



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Syariah & Law
Semester II, 2021/2022 Academic Session

Final Examination Question Paper

Course Code : LB5302

Course Name : Civil Procedure II

Course Level : Bachelor's Degree

Time : 3 Hours

References Allowed:

Rules of The Supreme Court Chapter 5

Notes:

1. Answer **All** Questions In Part I And Any Two (2) Questions In Part II.
2. All Answers, Wherever Relevant, Must Be Supported By Statutory Provisions And Case Law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PART I

QUESTION 1 (15 marks)

Affidavit is defined as a written Statement of Facts voluntarily made by an affiant under Oath or affirmation by a person authorised to do so by law pursuant to Order 41 Rules of the Supreme Court. Based on the above statement, examine the following:

- i. Contents of Affidavit (7 marks)
- ii. Form of Affidavit (3 marks)
- iii. Jurat and its importance in an Affidavit (5 marks)

QUESTION 2 (15 marks)

Ahmad has successfully sued Ali for breach of contract for the non-completion of renovation of his house and the Court have allowed his claim in the sum of \$100,000.00 and costs of \$3000.00. Ali has failed to pay Ahmad. Ahmad has approached you for advice for the enforcement of the judgment. Advise Ahmad in respect of any **two (2)** of the following methods of enforcement of judgment by reference to the statutory provisions and decided cases:

- i. Writ of Seizure and Sale (7 ½ marks)
- ii. Judgment Debtors Summons (7 ½ marks)
- iii. Garnishee Proceeding (7 ½ marks)

PART II

QUESTION 3 (15 marks)

Phillip has appointed you to take legal action against Thomas for personal injury claim in respect of a road accident. Prior to the trial, there are a number of documentations to be secured from either party by way of Discovery and Interrogatories. Advise Phillip on the following by reference of statutory provisions and decided cases:

- i. The importance and significance of Discovery (10 marks)
- ii. The importance of Interrogatories (5 marks)

QUESTION 4 (15 marks)

In a court trial, for the Court to come to a decision, parties in the proceeding are required to present their evidence pursuant to Order 33 Rule 1 of the Rules of Supreme Court. As Solicitor for either party, discuss any **five (5)** of the following principles in a trial:

- a. Order of Speeches (3 marks)
- b. Examination-in-chief (3 marks)
- c. Cross-examination (3 marks)
- d. Re-examination (3 marks)
- e. Submission (3 marks)
- f. Adjournment (3 marks)
- g. Delivery of Judgment (3 marks)

QUESTION 5 (15 marks)

Injunction is a Judgment or Order to do or refrain from doing a particular thing. Discuss the significance of any **three (3)** of the following Injunctions with reference to decided cases:

- i. Mareva Injunction (5 marks)
- ii. Anton Pillar Injunction (5 marks)
- iii. Interim/Interlocutory Injunction (5 marks)
- iv. Mandatory Injunction (5 marks)
- v. Prohibitory Injunction (5 marks)

QUESTION 6 (15 marks)

A successful party in a legal suit will be awarded Costs as provided under Order 59 of the Rules of Supreme Court which include fees, charges disbursements expenses and remuneration. Based on the above statement, discuss any **three (3)** of the following types of Costs normally awarded by the Court:

- i. Costs follow the event (5 marks)
- ii. Solicitor and Client costs (5 marks)
- iii. Party to Party costs (5 marks)
- iv. Indemnity costs (5 marks)
- v. Bullock Order costs (5 marks)
- vi. Sanderson Order costs (5 marks)

بالتوفيق والنجاح