

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2010

TITTLE OF PAPER: CIVIL PROCEDURE

COURSE CODE: L401

TIME ALLOWED: 3 HOURS

**INSTRUCTIONS: (1) ANSWER ANY FOUR (4) QUESTIONS OF
OUR CHOICE**

**(2) MARKS FOR QUESTIONS OR PARTS
THEREOF ARE INDICATED IN BRACKETS**

**THIS PAPER MAY BE OPENED UNTIL PERMISSION HAS BEEN GRANTED
BY THE INVIGILATOR**

QUESTION 1

The service of Court process must, if possible, be personal [Rule 4(2) (a) of the High Court Rules]. However, if personal service is not possible upon an individual, how should service of summons be effected upon that individual?

[25 marks]

QUESTION 2

Discuss the purpose of amending pleadings in civil proceedings?

[25 marks]

QUESTION 3

Discuss the rules for the drafting of pleadings.

[25 marks]

QUESTION 4

(a) Discuss the common law requirements for an application to found or confirm jurisdiction?

[15 marks]

(b) The Magistrate's Court Act of 1938 provides for two (2) distinct requirements Which are critical for an application to found or confirm jurisdiction in the Magistrate's, Discuss these requirements?

[10 marks]

QUESTION 5

Write short satisfactory notes on the following:

(a) *Ex parte* applications

[5 marks]

(b) Arrest *tanquam suspectus de fuga*.

[5 marks]

(c) The purpose and effect of a restatutory interdict.

[5 marks]

(d) Distinguish between original and inherent jurisdiction.

[5 marks]

(e) Concept of the term "edictal citation"?

[5 marks]

TOTAL MARKS: [25 marks]