

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2018

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
THEREOF ARE INDICATED IN
BRACKETS**

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

QUESTION 1

- (a) Discuss the requirements for obtaining an interdict in civil proceedings. 20 marks]
- (b) List five (5) types of applications commonly used in motion proceedings. [5 marks]
- Total:[25 marks]**

QUESTION 2

Rule 5 of the High Court Rules provides for an extra-ordinary form of service of court process. Discuss this mode of extra-ordinary service, detailing its nature and purpose as well as the procedure to be followed and requirements to be met by any person desiring to make use of such form of service. [25 marks]

QUESTION 3

Discuss the circumstances under which the jurisdiction of the Magistrate's courts may be ousted in Swaziland. Reference to legal authority and the relevant court rules and/or sections will attract more marks. [25 marks]

QUESTION 4

Write brief yet satisfactory detailed notes on the following:

- (a) The doctrine of submission. [5 marks]
- (b) Special plea of *res judicata*. [5 marks]
- (c) Define a Summons. [5 marks]
- (d) Against which pleading would a party request for further particulars. [5 marks]
- (e) What is the documentation often exchanged between the parties during the preparatory of trial stage? [5 marks]

Total:[25 marks]

Total possible marks:[100]