



UNIVERSITY OF ZIMBABWE

MAY/JUNE 2024 EXAMINATIONS

Faculty: LAW

Department: LEGAL UNDERGRADUATE PROGRAMMES

Paper code and Title: LB206 CIVIL PROCEDURE (LOWER COURTS)

Duration: 3 HOURS

Examiner: DR RODGERS MATSIKIDZE

Authorised Materials: The Constitution of Zimbabwe, Lower courts statutes, and Rules of the Magistrates Court, Small Claims Court, Customary Law Courts and any other statutes prescribed.

INSTRUCTIONS:

1. Answer **ALL** questions.
2. Start each question on a new page
3. This question paper comprises three printed pages

NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.

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1a) Kind of Execution: Zedwa, sud apply for writ of execution, wit 2 a court order thatt allow her to seize the assets of Multi-Hardware to satisfy the judgment. Given that Multi-hardware has stock worth --- of the vehicles

QUESTION 1

- a. Your Client Zedwa obtained a judgment in their favour for a sum of USD10 000.00 against Multi-hardware, a hardware shop with stock worth USD150 000.00. The Multi-hardware also has ten vehicles worth One Million United States Dollars.

Multi-hardware has refused to pay the debt. Advise how your Client must proceed to execute the judgment. Which method of execution must they adopt to execute the judgment? Draft the pleading in question. - sue

[15 marks]

- b. Would the execution of the judgment in question be different if it was Zedwa owing USD10 000 to Multi-hardware and she has no money, no bank accounts, but was employed by the Zimbabwe Republic Police?

Explain your answer and draft the court process in question. [15 marks]

QUESTION 2

- a. Themba has no defence against your client Tshuma's claim of USD20,000.00. What type of procedure must your client utilise to obtain a judgment quickly? Draft that relevant court process associated with the above type of procedure that you must file with the court after issuance of summons and notice of appearance to defend.

[15 marks]

- b. If he had a valid defence, what court process would Themba file? Draft one such court process and fill in with your own facts.

[15 marks]

QUESTION 3

- a. Draft a summons for the dissolution of a customary marriage law duly solemnised in terms of the Marriages Act. Fill in with your own facts.

[15 marks]

- b. You are a trial Magistrate in a civil suit. Explain how you will preside over the trial hearing where parties have no objections and preliminary issues. Explain every stage of that trial.

[15 marks]

QUESTION 4

- a. Explain the circumstances will you utilise an application for:

- i. Interdict
- ii. Spoliation

[10 marks]

TOTAL MARKS 100.