

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

TITLE OF PAPER: CIVIL PROCEDURE

COURSE CODE: L401

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

- (1) ANSWER QUESTION ONE (1) WHICH IS COMPULSORY AND ANY OTHER TWO (2) QUESTIONS OF YOUR CHOICE**

- (2) MARKS FOR QUESTIONS OR PARTS OF A QUESTION ARE SHOWN IN BRACKETS**

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QUESTION 1

The High court has jurisdiction in proceedings in which a judgement sounding in money is claimed against a domestic corporation. However, for this to happen, certain requirements must be satisfied. What are these requirements?

[25 marks]

QUESTION 2

How is process to be served on;

(a) A corporation [15 marks]

(b) A person [10 marks]

Total [25 marks]

QUESTION 3

(a) What is an *ex parte* application and when can it be used? [15 marks]

(b) What will a court do when the rights of other persons may be affected by an order granted *ex parte*. [10 marks]

Total [25 marks]

QUESTION 4

- (i) What is the purpose of a pre- trial conference in civil proceedings. [5 marks]
- (ii) Under what circumstances would you ask for further particulars? [5 marks]
- (iii) What is meant by the expression that the “magistrate’s courts are a creature of statute”? [5 marks]
- (iv) What are the consequences of choosing a wrong form of procedure? [5 marks]
- (v) What is meant by the close of pleadings? [5 marks]

Total [25 marks]