



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 303
COURSE TITLE : Family Law
DURATION : 3 Hours
LEVEL : 3.1
DATE : 12 AUG 2021
101 BARRASSIE RD BINDURA
P O BOX 350 BINDURA

INSTRUCTIONS TO CANDIDATES:

1. Answer **four questions**, choose two questions from **each** section.
2. Each question carries **25 Marks**.
3. Start each question on a new page of your answer sheet.

SECTION A .

Answer two questions from this section

Question 1

- a. Explain the various family forms. (8)
- b. Discuss the functions of a family? (8)
- c. Identify the legal protections which are in place for the continued existence of a family? (9)

[25 marks]

Question 2

Section 81 (2) of the Constitution of Zimbabwe (Amendment number 20 of 2013) provides that, 'A child's best interests are paramount in every matter concerning a child' Discuss how the courts have interpreted this law in cases of guardianship, custody and access of minor children.

[25 marks]

Question 3

Discuss how the concepts of 'Tacit Universal Partnership' and 'unjust enrichment' has been applied by the Zimbabwean courts during the process of division of property acquired during the subsistence of an unregistered customary law union.

[25 marks]

Question 4

The Marriage Bill is intended to harmonize the marriage laws in Zimbabwe. Highlight the advantages of the Marriage Bill over the existing Marriage laws in Zimbabwe.

[25 marks]

SECTION B

Answer two questions from this section

Question 5

Memo and Julian entered into an unregistered customary law union in May 2020. They later registered their marriage in terms of Customary Marriages Act (Chapter 5: 07) in January 2021. Julian is a banker with Zimari Bank and Memo is an Engineer with Zimoto Civil Engineers. They live in the leafy suburb called Mt Rugare in a house gifted to them on their wedding day by Julian's great grandfather Rungano. The couple is blessed with triplets. In April 2021 Julian met and fell I love with Mandy. Julian evicted Memo, the children and the maid from the matrimonial home in preparation of Mandy's grand arrival. She was forced to live in a tiny

Cherima house which the parties acquired through their joint effort. The Cherima house does not have running water and electricity. Memo is desperate and he sues Mandy for adultery.

Advise Memo on the following issues

- a. Legality of the eviction from the matrimonial home. (8)
- b. The consequences of her marriage with regards to matrimonial property at divorce. (8)
- c. Acquisition of the children's birth certificates and maintenance of children. (9)

[25 marks]

Question 6

Moses and Pet are engaged and they organized a wedding ceremony. Pet is so joyful that she invited relatives from as far as Brazil for the grand ceremony and they came. On the wedding day Moses' friends and relatives did not turn up for the event. Moses himself did not attend and his phone could not be reached. In the meantime, Pet is pregnant for Moses and she does not know how to proceed. She comes to you for advice on whether she can claim the following;

- a. Seduction damages (7)
- b. Damages for breach of promise to marry (7)
- c. Lying in expenses (6)
- d. Whether she can give up the child for adoption (5)

Advise her fully.

[25 marks]

Question 7

Anami and Gari are married in terms of the Marriage Act (Chapter 5:11). They are blessed with two minor children Rutendo a girl aged 15 and Takawira a boy aged 10. They acquired the following properties; house number 2010, Buri Street, Zeza, a private school, a fleet of ten buses. They also own House Number 24, Cruth Road, Manda which is their Matrimonial home. The Manda house was inherited by Anami from her late grandmother. Their marriage has irretrievably broken down and they wish to have their marriage dissolved. However, there is a dispute as to how the property should be distributed and who should have custody of the minor children.

Advise the parties fully.

[25 marks]

End of examination