

UNIVERSITY OF SWAZILAND

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FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2011

**COURSE NAME : LAW OF CONTRACT**

**COURSE CODE : L206**

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

**INSTRUCTIONS :**

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 3. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR**

**QUESTION 1**

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Mahlindza who owns a butchery in Matsapa orders four carcasses of beef from Dlamini. Dlamini is a notorious cattle thief who has always evaded arrest by both community police and the royal Swaziland Police. Mahlindza is well aware that the carcasses delivered to him by Dlamini belong to stolen cattle. Dlamini charges Mahlindza E10.000.00 for the carcasses, and gives him thirty days to pay. At the expiry of the thirty days Mahlindza refused to pay.

Advise Dlamini making reference to decided cases.

25 marks)

**QUESTION 2**

Mabuza orders a tractor from John Deer in June telling the salesman that he needs the tractor to be delivered to him well before the ploughing season or in any case before the beginning of August. The salesman assures Mabuza that the tractor will be delivered by the beginning of July. Mabuza pays the agreed deposit and awaits delivery of the tractor. To Mabuza's dismay the tractor is delivered well after the ploughing season

Mabuza is desirous of cancelling the contract and claiming for damages. Advise him.

(25 marks)

**QUESTION 3**

Malaza a well known noisy and quarrel some patron of the popular Why Not Disco night club had been banned by the management of the club. He saw an advertisement in the Times of Swaziland that a popular South African kwaito group was billed to perform at the club. He asked a friend to buy him a ticket to the show. When he presented himself at the Disco on the day of the show he was denied entry.

He wants to sue the Disco. Advise him.

(25 marks)

**QUESTION 4**

The Bling entertainment stable organised a baby beauty contest to be staged in March 2010, but because of an outbreak of measles in February and upon advice from the Ministry of health, they had to cancel the contest. Martha who had registered her baby for the contest want to sue the organisers for breach of contract.

Advise Martha illustrating your answer with decided cases.

(25 marks)

**QUESTION 5**

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Jele bought a house from Bhembe. During the negotiations Jele asked Bhembe if the house is structurally sound and Bhembe replied "it is as good as new my friend". Two months after occupying the house Jele sees huge cracks on the walls which Bhembe had painted over, he now wishes to rescind from the contract.

Advise him.

(25 marks)