

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

TITLE OF PAPER : **LAW OF DELICT**

COURSE CODE : **LAW 304**

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

Dlamini, a commercial farmer had his crops devoured by a herd of Shabangu's cattle which has escaped from his farm. The damage caused to Dlamini amounted to E50 000.

Will he succeed in an action against Shabangu?

Illustrate your answer with decided cases.

[25 MARKS]

QUESTION 2

Dladla a flamboyant Pastor in Mbabane has been accused by Mthembu a rival Pastor to the effect that:

1. All Dladla is interested in is big bucks in the form of offerings.
2. Big shiny expensive cars for himself.
3. Shiny designer suits and pointed shoes.
4. Big church structure
5. And extravagant pomp and ceremony while caring less for the salvation of the congregants.

Dladla wishes to sue Mthembu, will he succeed?

[25 MARKS]

QUESTION 3

Shiba an internal auditor at the employ of UNESWA accused Thoba an accounts clerk at the Bursar's office of misappropriating University funds. This was affirmed by independent auditors.

Thoba feels that the action of Shiba was defamatory he wishes to sue Shiba. Will he succeed? Illustrate your answer with decided cases.

[25 MARKS]

QUESTION 4

Mabuza's baboon escaped from its cage and bit Nolwazi causing her serious injuries.

Nolwazi has sought your advice on her chances of success should she sue Mabuza.

Advise her, making use of decided cases.

[25 MARKS]

QUESTION 5

Salvation church has opened a branch in the middle of a residential area in Matapha. The church has services every evening from Monday to Thursday and has all night services on weekends which are accompanied by the playing of loud instruments, clapping of hands, loud prayers and shouts of Amen and Alleluya plus stamping of feet.

This behaviour has greatly affected the peace and quiet of the resident.

Do they have a cause of action in Law.

Advise them using decided cases as authority.

[25 MARKS]