

UNIVERSITY OF SWAZILAND

211

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION, JULY 2012

TITLE OF PAPER : LAW OF DELICT

COURSE CODE : L 306

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.**

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QUESTION 1

Masimula applied for and was given permission to subdivide property for the purposes of developing a cluster housing complex. It later transpired that the approval had been granted in error as Masimula's proposal did not comply with the council's planning scheme. The project was then delayed for about ten months.

Masimula is considering suing the council for the pure economic loss he has suffered, inter alia, interest, increased building costs and legal costs.

Discuss, illustrating your answer with decided cases.

[25 MARKS]

QUESTION 2

Khumalo is injured in a motor car accident caused by Jele's negligent driving. Khumalo suffers from high blood pressure and a heart ailment and suffers more severe injuries than would have been the case if he had been healthy.

Will Jele be liable for Khumalo's additional loss?

[25 MARKS]

QUESTION 3

Thula a motorcyclist who is not wearing a crash-helmet, is in a stationary position at a red traffic light. He is struck from behind by Sibusiso who has not been applying his mind to his driving, but has been joking with the passengers in his car. The following are the losses sustained by Thula: E1000 damage to his motor cycle; E4000 for medical treatment following a fracture of one of his legs; and E24000 for treatment. Evidence shows that Thula would have sustained no head injuries if he had been wearing a crash helmet as required by law.

Consider Thula's position.

[25 MARKS]

QUESTION 4

Madubula was hit by a vehicle driven negligently by Mavuso. This resulted in Madubula suffering severe injuries to his lower limbs, so that he now walks with a limp. He is considering suing Mavuso for:

1. Loss of the amenities of life;
2. disfigurement;
3. loss of earnings while hospitalised;
4. future loss of earnings; and
5. loss of earnings capacity.

Advise Madubula.

[25 MARKS]

QUESTION 5

Zulu is employed as a Computer Technician at UNISWA. He has been subjected to constant abuse by his work mates for him being a closet homosexual. During the staff Christmas party last year when one colleague teased him he got so angry that he took a knife which was on one of the tables and stabbed him.

The colleague is considering suing Zulu.

Discuss.

[25 MARKS]