Swazi Courts [5]

TOTAL: 25 MARKS

QUESTION 5

Discuss the various options available to a defendant after filing a notice of intention to defend but before filing the next set of pleadings.

[25 MARKS]

QUESTION 6

- (a) Distinguish between Appeal and Review. [15 marks]
(b) When does a court deal with an application on the basis of urgency? [10 marks]

[25 MARKS]