



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
AUGUST 2024
RLB 204: CIVIL PROCEDURE I
INSTRUCTOR: MR WASHINGTON ODONGO OMBIS
INSTRUCTIONS

1. This is the final examination in Civil Procedure I. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FIVE** questions. Please answer **QUESTION ONE TWO AND THREE ARE COMPULSORY, ANSWER TOTAL OF 4 QUESTIONS.**
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in you answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You re also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

QUESTIONS

Question One (30 Marks)

On the 10th day of January 2024, one Akatsa entered into a contract with Sang. The contract was for the delivery of goods, wherein Akatsa was to deliver goods after 14 days of executing the contract, the total value of goods to be delivered was Kshs. 21,000,000/=. Immediately after delivery, Sang was to make payment within 7 days after goods are delivered.

The contract was executed on the 10th January 2024. The said contract was witnessed by the following:

- Claire Kerauma.
- Nancy Musyoki.
- Hafsa.

Thereafter, Akatsa delivered goods after 7 days to Sang's warehouse. Thereafter Sang acknowledged delivery of the said goods, by expressly stating that they are in good condition. Surprisingly, Sang failed to honour his part of the bargain and goes missing and 7 days expires. Akatsa decides to visit the firm of Bare & Co Advocates located along Loita Street for the way forward in order for her to get paid. Her advocates decide to send demand letter, this does not help afterwards they decide to go to court.

Assuming you are the advocate on record for Akatsa, draft all the relevant pleadings.

Question Two (15 Marks)

On the 5th day of July 2024, one Farah Mohamed was appointed as chair of the civil procedure rules committee. Of the first conferences which he attended was the conference on "***Reflections on the civil procedure amendment rules 2020.***" Assuming you are Farah, prepare well - reasoned opinion on the implication of the amendment rules.

Question Three (15 Marks)

On the 15th day of July 2024, one Jade discovered that there were contractors who started to encroach on her parcel of land Nairobi Block LR No 111/24, located in Landi Mawe. The contractors then issued her with notice to vacate. Upon this happening, Jade decides to seek legal redress from the firm of Wanyokie & Co Advocates, Yaya Center, 5th Floor Room 511 to aid her and prevent the contractors from Nairobi City County continuing with demolitions. Prepare the relevant pleadings, which will aid Jade in her plight.

Question Four (10 Marks)

“[D]espite embracing technological changes in civil procedure practice in Kenya, some challenges are still evident.” – Anonymous.

To what extent do you agree with this statement, further considering this statement, discuss some challenges experienced by having the virtual court system in Kenya and potentially how the same can be remedied.

Question Five (10 Marks)

On the 15th day of July 2024, one Amanda an advocate of the High Court, visited the offices of Bawazir & Co Advocates located in City Hall to serve mention notice in *HCCC E 021 of 2024 Darshni v Salat Distributors Ltd.*

- a) Assuming you are Amanda, prepare the relevant document which will prove such an activity took place. **(5 marks)**
- b) What are the consequences of failing to file the document you have drafted in (a) above. **(5 marks)**