INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - DECEMBER 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 4/SEMESTER 1
COURSE CODE: LLB 4105
NAME: CIVIL PROCEDURE I

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

The question is compulsory

Question 1:

After his presentation at the New Law Year, the Principal Judge received several complaints from members of the public on issues relating to legal matters for which they seek advice. As his newly appointed Research Assistant, prepare a legal opinion addressing the civil procedural aspects for the following:

Kato Moses filed a case against Mutyaba in the Magistrate Grade I Court of Mengo demanding a sum of UGX 40,000,000/=. He was served with the court documents two days ago. Mutyaba also claims that he has not yet paid Kato Moses because Kato owes him UGX 30,000,000/=. He is confused about the procedural steps he can take to protect himself.

Bugembe and Sons Co. Ltd is a company that deals in soft loans. On 12/12/2024, the company was approached by Together Group, which is an Association at its offices in Kabalagala for a loan of UGX 20,000,000/= payable within three months, to be used by the 30 members for poultry projects. The association only paid UGX 5,000,000/= and the balance remains unpaid. Mr. Bugembe, the Managing Director, wants to institute civil proceedings but does not want to use his personal name in the case and does not know who exactly to sue.

On the other hand, Mr. Bugembe met his best friend Alicia at KM Restaurant. Alicia deals in supplying two-day-old chicks to poultry farmers. During their conversation, they each coincidentally mentioned their woes with Together Group Association. Alicia claims that in March 2025, members of the association, represented by their top five executives, met her at her home in Kololo and took 1,000 poultry birds on credit but have since refused to pay.

Mr. Bugembe and Alicia believe that since they have a common enemy with related facts, they could save a lot of money by joining

forces and suing Together Group in one case. As a result, they filed a suit against Together Group in Makindye Court. They seek advice on the procedural viability of their suit.

(25 marks)

Question 2:

You have been hired as a legal assistant at Justice NGO to offer free legal advice to clients through a toll free line. Prepare a legal opinion addressing the civil procedural aspects for following issues expressed by the clients:-

Isaac filed a case against Edwin in the Magistrate Grade I Court of Nakawa demanding a sum of UGX 35,000,000/=. He was served with the court documents two days ago. Edwin also claims that he has not yet paid Isaac because Isaac owes him UGX 30,000,000/=. He is confused about the procedural steps he can take to protect himself.

Bulya & Sons Ltd is a company that deals in soft loans. On 12/12/2024, the company was approached by Women Farmers Group, an Association at its offices in Kansanga for a loan of UGX 15,000,000/= payable within three months, to be used by the 15 members for poultry projects. The association only paid UGX 5,000,000/= and the balance remains unpaid. Mr. Bulya, the Managing Director, wants to institute civil proceedings but does not want to use his personal name in the case and does not know who exactly to sue.

On the other hand, Mr. Bulya met his best friend Annet at a Restaurant. Annet deals in supplying two-day-old chicks to poultry farmers. During their conversation, they each coincidentally mentioned their woes with Together Group Association. Annet claims that in March 2025, members of the association, represented by their top five executives, met her at her home in Kololo and took 1,000 poultry birds on credit but have since refused to pay.

Mr. Bulya and Annet believe that since they have a common enemy with related facts, they could save a lot of money by joining forces and suing Women Farmer’s Group in one suit. As a result, they filed a

suit against Women Farmer’s Group Makindye Court. They seek advice on the procedural viability of their suit. **(25 marks)**

SECTION B

Answer any one of the two

Question 1:

Write short notes on the following:

a) Time of service (5 MARKS)

b) Arbitration as a mode of ADR **(5 MARKS)**

c) Principles governing service of summons **(5 MARKS)**

d) Auto garage V Motokov [1971] EA 314 **(5 MARKS)**

e) Specially endorsed plaint **(5 MARKS)**

Question 2:

Write short notes on the following:

a) Court annexed Mediation **(5 MARKS)**

b) Security of costs **(5 MARKS)**

c) Notice of Motion **(5 MARKS)**

d) Norah Owaraga & Anor v Robert Irigei & 2Ors HCCS No. 329/2020 **(5 MARKS)**

e) Rules relating to service of corporations **(5 MARKS)**

Question 3:

Write short notes on the following:

a) Principle rules relating to pleadings **(5 MARKS)**

b) Instituting suits against government **(5 MARKS)**

c) Conciliation as an ADR mechanism **(5 MARKS)**

d) Substituted service **(5 MARKS)**

e) Unconditional leave to file a defence **(5 MARKS)**

Question 4:

Write short notes on the following:

a) Representative suit **(5 MARKS)**

b) Originating summons (5 MARKS)

c) Requirements of witness statements **(5 MARKS)**

d) Role of an Affidavit of service (5 MARKS)

e) Scheduling conference (5 MARKS)

SECTION C

Answer any two of the four

Question 1:

With reference to the relevant legal authorities, discuss the legal rules relating to affidavits. (25 marks)

Question 2:

In 2022, Okello lent Balam Ushs. 30,000,000/- payable within 6 months. Balam clearly admitted the debt and is not willing to pay. Okello wants institute a suit against him and has approached you in your chambers for the most appropriate legal procedure to take. With reference to relevant legal authorities explain to Okello the rules and process in Summary suits. (25 marks)

Question 3:

Discuss the nature and functions of different pleadings used in civil proceedings. (25 marks)

Question 4:

In civil proceedings, capacity is distinguishable from mere physical existence. Therefore, a suit can only be commenced in the names of or against a person/entity which is clothed with legal existence. Per **Meera Investment Ltd v Comm General URA SCCA No. 14/2012. In light of the foregoing decision, critically examine the procedure and practice that governs capacity to sue or be sued. (25 marks)**

Question 5:

With reference to the relevant legal authorities, discuss difference between consolidation of suits and test suits clearly laying out the legal rules that govern them. (25 marks)