

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

FINAL EXAMINATION QUESTION PAPER: MAY 2005

TITLE OF PAPER: CIVIL PROCEDURE

COURSE CODE: DL 032

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS.

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR ON THE DAY OF THE EXAMINATION**

QUESTION 1

- i. What are the requirements for the granting of an edictal citation?
(15 Marks)
 - ii. When can a party use substituted service in civil proceedings?
(10 Marks)
- (25 Marks)

QUESTION 2

What options are available to a defendant after filing a notice of intention to defend but before filing an answer to the allegations contained in the particulars of claim?
(25 Marks)

QUESTION 3

Under what circumstances can a court

- i. grant summary judgment (10 Marks)
 - ii. grant default judgment (10 Marks)
 - iii. rescind its own judgment (5 Marks)
- (25 Marks)

QUESTION 4

Discuss the application procedure in court proceedings
(25 Marks)

QUESTION 5

Write short notes on the following.

- i. Exceptions (5 Marks)
 - ii. Notice of intention to oppose (5 Marks)
 - iii. Notice to strike out (5 Marks)
 - iv. Founding affidavit (5 Marks)
 - v. Close of pleadings (5 Marks)
- (25 Marks)

QUESTION 6

- i. Distinguish between appeal and review (15 Marks)
 - ii. What are the requirements for the granting of an urgent application
(10 Marks)
- (25 Marks)