

UNIVERSITY OF ESWATINI
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2019

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : LAW 204

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.**

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

QUESTION 1

Ngwenya entered into a contract with Dube, the terms of which were that:

1. Dube would build a house for Ngwenya.
2. That the house should be completed within a period of one year.

Dube commences building the house but for no apparent reason after building it half way stops.

Ngwenya is considering suing Dube, advise him, illustrating your answer with decided cases. [25 MARKS]

QUESTION 2

Kunene sold his car to Sibiya, and before delivering it to him sells and delivers it to Mbatha at a higher price.

Discuss the issues brought out by this problem, illustrating your answer with decided cases. [25 MARKS]

QUESTION 3

Tsabedze bought 200 bags of potatoes from Manana at E50.00 a bag. The bags of potatoes were to be delivered on 1st January 2019. Manana failed to deliver the bags. Tsabedze did not take steps immediately to obtain them elsewhere. Meanwhile the market price of potatoes rose to E150.00 per bag. Sometime in March, Tsabedze bought bags of potatoes on the open market at E150.00 per bag.

He is desirous of suing Manana for damages on the grounds of breach. He claims that he would not have bought the potatoes at E150.00 per bag were it not for the non-performance of Manana.

Would he succeed? [25 MARKS]

QUESTION 4

Ndlangamandla entered into contract of sale of a cow with Dlamini. On the way to deliver the cow, it got struck by lightning and died.

Dlamini has approached you seeking advice on whether he could sue Ndlangamandla for not delivering the cow.

Advise Dlamini using decided cases. [25 MARKS]

QUESTION 5

Lihle who was working as a cook at UNESWA has been offered a better paying job by Happy Valley Hotel. She sends her sister Victoria to take over her duties at UNESWA. Lihle refuses to accept the services of Victoria.

Can Victoria sue UNESWA on the ground that Lihle ceded her rights as employee to her? [25 MARKS]