

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2008**

**TITLE OF PAPER** : **TRIAL PRACTICE**

**COURSE CODE** : **L 403/L 602**

**TIME ALLOWED** : **THREE (3) HOURS**

**INSTRUCTIONS** : **ANSWER ALL QUESTIONS.**

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

TRIAL PRACTICE  
SUPPLEMENTARY EXAMINATION 2007/2008

ANSWER ALL QUESTIONS

TIME ALLOWED: 3 HOURS

QUESTION ONE

- (a) Distinguish between a simple summons and a combined summons. (4 marks)
- (b) State the rules relating to pleading in a claim based on personal injury. (8 marks)
- (c) You are an Attorney and represent Siwelele Security Co. (Pty) Ltd. Recently you issued a simple summons to Zamahlubi Co. (Pty) Ltd, trading as Vukutentele Supermarket in Manzini, to recover a debt. The cause of action is based on a contract between your client and the Defendant, the terms of which are that Plaintiff agreed to provide security services to Defendant's premises with effect from January 2007. Defendant agreed to pay a sum of E5 675.00 per month for the services. Defendant is in arrears in respect of the monthly payment from the months of April - December 2007. Defendant has served you with a Notice of Intention to Defend.
- (i) Inventing the necessary particulars, draft the pleading that is required from your client. (26 marks)
- (ii) State the procedural step to be taken by the Defendant upon receipt of the pleading you drafted in (i) above and the time limit within which to take such step, citing relevant authority. (2 marks)

[Total: 40 Marks]

## QUESTION TWO

Sipho City Fakudze has been arrested by the Royal Swaziland Police, Mbabane and charged with murder. He instructs you to move an Application for Bail in the High Court of Swaziland. Inventing the necessary particulars, draft the pleading you would annex to the Application for Bail. [20 marks]

## QUESTION THREE

Your client Cynthia Sbongile Dlamini a hawker, instructs you that she received a cheque for E15, 000-00 from Sipho Patrick Simelane, being payment for goods sold and delivered. Further, she instructs you that when she presented the cheque at the Standard Bank, it was dishonoured and marked "Refer to drawer". Further, she gives you the cheque and instructs you to institute legal proceedings against the said Simelane to recover the amount owing.

Inventing the necessary particulars, draft the summons you would serve on the Defendant. [20 marks]

## QUESTION FOUR

- a). What information must be contained in a notice requesting the Registrar to allocate a date of hearing in terms of Rule 55 A and what document must be annexed to such notice? (4 marks)
- b). What is the purpose of Discovery, how is it made and what is the time limit thereof? (6 marks)
- c). What is the purpose of cross-examination of witnesses during a trial? (3 marks)
- d). State the ground for making an application for absolution from the instance. (3 marks)

e). Define Notice of Intention to Defend.

(3 marks)

f). Define plea

(1 mark)

**[Total: 20 Marks]**