



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 308

COURSE TITLE : CIVIL PROCEDURE (SUPERIOR COURTS)

DURATION : 3 Hours

LEVEL : 3.2

DATE : 11.6 FEB 2022

INSTRUCTIONS TO CANDIDATES:

1. Answer all questions. Marks allocated for each question are shown in brackets.
2. You may take into the examination room the following: -
 - i. Constitution of Zimbabwe Number of 20 of 2013
 - ii. High Court Rules S.I. 202 of 2021
 - iii. Constitutional Court Rules S.I. 61 of 2016

NB The above must not be annotated in any way.
3. Use Blue or black ink only but not interchangeably

Question 1

Existence or otherwise of a 'material dispute of fact' forms the bedrock upon which a determination is made as to which procedure one has to utilize in instituting legal proceedings in Zimbabwe, discuss. **[20 Marks]**

Question 2

Immunity and the corporate veil principles are an unnecessary impediment in the enforcement of civil and political rights. In light of the *Musengezi versus ZANU PF and Others* case, outline the requirements for presidential immunity to be sustained in Zimbabwe. **[20 Marks]**

Question 3

Obvious Moyo is a duly attested member of the Zimbabwe Republic Police. He is charged for allegedly cutting and stealing Zimbabwe Electricity Supply Authority cables and also for 'Bringing the Police Service into disrepute'. In his Disciplinary Trial, the Investigation Officer in the criminal case is also the Prosecutor while the Trial Officer is a newly promoted Officer who, in the course member of proceedings, openly makes phone calls for directions. Obvious Moyo is your client and want to assert his constitutional right as provided in Section 69 of the Constitution of Zimbabwe. Outline the procedure(s) available to your client in terms of the Rules of the Constitutional Court.

[20 Marks]

Question 4

Define the following legal terms in relation to Superior courts of Zimbabwe: -

- a) Jurisdiction **[3 Marks]**
- b) Mootness and ripeness **[3 Marks]**
- c) Doctrine of Constitutional avoidance **[4 Marks]**

END OF QUESTION PAPER