



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW AND LEGAL SERVICES

PRIVATE LAW DEPARTMENT

EXAMINATION PAPER

MODULE CODE : LLB221
MODULE TITLE : LAW OF PROPERTY
DURATION : 3 HOURS
LEVEL : 2:2
DATE : 27 SEP 2024

INSTRUCTIONS TO CANDIDATES:

Answer Four (4) questions, any Two (2) questions from each section.

Each question from Section (A) carries fifteen (15) marks and each from Section (B) carries twenty (20) marks.

Number of marks for part questions are shown in brackets

Start each question on a new page

This paper consists of three (3) pages

Answer sheets are provided

Section A

Question 1

Explain the role of the law of property in Zimbabwe, paying particular attention to the influence of the Constitution on property dynamics.

[15 marks]

Question 2

Discuss any three methods of constructive acquisition of property rights under common law. Your answer must make reference to decided cases.

[15 marks]

Question 3

With the aid of case law, discuss the essential requirements for the *mandament van spolie* remedy.

[15 marks]

Section B

Question 4

Simba decides to develop a part of his farm Petermaritzburg as a residential township but his attorney informs that this will not be possible. Under the Regional Town and Country Planning Act (Chapter 29:12), it appears that a regional development plan in terms of a physical planning scheme the area is to be utilized for agricultural purposes only Simba approaches you for legal advice.

Advise Simba on his property rights

[20 marks]

Question 5

During the fast track land reform programme, Ngoni Shava settled on Lady Smith Farm in Martizburg, a farm previously owned by Jack Smith, a commercial white farmer. Ngoni could not lawfully occupy or obtain transfer as he did not have all the required legal documents for the transfer to take place. Hardlife Shava, brother and neighbour to Ngoni, started farming operations on that land. Ngoni applied for an interdict prohibiting Hardlife from setting foot on the land. Hardlife has approached you for advice.

Advise him on his prospects of success.

[20 marks].

Question 6

Kanga Waya was, since 2012, employed by Phendusa Holdings (Pvt) Ltd as the General Manager. As part of his conditions of service, he received a Land Rover Discovery 4 to use while in the employ of Phendusa. Sometime in July 2018, Kanga appeared before Phendusa's internal disciplinary committee facing two counts of misconduct. He was found guilty and his employment contract was terminated. After his removal from office, he retained the motor vehicle against the consent of Phendusa, Phendusa has approached you for legal advice

Advise Phendusa on the legal action that can be instituted to recover the car.

[20

marks]

'end'

0/50 Am