



GREAT ZIMBABWE UNIVERSITY  
RECEIVED  
21 APR 2024  
EXAMINATIONS

**HERBERT CHITEPO LAW SCHOOL**  
**BACHELOR OF LAWS HONOURS DEGREE**  
**LEVEL 3 SEMESTER 1**  
**EXAMINATION QUESTION PAPER**

<b>MODULE CODE</b>	<b>LLB 313</b>
<b>MODULE NARRATION</b>	<b>CLINICAL LEGAL EDUCATION 1</b>
<b>DATE</b>	<b>2024</b>
<b>DURATION</b>	<b>3 HOURS</b>

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**INSTRUCTIONS TO CANDIDATES:**

1. You are advised to read all instructions and questions carefully before attempting to answer any.
2. Answer **THREE** questions in all.
3. Answer **Question ONE**, which is compulsory, in section **A** and any **TWO** questions in section **B**.
4. You are advised to cite relevant authorities to support your answers.
5. Candidates are allowed to bring clean unannotated copies of the Magistrates Court of Zimbabwe Civil Rules and the Magistrates Court Act.
6. This paper is Four (4) pages long, including the cover page.

## **SECTION A [30 Marks] This section is compulsory**

### **QUESTION 1.**

Your client Sarah Fine has been served with Summons Commencing Action issued from the Masvingo Magistrates Court. The Plaintiff's particulars of claim reads as follows:

1. Plaintiff is Mary Seven, a female adult whose address for service is Ndebele Legal Practitioners, 50 Jones Street, Masvingo.
2. Defendant is Sarah Fine, a female who is a manageress at a local supermarket and she resides at 2711, 3<sup>rd</sup> Street, Mucheke, Masvingo.
3. On 27 August 2020 Plaintiff was driving her motor vehicle with registration number ABC-1174. On the day in issue the Plaintiff's vehicle was involved in a collision with a motor vehicle registration number ACE 2737 driven by defendant and also belonging to defendant Sarah Fine.
4. The collision was caused solely by the negligence of the defendant who was negligent in one or more of the following aspects: -
  - (a) She negotiated a right turn when it was not safe to do so.
  - (b) She turned without giving way to oncoming traffic.
  - (c) She failed to keep a proper look out for other road users
  - (d) She failed to take any evasive action when the accident appeared imminent.
  - (e) She drove at an excessive speed in the given circumstances.
5. As a result of the collision, Plaintiff's motor vehicle was damaged.
6. The plaintiff has accordingly suffered damages in the sum of US\$3 500 being the fair and reasonable cost of effecting the necessary repairs to the vehicle.
7. Despite demand defendant has refused or neglected to pay the sum of US\$ 3 500

8. Wherefore Plaintiff claims against defendant

- (a) Payment in the sum of US\$3 500
- (b) Cost of suit.

From the particulars of claim of the Plaintiff above prepare

- (i) An appearance to defend **[5 Marks]**
- (ii) Prepare a detailed Plea on behalf of the Defendant using the above particulars of Claim. **[25 Marks]**

**SECTION B.[40 Marks] Answer any two Questions from this Section.**

**Question 2.**

On 4 July 2023 Abel Tamuka was driving a bus belonging to Smart transport owned by Smart Private Limited, a company duly registered in terms of the laws of the country. The bus had 36 passengers on board. At the 20km peg along the Masvingo - Harare road, the bus encroached into the right lane and side swiped a motor vehicle owned by John Jack. As a result of the accident John Jack sustained a fractured right leg and a laceration on his right hand. He paid for his medication and all in all used \$10 000 for medical expenses. He also suffered pain and may require future treatment. The vehicle was damaged and John Jack paid a total of \$1 000 to the panel beaters.

Draft the summons commencing action and detailed particulars of claim on behalf of John Jack. **[20 Marks]**

**QUESTION 3.**

Mr Johnson and Mrs Johnson are on separation they have been married for 7 years. Their marriage was blessed with a baby girl Clare who is now 3 years old. Mrs Johnson is the one who is staying with the baby during the separation. Mrs Johnson who is a nurse, has just got a job offer in Dublin

Scotland as a nurse aid. Mrs Johnson has been sorting out her papers and her child's papers to live Zimbabwe and this she was doing without telling Mr Johnson or getting his consent. The travelling documents for Mrs Johnson and her baby are ready and Mrs Johnson is planning on living the country in the next 24 hrs with her baby girl. One of Mrs Johnson's relatives who was not in support of this move calls Mr Johnson and tells him that Mrs Johnson is living the country in the next 24hrs with his baby girl Clare. Mr Johnson is heartbroken and devastated with what is about to happen he approaches you a legal practitioner for advice on what options he has to stop his wife from taking his minor baby girl out of the Country.

- a) Advise Mr Johnson on the options he has in this matter. **[5 Marks]**
- b) With the advice you have given Mr Johnson on part (a) above draft the relevant court documents which are necessary for Mr Johnson so that you stop Mrs Johnson from taking the minor baby Clare to Dublin Scotland without his consent. **[15 Marks]**

#### **QUESTION 4**

You have been approached by Mr Gentleman Jack a male adult aged 34 years. Mr Jack has just been served with summons commencing action issued by the Magistrates Court of Masvingo. From Mr Black Label

- a) Discuss the options available to Mr Gentleman Jack and give advice to Johnson regarding the legal implications of pursuing each of the options available to him. **[20 Marks]**

**TOTAL [70 MARKS]**

**END OF QUESTION PAPER**