

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2008**

**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**

What are the rules a party to litigation must observe in the drafting of pleadings?

[25 MARKS]

**QUESTION 2**

Plaintiff is fourteen years of age and desires to sue Mrs. Jones who is married out of community of property and without marital power. The cause of action is the alleged negligent driving of Mrs. Jones causing an extensive damage to plaintiff's car. The accident occurred in the district of Manzini. The plaintiff is anxious to have the matter instituted in the Magistrate's Court in Manzini because there is a backlog of cases at the High Court. Plaintiff wants to use application proceedings because they are cheaper and faster to use. He is also anxious to have the application to be served by the Deputy Sheriff of Manzini.

Discuss the legal issues involved in this matter.

[25 MARKS]

**QUESTION 3**

Write short notes on the following:

- (a) Plea [5 marks]
- (b) Answering affidavit [5 marks]
- (c) Close of pleadings [5 marks]
- (d) Default judgement [5 marks]
- (e) Replying affidavit [5 marks]

[25 MARKS]

**QUESTION 4**

- (a) What are the requirements for the granting of an edictal citation application? [15 marks]
- (b) When is substituted service used? [10 marks]

[TOTAL: 25 MARKS]

**QUESTION 5**

- (a) How is an application initiated? [5 marks]
  - (b) Who are the parties to an application? [5 marks]
  - (c) What are the obligations of each party to an application? [25 marks]
- [TOTAL: 25 MARKS]

**QUESTION 6**

Discuss the capacity to litigate of the following persons.

- (a) Minors [10 marks]
- (b) Married Women [10 marks]
- (c) Insane persons [5 marks]

[25 MARKS]