



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAW
FIRST SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)**

LLBK 216: CIVIL PROCEDURE I

STREAM: LLBK 2 S1

TIME: 2 HOURS

DAY: FRIDAY, 12:00 – 2:00 P.M.

DATE: 27/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

- Luzu instructs you to lodge a claim for damage to a mast in transit for installation on his land. Advise Luzu on the proper forum to lodge a claim, considering that Luzu has a sub contract with an installer of the mast who is already on site.

(10 Marks)
- You have developed pleadings for Luzu and realise that there is something you omitted and something else you ought to change. Using appropriate illustrations and citing the provisions of the law, distinguish between making the changes before the service of a reply to defence, and making the changes after the service of the reply to defence.

(20 Marks)

QUESTION TWO

- At a social event you meet ta distant relative Razu who informs you of a suit against her. You are aware of her thin financial means and offer to give her advise at no cost. Her query is whether she can be allowed to defend herself

in court without paying any fees. Advise her on the procedure and the situations where her request can be denied.

(12 Marks)

- b. Razu informs you that the suit involves a right to a trust fund where she and the plaintiff have an interest. The fund is held by a second defendant who has in its pleadings stated that it leaves the issue of the rights of the plaintiff and Razu to the court. Give a legal view of what Razu needs to do to establish her right in the trust fund.

(8 Marks)

QUESTION THREE

- a. The family of your high school mate Bubah seek your legal opinion. Prior to Bubah's death there existed a case where Bubah had been sued for defamation and trespass to land which is now subject to a succession cause. The family are anxious how to proceed with the civil litigation.

(10 Marks)

- b.
- Security for Costs
 - The Closure of Pleadings
 - Departure

(10 Marks)

QUESTION FOUR

- a. Sadomi seeks your opinion in a case where a claim for money was made against him and was allowed. He wants to reverse that judgment and respond to the claim.

(9 Marks)

- b. Tabiya LLC, a thriving logistics firm seeks your opinion on *Mareva* injunctions and specifically ask that you advise on the necessary undertakings conditional to the issuing of such an injunction.

(11 Marks)

QUESTION FIVE

- a. Render a legal opinion to Farta LLP on specific performance and lay emphasis on instances where an order for specific performance will be denied.

(10 Marks)

- b. Write explanatory notes on:-
- The courts discretion regarding costs
 - Compromise of a suit

(10 Marks)