



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

**A. M. E. C. E. A**

P.O. Box 62157  
00200 Nairobi - KENYA  
Telephone: 891601-6  
Fax: 254-20-891084  
E-mail: academics@cuea.edu

**MAIN EXAMINATION**

**JANUARY – APRIL 2014 TRIMESTER**

**FACULTY OF LAW**

**REGULAR PROGRAMME**

**CLS 203: CIVIL PROCEDURE I**

**Date: APRIL 2014**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

Q1. Sejjusa entered into an agreement for the sale of his piece of land to Makwanyane at a price of Ksh. 2,000,000/=. The piece of land known as L. R. No. 66/222 Kajjado and comprise 2 acres. Makwanyane paid Ksh. 200,000/= as 10% deposit to Sejjusa on signing the agreement on 14<sup>th</sup> May 2011. The balance was to be paid by 25<sup>th</sup> October 2011 against transfer of the property to Makwanyane. On 6<sup>th</sup> July 2011 Sejjusa wrote to Makwanyane stating that he no longer wished to sell the property to him since he had found a buyer for Ksh. 3,000,000/= who had already signed an agreement with. Makwanyane consults you as his Advocate and instructs you that he must get the property.

## **Required**

Draw pleading and list the accompanying documents. **(30 marks)**

Q2. With reference to relevant rules and authorities, explain what you understand by the “oxygen” or “Double O” principle and in doing so state how the civil procedure rules 2010 have enhanced the achievement of the objectives of the principle. **(20 marks)**

- Q3. With the aid of case law and other relevant authorities discuss the rules relating of summons and other court papers. **(20 marks)**
- Q4. Citing relevant rules and case law, discuss the rules of pleadings as well as the various modes of instituting civil proceedings. **(20 marks)**
- Q5. Discuss the fundamental differences between the doctrines of subjudice and Res judicata. Illustrate your answers using relevant examples and case law. **(20 marks)**

**\*END\***