

# PROKUREURSEKSAMEN

## DEEL 1 HOFPROSEDURES

10 FEBRUARIE 2015

09:00-12:15

Totaal: [100]

*Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 3 uur volg dan.*

1. Kandidate moet al die vrae beantwoord.
2. Kandidate moet daarop let dat punte vir goeie opstelwerk toegeken word.
3. Waar nodig, moet kandidate hulle eie feite versin.
4. Skryf assebliefslegs in pen op die regterkantse bladsye.
5. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% en meer behaal is nie. Indien 'n kandidaat minder as 40% behaal sal hy/sy nie kwalifiseer vir 'n mondeling nie en sal hierdie deel druip.

# ATTORNEYS' EXAMINATION

## PART 1 COURT PROCEDURES

10 FEBRUARY 2015

09:00-12:15

Total: [100]

*Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 3 hours then follows.*

1. Candidates must answer all the questions.
2. Candidates must remember that marks are awarded for good draftsmanship.
3. Candidates must invent their own facts wherever necessary.
4. Please write only in pen on the right-hand pages.
5. Except if a special reason exists, a candidate will not be required to do an oral in this part if 50% or more is attained. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.

**VRAAG 1 [16]**

U word geraadpleeg deur Mnr en Mev Williams wat u die volgende meedeel:

1. Op 30 Junie 2012 was hulle op reis van hulle huis in Johannesburg om familie in Durban te besoek. Mnr Williams het bestuur en Mev Williams wat toe sewe maande swanger was, het in die voorste passasiersplek gesit.
2. Op die nasionale pad (N3) naby Pietermaritzburg het 'n botsing plaasgevind tussen die voertuig wat Mnr Williams bestuur het en 'n ander motorvoertuig. Die bestuurder van die ander voertuig was uitsluitlik nalatig.
3. Mnr Williams het 'n fraktuur van die femur, 'n ontwigte skouer en beserings van die sagteweefsel in sy lae rug opgedoen. Mev Williams se buik is beseer en haar pelvis sowel as verskeie ribbes is gebreek. Die fetus is beseer en Mev Williams moes 'n nood keisersnee ondergaan. As gevolg van die beserings *in utero* is die baba, 'n seun, met erge breinskade gebore. Die dokters deel Mnr en Mev Williams mee dat die seun se beserings permanent is en dat hy in die toekoms mediese sorg sal benodig.
4. Voor die botsing was Mev Williams 'n huisvrou en Mnr Williams was in diens as 'n rekenmeester. Hy kon 6 maande nie werk nie maar het net 3 maande siekteverlof ontvang. Hy het teruggekeer na sy vorige werk want sy beserings is ten volle genees en hy benodig nie toekomstige sorg nie.
5. Hulle gee u 'n aantal bewysstukke ten aansien van hulle mediese en hospitaaluitgawes wat hulle reeds betaal het en deel u mee dat Mev Williams toekomstige chirurgie moet ondergaan.

**QUESTION 1 [16]**

You are consulted by Mr and Mrs Williams, who advise you as follows:

1. On the 30<sup>th</sup> of June 2012, they were travelling from their home in Johannesburg to visit relatives in Durban. Mr Williams was driving and Mrs Williams, who was seven months pregnant at the time, was seated in the front passenger seat.
2. Whilst travelling on the national road (N3) in the vicinity of Pietermaritzburg, a collision occurred between the vehicle driven by Mr Williams and another motor vehicle. The driver of the other vehicle was solely to blame for the collision.
3. Mr Williams suffered a fractured femur, a dislocated shoulder and a soft tissue injury of the lower back. Mrs Williams injured her abdomen and fractured her pelvis as well as several ribs. The *foetus* also sustained injuries and Mrs Williams had to undergo an emergency caesarean section. As a result of the injuries sustained *in utero* their baby, a boy, was born severely brain damaged. The doctors have advised Mr and Mrs Williams that their son's injuries are permanent, and that he will require future medical treatment.
4. Prior to the collision, Mrs Williams was a housewife and Mr Williams was employed as an accountant. He was unable to work for 6 months and only received sick leave for 3 months. He has since returned to his former employment as his injuries have healed fully and he requires no future treatment.
5. They also hand to you a number of vouchers in respect of their hospital and medical expenses, which they have already paid, and advise you that Mrs Williams will require further surgery in the future.

U deel die egpaar mee dat hulle sekere eise teen die Padongelukke Fonds kan instel.

You advise the couple that there are certain claims that can be made against the Road Accident Fund.

Beantwoord die volgende vrae gegrond op bostaande feite.

Answer the following questions with reference to the above factual information:

1.1. Het Mnr en Mev Williams eise teen die Padongelukke Fonds vir vergoeding ten aansien van hulle persoonlike beserings? Motiveer. (3)

1.1. Do Mr and Mrs Williams have claims for compensation in respect of their personal injuries against the RAF? Motivate your answer. (3)

1.2. Het die egpaar skadevergoedingeise teen die POF ten aansien van hulle seun se beserings? Indien wel, wie mag die eis indien? Motiveer ten volle. (3)

1.2. Do the couple have a claim for compensation against the RAF in respect of injuries sustained by their son? If so, who would be entitled to lodge such a claim? Motivate your answer fully. (3)

1.3. Lys die skadevergoedingshoofde ten aansien van geldelike verliese wat elke eiser kan verhaal. (5)

1.3. List the heads of damages in respect of the pecuniary loss that may be recovered by each claimant. (5)

1.4. Welke kriteria moet nagekom word sodat u kliënte nie-geldelike verliese kan verhaal? (2½)

1.4. What criteria must be established in order for your clients to recover non-pecuniary loss? (2½)

1.5. Aanvaar dat u die toepaslike eisdokumente opgestel het.

1.5. Assume that you have duly prepared the relevant claim documentation.

1.5.1 Waar sou u die betrokke eise indien? (½)

1.5.1. Where would you lodge the relevant claims? (½)

1.5.2. As regsdinge nodig is, welke hof sal jurisdiksie hê? Motiveer. (2)

1.5.2. In the case of legal proceedings having to be commenced, which court will have jurisdiction? Motivate your answer. (2)

**VRAAG 2 [4]**

**QUESTION 2 [4]**

Mev. Mthimunye gee u opdrag om 'n skadevergoedingeise teen die Padongelukke Fonds in te dien. Die eis gaan oor 36 uur verjaar. U kan nie die kliniese en hospitaalrekords opspoor nie.

Mrs Mthimunye instructs you to lodge a claim for damages against the Road Accident Fund. You have less than 36 hours to lodge the claim before it prescribes. You are unable to locate the clinical and hospital records.

2.1 Welke stappe sal u doen om 'n geldige eis betyds in te dien? (2)

2.1. What steps would you take to lodge a valid claim timeously? (2)

2.2 Hoe sou u die eis aan die Padongelukke Fonds aflewer? (2)

2.2. How would you deliver the claim to the Road Accident Fund? (2)

**VRAAG 3 [5]**

**QUESTION 3 [5]**

U kliënt was op 13 Maart 2013 in 'n motorbotsing betrokke. U kry opdrag om 'n eis teen die Padongelukke Fonds in te dien.

Your client was involved in a motor collision on the 13<sup>th</sup> March 2013. You are instructed to lodge a claim against the Road Accident Fund.

3.1 Teen welke datum moet die eis ingedien word? Onderskei verjaringstermyne vir die indien van eise. (2)

3.1. By when must a valid claim be lodged? Please make a distinction between any prescriptive period applicable to the lodgement of claims. (2)

3.2 Wat sal u doen om u kliënt se eis vir algemene skade te regverdig? (2)

3.2. What steps, if any, would you take to motivate your client's claim for general damages? (2)

3.3 Teen welke datum moet sodanige stappe, indien enige, gedoen word? (1)

3.3. By when should such steps, if any, be taken? (1)

**VRAAG 4 [10]**

**QUESTION 4 [10]**

U kliënt is mnr Joe Soap, die enigste lid van Comfy Homes BK, boukontraakteurs. Mnr Soap het namens die BK 'n kontrak gesluit met mnr John Hart waarvolgens die BK 'n huis van 150 vk meter vir hom sou bou teen 'n koste van R8 000 per vierkante meter wat 'n totale prys van R1.2 miljoen behels. Mnr Hart moes die prys in drie paaieremente van R400 000 elk betaal, die eerste paaierement wanneer die bouwerk dakhoogte bereik, die tweede paaierement by voltooiing van die huis en 'n finale paaierement van R400 000 tien (10) dae na oorhandiging van die huis. Die bouwerk van die huis is voltooi op 30 November 2014 maar mnr Hart het geweier en/of versuim om die finale paaierement van R400 000 te betaal.

Your client is Mr Joe Soap, the sole member of Comfy Homes CC, building contractors. Mr Soap, on behalf of the CC entered into a written contract with Mr John Hart that it would build a 150 square metre house for him at cost of R8 000 per square metre, giving a total price of R1.2 m. Mr Hart would pay the price in three instalments of R400 000 each, the first instalment to be paid when the construction reached roof height, the second instalment on completion of the house, and a final payment of R400 000 ten (10) days after handover of the house. The construction of the house was completed on the 30<sup>th</sup> November 2014 but Mr Hart failed and/or refused to make the final payment of R400 000.

U kliënt het u opdrag gegee om 'n gewone dagvaarding in die Hoë Hof uit te reik teen mnr Hart wat verskyning tot verdediging aangeteken het. U kliënt wil nie aansoek doen om summiere vonnis nie.

Your client has instructed you to issue a simple summons in the High Court against Mr Hart who has entered an appearance to defend. Your client does not wish to apply for summary judgment.

Stel die deklarasie op namens u kliënt met insluiting van die kopstuk. Maak u eie feite op waar nodig.

Draft the declaration on behalf of your client including the headings. Make up your own facts where necessary.

**VRAAG 5 [2]**

Die eiser het 'n gewone dagvaarding (in die Hoë Hof) op u kliënt beteken wie u opdrag gegee het om die saak te verdedig. Die tydperk toegelaat in die Hofreëls vir die liassering van 'n deklarasie deur die eiser het reeds verstryk. Wat is die volgende prosedurele stap wat u u kliënt sal adviseer om te neem? Motiveer u antwoord.

**VRAAG 6 [2]**

Watter tydperk moet u die verweerder toelaat om verskyning tot verdediging aan te teken in die geval waar hy meer as 150 km vanaf die hof waar die dagvaarding uitgereik word woonagtig is, en sy adres buite die regsgebied van die betrokke Hoë Hof val? Motiveer u antwoord kortliks.

**VRAAG 7 [2]**

In 'n aansoek om summiere vonnis het die hof die verweerder verlof verleen om die saak te verdedig. Sal u kliënt, die eiser, wat nie tevrede is met die bevel nie daarteen kan appelleer? Motiveer u antwoord kortliks.

**VRAAG 8 [6]**

Lys ses aangeleenthede wat by 'n voorverhoorkonferensie bespreek moet word.

**VRAAG 9 [3]**

Lys die dokumente wat ingesluit behoort te word in die advokaat se brevet in die geval van 'n bestrede eis vir voorlopige vonnis.

**VRAAG 10 [1]**

Wanneer mag strafregtelike verrigtinge in die afwesigheid van 'n beskuldigde plaasvind?

**VRAAG 11 [3]**

Op watter artikels mag 'n polisiebeampte beslag lê?

**QUESTION 5 [2]**

The plaintiff has served a simple summons (in the High Court) on your client who instructed you to defend the matter. The period of time allowed in the Rules of Court for the plaintiff to file a declaration has lapsed. What is the next procedural step that you would advise your client to take? Motivate your answer.

**QUESTION 6 [2]**

What period of time would you have to allow the defendant to enter an appearance to defend in a matter where he resides more than 150 km from the court where the summons is issued and outside the area of jurisdiction of the particular High Court? Briefly motivate your answer.

**QUESTION 7 [2]**

In an application for summary judgment the defendant is granted leave to defend the matter by the court. Would your client, the plaintiff, who is not satisfied with this order, be able to lodge an appeal? Briefly motivate your answer.

**QUESTION 8 [6]**

List six matters that must be discussed at a pre-trial conference?

**QUESTION 9 [3]**

List the documents to be included in counsel's brief in the case of an opposed claim for provisional sentence.

**QUESTION 10 [1]**

When may criminal proceedings proceed in the absence of an accused?

**QUESTION 11 [3]**

Which articles may a police official seize?

**VRAAG 12** [3]

Wanneer mag 'n persoon dodelike geweld gebruik om 'n verdagte in hegtenis te neem?

**VRAAG 13** [3]

Op die oggend waarop u kliënt in die hof moet verskyn, ontvang jy 'n mediese sertifikaat van sy moeder wat verklaar dat hy in die hospitaal opgeneem is en dus nie in staat sal wees om die verrigtinge by te woon nie.

Watter vertoë sal u namens u kliënt aan die hof voorhou en watter bevels sal u die hof versoek om te maak? Watter moontlike bevele mag die voorsittende beampte maak?

**VRAAG 14** [5]

Wat is die noodsaaklike beweringe wat 'n straf-aanklag moet bevat?

**VRAAG 15** [10]

John Junior, is 18 jaar oud en het nog nooit vantevore met die gereg gebots nie. Hy bevind homself in 'n smokkelhuis en in die geselskap van Jack Senior wat 32 jaar oud is. Heelwat later daardie aand, en taamlik onder die invloed van alkohol, verlaat hulle die smokkelhuis. Jack Senior, wat in besit van 'n nagmaakte vuurwapen is, stel voor dat hulle 'n motorvoertuig kaap.

Dié twee stop 'n motorvoertuig en Jack dreig die bestuurder met die nagmaakte vuurwapen en neem besit van die voertuig. John, wat nie 'n bestuurderlisensie besit nie, bestuur die ge-kaapte voertuig vanaf die misdad toneel. Kort daarna word hulle in die ge-kaapte voertuig in hegtenis geneem. Jy ontvang opdrag om namens John Junior op te tree wat so ver moontlik met die staat wil saamwerk, en die bostaande feite erken en skuldig pleit op gewapende roof. Hy erken ook dat hy die voertuig sonder 'n geldige bestuurslisensie, bestuur het.

**QUESTION 12** [3]

When may a person use deadly force in arresting a suspect?

**QUESTION 13** [3]

On the morning on which your client is to appear in court you receive a medical certificate from his mother stating that he has been admitted to hospital and will accordingly not be able to attend the proceedings.

What representation will you make to court on behalf of your client, and what will you request the court to order? What possible orders may the presiding officer make?

**QUESTION 14** [5]

What are the essential averments that a criminal charge must contain?

**QUESTION 15** [10]

John Junior, who is 18 years of age and has never brushed with the law before, finds himself at a shebeen and in the company of Jack Senior who is 32 years old. Much later that evening, and relatively under the influence of liquor, they leave the shebeen. Jack Senior, who is in possession of an imitation firearm, suggests that they hijack a vehicle.

The two of them stop a car and Jack confronts the driver threatening him with the imitation firearm and they take possession of the vehicle. John, who does not have a driver's licence, drives the vehicle from the scene of the crime. Shortly thereafter they are apprehended whilst in the hijacked vehicle. You receive instructions to act on behalf of John Junior who wants to cooperate with the State, admits to the above mentioned facts, and plead guilty to armed robbery. He also admits to driving a motor vehicle without a valid driver's licence.

Die partye verskyn in die streekhof in Mthathe waar Jack Senior onskuldig pleit en 'n skeiding van verhoore word gelas.

The parties appear in the Regional Court in Mthathe where Jack Senior pleads not guilty and a separation of trials is ordered.

15.1 Wat is die vonnis implikasie vir John wat aan roof op die feite hierbo skuldig bevind is? (2)

15.1 What are the implications as far as sentence is concerned of John having been convicted of robbery on the facts above? (2)

15.2 Noem die faktore wat u aan die hof sal voorhou om die bogemelde vonnis implikasie soos in 15.1 te vermy? (1)

15.2 Name the factors you will have to present to court to avoid the aforementioned sentence implication as referred to in 15.1? (1)

15.3 John word vir die roof tot 20 jaare gevangenisstraf gevonnis en 'n verdere 12 maande gevangenisstraf vir die bestuur van die voertuig sonder 'n geldige bestuurslisensie. Hy voorsien u met instruksies om teen die vonnisse te appelleer. Stel die kennisgewing van aansoek om verlof tot appèl op en sluit die kopstukke in. (7)

15.3 John is sentenced to 20 years imprisonment for the robbery and a further 12 months imprisonment for driving the vehicle without a valid driver's license. He instructs you to appeal the sentences. Draw the notice of application for leave to appeal and include the heading. (7)

**VRAAG 16 [8]**

**QUESTION 16 [8]**

Billy Naidoo is die Bemerkingsdirekteur van Palm Hersteldienste (Edms) Beperk. Die maatskappy se hoof sakeperseël is in Durban geleë.

Billy Naidoo is the Marketing Director of Palm Repairs (Pty) Limited. Its principal place of business is situated in Durban.

Terwyl hy die maatskappy se 2014 BMW, registrasienommer NJ 208, in Umgeniweg, Durban bestuur op weg na 'n sakevergadering, is hy betrokke in 'n motorbotsing met 'n Toyota trok, NPN 47 wat ten tye van die botsing bestuur is deur Alan Ndlovu.

Whilst driving the company's 2014 BMW, registration number NJ 208 in Umgeni Road, Durban on his way to a business meeting he was involved in a motor collision with a Toyota truck, NPN 47 which at the time of the collision was driven by Alan Ndlovu.

Alan Ndlovu woon in Pietermaritzburg en is 'n werknemer van James Konstruksie (Edms) Beperk wie se hoof sakeperseël geleë is te Pietermaritzburg. Ten tye van die botsing het Alan Ndlovu opgetree in die uitvoer van sy pligte as werknemer van James Konstruksie (Edms) Beperk. Billy Naidoo deel u mee dat die oorsaak van die botsing was die trok wat agter in die maatskappy se voertuig vasgery het terwyl die voertuig by 'n verkeerslig stilgestaan het.

Alan Ndlovu resides in Pietermaritzburg and is employed by James Construction (Pty) Limited whose principal place of business is situated in Pietermaritzburg. At the time of the collision Alan Ndlovu was acting in the course and scope of his employment with James Construction (Pty) Limited. Billy Naidoo advised you that the cause of the collision was due to the truck colliding with the rear end of the company's vehicle whilst he was stationery at a robot.

Hy deel u mee dat die skade aan die voertuig R35 000,00 beloop. 'n Aanmaningsbrief gestuur na die verantwoordelike partye bly onbeantwoord.

Stel die besonderhede van vordering op waarin aksie in die Durban Landdroshof ingestel word teen al die aanspreeklike partye (laat opskrifte weg).

**VRAAG 17 [4]**

U tree op namens James Brown. James deel u mee dat hy betrokke was in 'n motorbotsing.

Hy deel u mee dat hy glo dat die Eiser se nalatige bestuur die enigste oorsaak van die botsing was. Die Eiser stel aksie in teen hom welke dagvaarding beteken is op die ontvangsdame by sy werksplek. Ten tye van die betekening was James oorsee met vakansie.

Toe hy terugkeer is die dagvaarding nie onder sy aandag gebring nie en die Eiser het verstek vonnis geneem. Hy het eers daarvan verneem toe die balju by sy werksplek opdaag op 12 Oktober 2014 met 'n Lasbrief van Eksekusie. Die balju het 'n nulla bona relaas gelewer. In Januarie 2015 het hy aansoek gedoen vir 'n lening om 'n voertuig te koop maar die lening is afgekeur as gevolg van die vonnis.

Hy gee u nou opdrag om aansoek te doen om tersydestelling van die verstekvonnis.

Stel die kennisgewing op (laat opskrifte uit en moenie enige verklaring opstel nie).

**VRAAG 18 [2]**

Eiser het vonnis verkry teen Verweerder in die Distrik Landdroshof vir R100 000,00 plus rente en koste. Die Verweerder betaal nie. Lys al die dokumente wat opgestel en op die vonnis-skuldenaar beteken moet word ten einde 'n finansiële ondersoek te hou ten opsigte van die vonnisskuldenaar.

He advised you that the damages to the vehicle is R35 000,00. A letter of demand was forwarded to the responsible parties and has met with no response.

Draft the particulars of claim of the action instituted against all responsible parties in the Durban Magistrates Court (omit headings).

**QUESTION 17 [4]**

You act for James Brown. James advises you that he was involved in a motor collision.

He advises you that he believes that the sole cause of the collision was due to the negligent driving of the Plaintiff. The Plaintiff instituted an action against him which was served on the receptionist at his place of employment. At the time James was overseas on holiday.

When he returned the Summons was not brought to his attention and the Plaintiff obtained Default Judgment. The first he knew of the Judgment was when the Sheriff arrived at his place of employment on the 12<sup>th</sup> of October 2014 with a Warrant of Execution but rendered a Nulla Bona return. In January 2015 he applied for a loan to purchase a vehicle but the loan was refused because of the Judgment.

He now instructs you to make an application for the rescission of the default judgment.

Draft the Notice (omit headings and do not draft any affidavit).

**QUESTION 18 [2]**

Plaintiff obtained judgment against Defendant in the District Magistrates Court for R100 000,00 plus interest and costs. The debtor does not pay. List all the documents that need to be drafted and served on the judgment debtor in order to conduct an enquiry into the financial affairs of the judgment debtor.

**VRAAG 19 [1]**

U kliënt het vonnis teen 'n eiendomsagent wat verwag om te deel in kommissie uit 'n eiendomsverkoop waarvan die oordrag registrasie dokumente sopsas by die aktekantoor ingedien is. Die eiendomsagent het geen ander beslagbare bates nie. Waarvoor kan u kliënt aansoek doen?

**VRAAG 20 [1]**

U kliënt het vonnis teen 'n motorwerktuigkundige werknemer van ABC Regmakers BK verkry. Die werktuigkundige besit geen beslagbare bates nie. Vir watter bevel kan u kliënt aansoek doen?

**VRAAG 21 [2]**

'n Landdros het vonnis ten gunste van u kliënt as Eiser toegestaan. Die Verweerder het 'n kennisgewing van appèl afgelewer. U glo dat die Verweerder sal slaag. Noem twee dinge wat u kliënt kan doen ten einde kostes te bespaar.

**VRAAG 22 [2]**

Waar 'n Verweerder in die Streekhof sekerheid vir regs-koste vereis het ten bedrae van R100 000,00 en die Eiser voel dat sodanige bedrag buitensporig is, maar bereid is om R50 000,00 as sekerheid te betaal,

22.1 Wie bepaal die bedrag? (1)

22.2 Indien die bedrag bepaal is deur die persoon in a (hierbo) as R100 000,00 en die Eiser ontevrede is met die vasstelling, het hy enige remedie? (1)

**VRAAG 23 [5]**

Vinesh Pillay wies se ouers hom 6 maande gelede 'n skootrekenaar gegee het as 16de verjaarsdaggeskenk raadpleeg u. Dit is geskenk om te gebruik vir sy universiteit studies. Vinesh deel u mee dat die rekenaar beskadig is toe dit geval

**QUESTION 19 [1]**

Your client has judgment against an estate agent who is expecting to share in commission of a property sale of which the property registration documents have just been lodged in the deeds office. The estate agent has no other attachable assets. What could your client apply for?

**QUESTION 20 [1]**

Your client has judgment against a motor mechanic employed by ABC Fixers CC. The mechanic owns no attachable assets. What order could your client apply for?

**QUESTION 21 [2]**

A magistrate has granted a judgment in favour of your client as plaintiff. The Defendant has delivered a notice of appeal. You believe that the Defendant will be successful. Name two things your client can do in order to try and save costs.

**QUESTION 22 [2]**

Where a Defendant in the Regional Court has called for security for costs in the amount of R100 000.00 and the plaintiff feels that such amount is exorbitant but is willing to pay R50 000.00 as security.

22.1 Who determines the amount? (1)

22.2 If the amount has been determined by the person in a (above) at R100 000.00 and the plaintiff is unhappy with this, does he have any recourse? (1)

**QUESTION 23 [5]**

You are consulted by Vinesh Pillay whose parents, 6 months ago gave him a laptop computer for his 16<sup>th</sup> birthday to use in furtherance of his university studies. Vinesh informs you that the computer was damaged when it fell in the

het in die parkeergebied nadat 'n universiteitsprofessor sy motor in trurat in Vinesh vasgery het. Die herstelkoste beloop R10 000,00. Hy kon nie die bedrag invorder nie. Hy gee aan u opdrag om dagvaarding uit te reik.

23.1 Beskryf die Eiser soos u dit sou doen in die dagvaarding. (2)

23.2 Indien u aanvaar dat daar geen ander relevante feite is nie, teen wie moet die dagvaarding uitgereik word? (1)

23.3 Indien verskyning om te verdedig afgelewer word, mag u aansoek doen om summiere vonnis? Motiveer die antwoord. (2)

parking area after a university professor reversed his car into him. The cost of repairing amounts to R10 000,00. He has been unable to collect this amount. He instructs you to proceed with issue of summons.

23.1 Describe the Plaintiff as you would in the summons. (2)

23.2 If you accept that there are no other relevant facts, against whom must the summons be issued? (1)

23.3 In the event of an appearance to defend being delivered, are you entitled to apply for summary judgment? Motivate the answer. (2)

- DIE EINDE -

- THE END -

LAW SOCIETY  
OF SOUTH AFRICA