

PROKUREURSEKSAMEN

DEEL 1 HOFPROSEDURES

18 AUGUSTUS 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. Skryfasseblief slegs in pen op die regterkantse bladsye.
5. Tensy daar 'n spesiale redebestaan, 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 kwalificeer vir 'n mondeling nie en sal hierdie deel druip.

ATTORNEYS' EXAMINATION

PART 1 COURT PROCEDURES

18 AUGUSTUS 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 craftsmanship.
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 [15]

U tree op vir Sam Dube, die stiefpa van tweelingseuns wat u meedeel:

Op 15 April 2012 het die 10-jarige Andile en sy tweeling boetie Sandile sokker gespeel in die veld langs hulle huis. Jabulani Khoza was met aflewerings op pad toe hy beheer verloor het oor die vrugmotor wat van die pad afgerig en die veld ingeploeg het. Die vrugmotor het albei seuns getref en Sandile is op slag oorlede. Andile is onder die vrugmotor vasgeper, en het ernstige rugbeserings opgedoen wat hom paraplegies gelaat het. Hy ly ook aan wesenlike emosionele skok en trauma omdat hy nie kan loop nie.

Mnr Dube gee ook die volgende inligting:

1. Dietweeling se vader is voor hulle geboorte oorlede. Hy is met die moeder getroud toe die seuns twee jaar oud was en die moeder is oorlede toe hulle sewe jaar oud was. Hy het altyd na hulle omgesien en beskou hulle as sy eie kinders.
2. Hy is self wesenlike emosioneel geskok en getraumatisieer vanweë Sandile se dood en word tans deur 'n sielkundige behandel.
3. Hy het Sandile se begrafniskoste gedra.
4. Andile se mediese uitgawes is tot dusver deur sy mediese fonds gedra maar hy is baie besorgd oor die toekoms.

Beantwoord die volgende vrae met verwysing na bogemelde feite:

- 1.1 Teen welke datum moet die eis vir Sandile se begrafniskoste by die Padongelukke Fonds (POF) ingedien word? (1)

QUESTION 1 [15]

You are acting for Sam Dube, the stepfather of twin boys, who instructs you as follows:

On the 15th of April 2012, 10 year old Andile and his twin brother Sandile were playing football on an overgrown field next to their home. Jabulani Khoza was on his way to make a delivery, when he lost control of the truck he was driving, causing it to leave the road and plough into the field. The truck struck both boys, killing Sandile immediately. Andile was pinned under the truck and sustained severe spinal injuries which rendered him paraplegic. He is also suffering from significant emotional shock and trauma as a result of being unable to walk.

Mr Dube also furnishes you with the following information:

1. The twins' father passed away before they were born. He married their mother when the boys were two years old, and their mother died when they were seven. He has always taken care of all their needs and considers them to be his children.
2. He has himself suffered significant emotional shock and trauma as a result of Sandile's death and is in fact being treated by a psychologist.
3. He has incurred funeral expenses in respect of Sandile.
4. Andile's medical expenses have thus far been paid by his Medical Aid Scheme, however he is gravely concerned about the future.

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

- 1.1 By what date must the claim for Sandile's funeral expenses be lodged with the Road Accident Fund (RAF)? (1)

DEEL 1 HOFPROSEDURES [100]	PART 1 COURT PROCEDURES [100]
1.2 Teen welke datum moet 'n skadevergoedingseis vir Andile by die POF ingedien word. (1)	1.2 By when must the claim in respect of Andile's damages be lodged with the RAF? (1)
1.3 Kan Sam Dube die eis ten aansien van Sandile se begrafniskoste indien? Motiveer. (2)	1.3 Can Sam Dube lodge the claim in respect of Sandile's funeral expenses? Motivate your answer. (2)
1.4 Kan Sam Dube die eis ten aansien van Andile se skade indien? Motiveer ten volle. (3)	1.4 Can Sam Dube lodge the claim in respect of Andile's damages? Motivate your answer fully. (3)
1.5 Kan Sam Dube 'n persoonlike eis vir sy emosionele skok by die POF indien? Motiveer u antwoord. (2)	1.5 Can Sam Dube lodge a claim with the RAF in his personal capacity for the emotional shock he has suffered? Motivate your answer. (2)
1.6 Noem die hoofde van skadevergoeding wat u namens Andile sou eis. (2)	1.6 Identify the heads of damages you intend pursuing in respect of Andile's claim. (2)
1.7 Sou u 1.6 anders beantwoord as Andile se gelede mediese koste nie ten volle deur die mediese fonds betaal is nie? Motiveer ten volle. (2)	1.7 Would your answer at 1.6 above differ if Andile's past medical expenses had not been paid by the relevant medical aid scheme? Motivate your answer fully. (2)
1.8 Is Andile geregtig om skadevergoeding vir emosionele skok van die POF te verhaal? Motiveer. (2)	1.8 Is Andile entitled to recover damages for emotional shock from the RAF? Motivate your answer. (2)
VRAAG 2 [10]	QUESTION 2 [10]
<p>U word genader deur die slagoffer van 'n motorbotsing wat u meedeel dat die botsing plaasgevind het op 6 September 2009 toe 'n ander voertuig van agter teen sy voertuig gebots het. U kry opdrag om te help met die indien en voorsetting van sy eis teen die POF. Die botsing en die gevolglike beserings verhoed u kliënt om te werk aangesien hy aan 'n rystoel gebonde is. U kliënt het as finansiële raadgewer by ABSA gewerk met 'n jaarlikse vergoeding van R420 000,00 ten tye van die botsing.</p>	<p>You are approached by a motor vehicle accident victim who instructs you that his accident happened on 6 September 2009, when another vehicle collided into the back of his vehicle. You are instructed to assist with the lodgement and prosecution of his claim against the RAF. The accident and the subsequent injuries, have rendered your client unemployable as he is now, <i>inter alia</i> wheelchair-bound. Your client worked as a financial advisor at ABSA Bank, with an annual salary package of R420 000,00 at the time of the accident.</p>

DEEL 1 HOFPROSEDURES [100]	PART 1 COURT PROCEDURES [100]
2.1 Sou u kliënt geregtig wees om die volle jaarlikse vergoeding van R420 000,00 van die POF te verhaal vir elke jaar wathy nog sou werk? Motiveer ten volle. (2)	2.1 Would your client be in a position to recover from the RAF the entire annual package of R420 000,00 per annum, as loss of earnings, for each of the years that he would have remained in employment? Please motivate your answer fully. (2)
2.2 As u kliënt nie al sy skade van die POF kan verhaal nie, welke stappe kan u kragtens gemene reg namens u kliënt doen? Motiveer. (2)	2.2 In the event your client is unable to recover all of his damages from the RAF, what steps, if any, can be taken to recover damages on behalf of your client in terms of the common law. Please motivate your answer. (2)
2.3 Gestel die POF maak beswaar teen die POF4 vorm wat namens u kliënt ingedien is. Teen welke datum moet die POF u in kennis stel van hulle beswaar? (2)	2.3 In the event that the RAF objects to the RAF 4 form submitted on behalf of your client: By when must the RAF notify you of their objection? (2)
2.4 Kan u kliënt betoog oor of die beserings wathy opgedoen het ernstig is of nie in die hof waarin sy eis ingestel is? Motiveer. (2)	2.4 Can your client make an argument on whether the injuries he sustained are of a serious nature, or not, in the Court out of which his action was instituted? Please motivate your answer. (2)
2.5 In welke omstandighede is u kliënt geregtig op koste teen die POF? (2)	2.5 Under what circumstances is your client entitled to costs from RAF? (2)

VRAAG 3 [11]

- 3.1 Lys drie tipe dagvaardings wat in die Hoë Hof gebruik kan word en noem in welke omstandighede. (3)
- 3.2 Lys ses gevalle waar die gebruik van aansoek prosedure verpligtend is. (3)
- 3.3 Verduidelik wat 'n *ex parte* aansoek is. (1)
- 3.4 Wanneer word pleitstukke in die Hoë Hof as gesluit beskou? (4)

QUESTION 3 [11]

- 3.1 List three types of summonses that can be used in the High Court and mention in what circumstances? (3)
- 3.2 List six instances where the use of application procedure is mandatory. (3)
- 3.3 Explain what is an *ex parte* application? (1)
- 3.4 When are pleadings considered to be closed in the High Court? (4)

<p>DEEL 1 HOFPROSEDURES [100]</p> <p>VRAAG 4 [3]</p> <p>Ingevolge Reël 4 van die Eenvormige Hofreëls mag 'n dagvaarding wat in die Hoë Hof uitgereik is op een of ander van die volgende wyses beteken word. Antwoord slegs waar of vals:</p> <p>4.1 By die gekose <i>domicilium citandi</i> van die verweerde. (½)</p> <p>4.2 Op enige verteenwoordiger wat behoorlik skriftelik gemagtig is om betekening namens die verweerde te aanvaar. (½)</p> <p>4.3 By die woonadres van die Burgemeester van die Munisipaliteit. (½)</p> <p>4.4 By die woonadres van die Direkteur van 'n maatskappy wat sy geregistreerde adres elders het. (½)</p> <p>4.5 In die geval van die vennootskap op 'n vennoot by sy/haar woonadres in die geval dat die vennootskap nie 'n geregistreerde adres het nie. (½)</p> <p>4.6 Persoonlik op enige van die trustees van 'n <i>inter vivos</i> trust by hulle onderskeie besigheidsadresse. (½)</p> <p>VRAAG 5 [5]</p> <p>U tree op namens die eiser in 'n saak wat voortspruit uit 'n motorvoertuigbotsing. 'n Gekombineerde dagvaarding is op die verweerde beteken en verskyning tot verdediging is reeds aangeteken. Terwyl u met u kliënt konsulteer wys hy vir u daarop dat die botsing eintlik plaasgevind het op 10 Mei 2013 en nie op 10 Junie 2013 nie, soos beweer word in die besonderhede van vordering. Die betrokke paragraaf in die besonderhede van vordering lees soos volg:</p> <p>"Op of omtrent die 10de Junie 2013 het 'n botsing plaasgevind tussen die Toyota Corolla voertuig,</p>	<p>PART 1 COURT PROCEDURES [100]</p> <p>QUESTION 4 [3]</p> <p>In terms of Rule 4 of the Uniform Rules of Court service of a summons issued out of the High Court may be effected in one or other of the following ways. Answer only true or false:</p> <p>4.1 At the chosen <i>domicilium citandi</i> of the defendant. (½)</p> <p>4.2 On any agent who is duly authorised thereto in writing to accept service on behalf of the defendant. (½)</p> <p>4.3 At the residential address of the Mayor of the Municipality. (½)</p> <p>4.4 At the residential address of the director of a company which has its registered address elsewhere. (½)</p> <p>4.5 In the case of a partnership on a partner at his/her residential address where the partnership has no registered address. (½)</p> <p>4.6 Personally on each of the trustees of an <i>inter vivos</i> trust at their respective business addresses. (½)</p> <p>QUESTION 5 [5]</p> <p>You act for the plaintiff in a matter arising from a motor vehicle collision. A combined summons was served on the defendant and an appearance to defend has already been entered. Whilst consulting with your client, he advises you that the collision actually occurred on 10 May 2013 as opposed to 10 June 2013 as alleged in the particulars of claim. The particular paragraph in the particulars of claim reads as follows:</p> <p>"On or about the 10th June 2013 a collision occurred between a Toyota Corolla motor vehicle,</p>
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<p>DEEL 1 HOFPROSEDURES [100]</p>	<p>PART 1 COURT PROCEDURES [100]</p>
<p>registrasie nommer CA12345, die eiendom van die eiser, en 'n Volkswagen Golf voertuig met registrasie nommer ND5678, bestuur deur die verweerde".</p>	<p>registration number CA 12345, the property of the plaintiff and a Volkswagen Golf motorvehicle with registration number ND 5678, driven by the defendant".</p>
<p>Stel 'n kennisgewing van voorname om die besonderhede van vordering te wysig op ingevolle Reël 28 van die Hofreëls. Laat die kopstuk weg maar beskryf die kennisgewing.</p>	<p>Draft a notice of intention to amend the particulars of claim in terms of Rule 28 of the Rules of Court. Omit the case heading but describe the notice.</p>
<p>VRAAG 6 [6]</p>	<p>QUESTION 6 [6]</p>
<p>6.1 In watter gevalle is 'n eiser geregtig om aansoek te doen vir summiere vonnis? (4)</p> <p>6.2 Watter prosedurele kennisgewing word geliasseer indien die litigant die volgende regsprosedure wil bestry: 6.2.1 'n aksie; (1) 6.2.2 'n aansoek. (1)</p>	<p>6.1 In what instances is a plaintiff entitled to apply for summary judgment? (4)</p> <p>6.2 What is the procedural notice that is filed when the litigant wishes to contest legal proceedings in: 6.2.1 an action; (1) 6.2.2 an application. (1)</p>
<p>VRAAG 7 [5]</p>	<p>QUESTION 7 [5]</p>
<p>Onder watter omstandighede sal 'n hof 'n pleit van skuldig na 'n pleit van onskuldig verander?</p>	<p>Underwhich circumstances will a court change a plea of guilty to one of not guilty?</p>
<p>VRAAG 8 [10]</p>	<p>QUESTION 8 [10]</p>
<p>U kliënt, Yaya Eto, is 'n student van die Ivoorkus wat by die XYZ Universiteit met 'n studentevisum studeer.</p> <p>Op die 11de Junie 2014 en in 'n volgepakte kafeteria het 'n mede-student, Conrad, hard en aanhoudend na hom verwys as 'n onwettige immigrant en hom daarvan beskuldig dat hy in Suid Afrika sonder die nodige wettige visum is. Conrad het ook vir hom daarvan beskuldig dat hy mede Suid Afrikaners die geleenthede om te studeer, ontneem. Conrad het op vorige geleenthede dieselfde soortgelyke xenofobiese uitlatings teen u kliënt gemaak. U kliënt het Conrad se opmerkings aan die Universiteit owerhede gerapporteer, maar geen aksie was</p>	<p>Your client, Yaya Eto, is a student from the Ivory Coast studying on a student visa at the XYZ University.</p> <p>On the 11th of June 2014 and in the crowded cafeteria, a fellow student, Conrad, loudly and repeatedly referred to him as an illegal immigrant accusing him of being in South Africa without the necessary visa and denying other South Africans the opportunity to study. Conrad had on previous occasions made similar xenophobic comments against your client which had been reported to the university authorities but no action was taken against this student. Your client became so enraged that he struck Conrad twice in the face with a fist fracturing his jaw. Client provides you</p>

DEEL 1 HOFPROSEDURES [100]	PART 1 COURT PROCEDURES [100]
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teen die student geneem nie. U kliënt was so woedend dat hy Conrad twee keer met sy gebalde vuis in sy gesig geslaan en in die proses sy kakebeen gekraak het. U kliënt voorsien u van die nodige dokumentêre bewyse dat hy wettig in die land is en die vereiste visum besit.

U kliënt is uitermate gegrief oor wat gebeur het en wil nie in 'n uitgerekte hofsaak in 'n vreemde land betrokke raak nie. Hy erken dat hy vir Conrad aangerand het, maar beweer dat hy ernstig geprovoker was. Hy was ook in die verleentheid gestel en het vernederd gevoel oor die feit dat die beskuldiging in die teenwoordigheid van baie studente gemaak is.

Die polisie ondersoek die incident.

- 8.1 Adviseer u kliënt op watter klage hy heelwaarskynlik aangekla sal word? (1)
- 8.2 Wat is die minder ernstige klage van die klage in 8.1? (1)
- 8.3 Watter stappe sal u doen en watter faktore sal u in gedagte hou in u pogings om te verhoed dat u kliënt op die meer ernstige klage vervolg word? (3)
- 8.4 U poging slaag en u kliënt word op die minder ernstige klage vervolg. Stel die toepaslike verklaring in terme van Artikel 112(2) op. Geen opskrifte word verlang nie. (5)

VRAAG 9 [4]

- 9.1 Noem 3 (drie) gronde waarop u teen 'n klagstaat beswaar kan maak. (3)
- 9.2 Wanneer moet u die beswaar opper? (1)

with the necessary documentation confirming that he is indeed legally in the country and has the required student visa.

Your client is extremely annoyed at what has happened and does not wish to become involved in a drawn out court case in a foreign country. He admits having assaulted Conrad but says that he was severely provoked, embarrassed and humiliated by the fact that the statement was made in the presence of many other students.

The police are investigating the incident.

- 8.1 Advise your client what is the most likely charge he will face. (1)
- 8.2 What could be a less serious charge to that referred to in question 8.1? (1)
- 8.3 What steps will you take and what factors will you bear in mind in attempting to avoid your client being charged with the more serious offence? (3)
- 8.4 Your efforts to have your client prosecuted on the less serious charge are successful. Draw the appropriate statement in terms of Section 112(2). No headings are required. (5)

QUESTION 9 [4]

- 9.1 State three grounds on which you may object to a charge? (3)
- 9.2 When must such an objection be raised? (1)

DEEL 1 HOFPROSEDURES [100]	PART 1 COURT PROCEDURES [100]
VRAAG 10 [6]	QUESTION 10 [6]
<p>Op 3 Maart 2014 het Xolani Msutu 'n motorvoertuig, met registrasie nommer XYZ157NC, in Proesstraat, Pretoria bestuur. Hy het 'n ent vorentoe in die pad opgemerk dat 'n kind die pad kruis en het onmiddellik die remme van die voertuig aangeslaan ten einde 'n botsing te vermy. Tot sy afgrypse ontdek hy dat die voertuig se remme faal en 'n noodlottige botsing met die kind vind plaas. Hy is aangekla van strafbare manslag en die staat is van voorneme om die nadoodse verslag met betrekking tot die oorledene, 'n polisie-plan en foto-album wat deur die polisie saamgestel is, in te dien. U kliënt betwiss nie die inhoud van hierdie dokumente nie.</p> <p>Stel Xolani se verklaring in terme van Artikel 115 op, waarin alle erkennings bevat word ten einde die verrigtinge in te perk. Sluit die kopskrif en slot in.</p>	<p>Xolani Msutu, on the 3rd of March 2014, drove motor vehicle XYZ157NC in Proes Street, Pretoria. He noticed some distance ahead a child crossing the road and immediately applied the brakes of the vehicle in order to avoid a collision. To his horror the brakes failed and a fatal collision with the child occurred. He has been charged with culpable homicide and the state intends presenting as evidence the postmortem report relating to the deceased, a plan and photo album of the accident scene compiled by the police. Your client does not dispute the contents of these documents.</p> <p>Draft Xolani's statement in terms of Section 115, including the heading and ending, making all admissions necessary to curtail the proceedings.</p>
VRAAG 11 [7]	QUESTION 11 [7]
<p>U word genaderdeur Maria Mlaba wat woon en werk in Durban. 'n Dagvaarding is op haar beteken vir die kapitale bedrag van R300 000,00 synde gelde aan haar voorgeskiet en geleent op haar spesiale aandrang en versoek. Die Eiser, ABC Loan Sharks, steun op 'n leningsooreenkoms aangegaan tussen die partye op 30 Julie 2013 te Durban. Die ooreenkoms bevat 'n toestemming tot die jurisdiksie van die Johannesburg Hof. Die lening moes ten volle terugbetaal gewees het teen Desember 2013. U kliënt deel u mee dat sy die volle skuld gedelg het in Desember 2013. Die dagvaarding is uitgereik in die Johannesburg Distrik Landdroshof. Stel die verweerskrif op (laat die opskrifte uit) en versien u eie feite waar nodig.</p>	<p>You are approached by Maria Mlaba who lives and works in Durban, she has been served with summons for money lent and advanced at her special instance and request for a capital sum of R300 000.00. The plaintiff, ABC Loan Sharks, is relying on a loan agreement entered into by and between the parties on the 30th July 2013 in Durban. The agreement contains a consent to the jurisdiction of the Johannesburg Court. The loan was repayable in full at the end of December 2013. Your client informs you that she settled the debt in full in December 2013. The summons has been issued in the Johannesburg Magistrates District Court. Draft the plea (omit the heading) and fabricate your facts where necessary.</p>
VRAAG 12 [4]	QUESTION 12 [4]
<p>Stel 'n beëdigde verklaring op deur John Smith, die Finansiële Direkteur van Smith (Edms) Bpk ter stawing van 'n aansoek om Summiere Vonnis vir goedere verkoop en gelewer (laat opskrifte uit).</p>	<p>Draft an Affidavit by John Smith, the Financial Director of Smith (Pty) Ltd in support of an application for Summary Judgment for goods sold and delivered (omit headings).</p>

VRAAG 13 [4]

- 13.1 Tot op watter stadium van 'n aksie mag 'n pleitstuk gewysig word? (1)
- 13.2 U kliënt, die Verweerde in 'n saak, teen wie summiere vonnis gevra word, wil nie op hierdie stadium sy verweer openbaar nie. Wat sal u hom adviseer ten einde verlof te kry om die aksie te verdedig en te vermy dat summiere vonnis teen hom toegestaan word? (2)
- 13.3 Mag u enige relevante dokumente gebruik by die verhoor van 'n saak in die Landdroshof waar u kliënt nog nie blootgelê het nie en nog nie gevra is om bloot te lê nie? (1)

VRAAG 14 [6]

U tree op namens James Magwaza. Adviseer hom oor watter stappe gedoen moet word in die volgende omstandighede:

- 14.1 Hy is die Verweerde in 'n aksie ingestel deur 'n maatskappy geregistreer in Sjina (China). Hy is besorg oor sy moontlikhede van sukses om kostes te verhaal indien hy die saak suksesvol sou verdedig. Hy het sy voomeme om te verdedig aangeteken. (1)
- 14.2 Hy is die Verweerde in 'n akse waarin die Eiser die terugbetaling van 'n lening eis wat verskuldig en betaalbaar was in 2009. Die aksie is in 2014 ingestel. Hy het verdediging aangeteken. (1)
- 14.3 Hy is die Verweerde in 'n aksie waar die dagvaarding op hom beteken as vaag en verwarrend deur hom beskou word. Hy het verdediging aangeteken. (2)
- 14.4 Hy is die Verweerde in 'n aksie met betrekking tot 'n motorbotsing. Die Eiser het R70 000,00 geëis. Hy beskou homself

QUESTION 13 [4]

- 13.1 Up to what stage in an action may a pleading be amended? (1)
- 13.2 Your client, the Defendant in a matter, against whom summary judgment is being sought, does not wish to disclose his defence at this stage. What would you advise him to avoid summary judgment being granted against him and to obtain leave to defend the action? (2)
- 13.3 May you use any relevant documents at the trial of a matter in the magistrate's court where your client has not been requested to discover and has not discovered? (1)

QUESTION 14 [6]

You act for James Magwaza. Advise him what action should be taken in the following circumstances:

- 14.1 He is the Defendant in an action instituted by a company registered in China. He is concerned about his prospects of recovering his costs if he is successful in his defence of the action. He has entered an Appearance to Defend. (1)
- 14.2 He is the Defendant in an action in which the Plaintiff is claiming repayment of a loan which was due and payable in 2009, the action having been instituted in 2014. He has entered an appearance to defend. (1)
- 14.3 He is the Defendant in an action where a summons was served on him which he considers to be vague and embarrassing. He has entered an appearance to defend. (2)
- 14.4 He is the Defendant in an action relating to a motor collision. The plaintiff has claimed R70 000,00. He considers himself to be

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[100]

50% te blameer vir die botsing en het R35 000,00 beskikbaar. Hy het verdediging aangeteken en het geen teeneis nie aangesien sy voertuig nie beskadig is nie.
(2)

50% to blame for the collision and has a R35 000,00 available. He has entered an appearance to defend and does not have a counterclaim as his vehicle was not damaged.
(2)

VRAAG 15 [4]

U kliënt oorhandig aan u 'n likwiede dokument vir die bedrag van R250 000,00. Hy deel u mee dat hy glo dat die Verweerde geen geldige verweer teen die eis het nie. Adviseer hom oor die vraag of hy moet voortgaan deur middel van voorlopige vonnis in plaas daarvan om dagvaarding uit te reik en dan aansoek te doen om Summiere Vonnis nadat verdediging aangeteken is.

QUESTION 15 [4]

Your client provides you with a liquid document for an amount of R 250 000,00. He advises you that he believes that the defendant does not have a valid defence to the claim. Advise him whether he should proceed by way of provisional sentence as opposed to issuing a Summons and then applying for Summary Judgment after the Appearance to Defend has been entered.

- DIE EINDE -

- THE END -

LAW SOCIETY
OF SOUTH AFRICA