

FACULTY OF LAW
END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB

YEAR/SEM: YEAR 4/SEMESTER 2

COURSE CODE: LLB 4205

NAME: CIVIL PROCEDURE II

DATE: 2025-04-24

TIME: 9:00AM-12:00PM

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully
2. The time allowed for this examination is STRICTLY three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

DO NOT WRITE ANYTHING ON THE QUESTION PAPER

Section A Section A is compulsory

Question 1:

Otim Walker lodged a Civil Suit No. 26 against Oluka Webber in 2019 for money had and received contending that he had lent the latter a sum of UGX 80,000,000 for business which Oluka had failed to pay back within 10 months as their agreement provided. The judgment was released on the 26th of March via ECCMIS and in the judgment, the Learned Trial Judge, His Lordship Kapere Mugumisa was not convinced by Otim Walker's claims and held in favour of Oluka Webber.

- a. As a Legal Assistant at Muoya & Co. Advocates, write a legal opinion advising the Senior Partner at the firm, Mr. Mwera Lwasa on the next steps in order for Otim Walker, the firm's client to get justice. **(15 marks)**
- b. Pursuant to your advice above in (a) assume that you intend to file the Notice of Appeal today, the 24th of April, 2025, what would be the relevant procedure, document and forum of filing the Notice of Appeal? **(10 marks)**

Section B Section B is compulsory

Question 1:

Write short notes on the following:

An Appeal is a creature of statute **(25 marks)**

Reference **(25 marks)**

Question 2:

Write short notes on the following:

- a. Security for due performance **(25 marks)**
- b. Public Interest Litigation **(25 marks)**

Section C Choose any two from the four questions

Question 1:

"The inconsistencies in affidavits cannot be ignored however minor, since a sworn affidavit is not a document to be treated lightly. If it contains obvious falsehoods, then it all naturally becomes suspect. The application supported by a false affidavit is bound to fail because the applicant in such a case does not come to court with clean hands." Sirasi Bitaitana & 4 others v Emmanuel Kananura [1977] HCB 43

In light of the above authority, citing the relevant law and legal authorities, discuss the legal principles regarding Affidavits. **(25 marks)**

Question 2:

Citing the relevant provisions of the law and decided cases, discuss the various principles underlying Judicial Review. **(25 Marks)**

Question 3:

Even after the seminal decision in *Ismail Serugo Vs KCCA and AG Constitutional Petition No. 14 of 2007*, there still seems to be a conflation of when a party can seek for relief under Article 137 (1) and Article 50 of the 1995 Constitution of the Republic of Uganda.

In a well-written and comprehensive essay citing legal authorities, critically discuss when a party can seek relief under Article 137 (1) and Article 50 of the 1995 Constitution of the Republic of Uganda including recent trends and developments. **(25 marks)**

Question 4:

Review and Revision are two concepts under Civil Procedure that are often mixed up. Discuss the two concepts citing the relevant law and authorities. **(25 marks)**