

HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONORS DEGREE

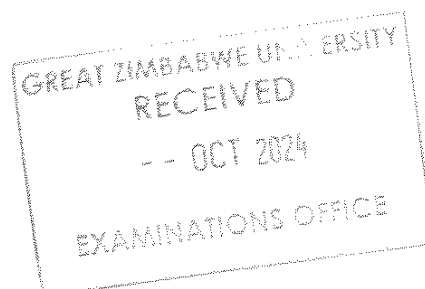
LEVEL 5 SEMESTER 2

EXAMINATION QUESTION PAPER

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| MODULE CODE | LLB (S) 524 |
| MODULE NARRATION | CLINICAL LEGAL EDUCATION 11 |
| DATE | NOVEMBER- DECEMBER 2024 |
| DURATION | 3 HOURS |

INSTRUCTIONS TO CANDIDATES

1. This examination paper is divided into TWO SECTIONS. SECTION A and SECTION B
2. Answer THREE questions in ALL. Question number ONE which is compulsory from Section A and any other TWO questions from Section B
3. Write legibly
4. This Examination paper is FOUR (4) Pages in length
5. This examination paper shall be marked out of a total of 100 marks
6. Candidates are allowed to use unannotated copies of the High Court Civil Rules, the high Court of Zimbabwe Act, and lecture Notes.



SECTION A

QUESTION 1

John Banda a male adult aged 27 years resides at 47 Marula drive, Rhodene, Masvingo and is married to Alice Shyne aged 22 years. Before his marriage to Alice; John bought an immovable known as Stand number 2700 Mukono Street, Morningside, Masvingo. The property is registered in the names of John Banda under Deed of Transfer number 2006/14. John and Alice officially solemnized their marriage on 24 December 2023 in terms of the Marriages Act of Zimbabwe. The marriage still subsists. The parties have been domiciled in Zimbabwe since 2023. On 14 April 2024 Alice Shyne left the matrimonial home being 47 Marula drive, Rhodene, Masvingo after several disagreements with John Banda. Between 24 December 2023 and 14 April 2024, John and Alice jointly acquired the following matrimonial assets.

- (a) A Toyota Fortuner vehicle registration number ADB 2437 registered in John Banda's names and worthy US\$30 000.
- (b) An undeveloped stand known as 1238 Makusha Street Mucheke D, Masvingo jointly registered in John and Alice's names, valued at US\$7 000.
- (c) An undeveloped stand known as 6742 Muvhimi drive, Mucheke registered by way of a cession in the names of Joyce Banda aged 1 year who is a daughter to John and Alice, valued at US\$30 000.

Alice alleges that John is engaged in an adulterous relationship with Mary Gold, a female aged 19 years who resides at 42 Clooney Avenue, Eastvale, Masvingo.

In your capacity as a junior legal Practitioner at Munetsi Law Chambers of 54 Hofmeyer Street, Masvingo; you have been approached by Alice to institute divorce proceedings against John Banda. Draft the Plaintiff's Declaration which must comply with the Intergrated Electronic Case Management system and the High Court of Zimbabwe Rules. The Declaration should among other things adequately canvass the following.

- (a) Reasons for divorce
- (b) Sharing of matrimonial assets
- (c) Custody of the minor child
- (d) Right of Access to the minor child

- (e) Maintenance in respect of the minor child
- (f) Cost of suit

[40 Marks]

SECTION B

QUESTION 2

i) Explain the meaning of the following legal terms

(a) Notice of Appearance to defend [5 marks]

(b) Notice to plead and intention to bar [5 marks]

ii) Draft a sample of the following

a) Notice of Appearance to defend [10 marks]

b) Notice to plead and intention to bar [10 marks]

Total marks [30 marks]

QUESTION 3

Citing relevant case law authorities;

Discuss the similarities and differences if any between an ordinary High Court Application and an urgent Chamber High Court Application. You must also refer to the relevant High Court rules in your answer

Total marks [30 marks]

QUESTION 4

Discuss the legal requirements of an Ex parte Application. Cite relevant High Court of Zimbabwe rules to illustrate your answer.

Total marks [30 marks]

QUESTION 5

Discuss the circumstances under which it is permissible to modify the format of a high Court Application in terms of the High Court rules of Zimbabwe.

Total marks [30 marks]

QUESTION 6

Discuss the legal relevancy of Heads of Argument in the Drafting of High Court pleadings in application proceedings.

Total marks [30 marks]

End of Examination Paper