

**UNIVERSITY OF SWAZILAND**

225

**FACULTY OF SOCIAL SCIENCE**

**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2012**

**TITLE OF PAPER: CIVIL PROCEDURE**

**COURSE CODE: L401**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTIONS: (1) ANSWER ALL FOUR (4) QUESTIONS**  
**(2) MARKS FOR QUESTIONS OR PARTS OF A QUESTION ARE SHOWN IN BRACKETS**

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### **Question 1**

Discuss the general grounds upon which civil jurisdiction is exercised in Swaziland

**[25 Marks]**

### **Question 2**

Action proceedings effectively begin as soon as the Defendant has been served with the Court process instituting the action. Moreover, unlike in motion proceedings, there is no way action proceedings can be brought before a court unless the Defendant has been served with the relevant court process. In a nutshell, the foregoing demonstrates the significance of service of Court process in civil litigation.

Discuss the possible different means through which service of Court process may be executed upon a natural person. Supporting your answer with legal authority is compulsory.

**[25 Marks]**

### **Question 3**

Discuss the two (2) categories of special pleas and the different classifications under each.

**[25 Marks]**

### **Question 4**

(a) What is the purpose of a pre-trial conference in civil proceedings?

[5 marks]

(b) Under what circumstances would you ask for further particulars?

[5 marks]

(c) What is meant by the expression that the 'magistrate's court is a creature of statute'?

[5 marks]

(d) What are the consequences of choosing a wrong form of procedure?

[5 marks]

(e) What is meant by the close of pleadings?

[5marks]

**TOTAL:[25 Marks]**