

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
SUPPLEMENTARY EXAMINATION PAPER- JULY 2018
DIP. LAW III IDE

TITLE OF PAPER : Civil Procedure
COURSE CODE : DL032
TIME ALLOWED : THREE (3) HOURS
INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS
2. ALL QUESTIONS CARRY EQUAL MARKS

TOTAL MARKS : 100

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INVIGILATOR**

Question 1

The Rules of the High Court provide for taxing a bill, summary judgment and default judgment, in Rules 68, 32 and 31, respectively.

- a. In respect to taxation of a bill, what are the taxing Master's responsibilities? [8 marks]
- b. As far as judgments are concerned, how are summary judgments different from default judgments? [7 marks]
- c. Briefly discuss 'party and party costs'. [5 marks]

Question 2

Once a case has been concluded, ordinarily it may not be opened. There are however circumstances under which a closed case may be open. Discuss the court's considerations in deciding whether or not to open a closed case. [20 marks]

Question 3

Draft a Combined summons for the following facts. Where necessary the facts may be added on to make sense and make the combined summons relatable to real life circumstance. You are drafting these combined summons as an attorney having been instructed by your client. Ensure to include the required details for address and spaces for signatures where required. The facts are as follows:

1. Sizwe is a 2nd year student at the University of Swaziland.
2. He was enrolled to study the LLB course under the Social Science Programme.
3. He is 22 years old.
4. In 2016 he was repeating the Roman Law course because he had failed it in 2015. This is shown in his results as issued by the University.
5. In July 2017 he was informed by the Registrar that he would, for the academic year 2017, have to repeat the Customary Law course, as that was the actual

Question 7

Discuss the jurisdiction in:

1. The Swazi court
2. High court

[20 marks]

END