

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

LL.B FINAL EXAMINATIONS

L381- LAW OF PROPERTY

MAY 2018

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS:

1. Answer **FOUR (4)** questions in all with at least **ONE** question from each section.
2. All questions carry equal marks.
3. Answer each question on a fresh page.

SECTION A

QUESTION 1

It is a fundamental principle that no man is allowed to take the law into his own hands; no one is permitted to dispossess another forcibly or wrongfully and against his consent of the possession of property, whether movable or immovable. If he does so, the court will summarily restore the *status quo ante*, and will do that as a preliminary to any inquiry or investigation into the merits of the dispute.

Nino Bonino v De Lange 1906 TS 120 at 122

Discuss the legal issues that arise from the above quotation.

[25 MARKS]

QUESTION 2

Comment on the view that the right of ownership is a compound of all real rights in a thing and is consequently unfettered.

[25 MARKS]

QUESTION 3

Critically analyse the view that the classification of things is the core principle for dealing with property under Common Law in Lesotho.

[25 MARKS]

QUESTION 4

Write short notes on any **FIVE** of the following:

- a) *Pactum antichresi*
- b) *Lien*
- c) *Rei vindicatio*
- d) Pledge
- e) Prescription
- f) *Interdict*

5 Marks

5 Marks

5 Marks

5 Marks

5 Marks

5 Marks

[25 MARKS]

SECTION B

QUESTION 5

Moshanyana, a resident of Selomong lived in a chattel house made of wood and iron. In January 2018 Monna-moholo (Moshanyanas' father) demolished the house belonging to Moshanyana. Out of the said material and new material he had bought from Thepa Hardware Pty Ltd he erected a new and bigger structure. Monna-moholo defaulted in the payment of installments due to Thepa Hardware. The value of the material bought from Thepa Hardware far exceeded the old material and when Monna-moholo failed to pay for the material supplied to him, Thepa Hardware then obtained judgment against Monna-moholo and attached the building in execution. Moshanyana has come to you for legal advice.

Advise him using relevant case law to support your view.

[25MARKS]

QUESTION 6

A obtained land at Ha Mabote in 1988 for which he was issued a Form C by Chief Hlathe. A works and lives in Rustenburg, South Africa as a result, he is not in occupation of the land. He was only able to obtain a lease in respect of the land in 2013. In 2016, A learnt that one B was occupying his land and has made improvements on it. B has built a nine-roomed house and septic tank on the land, and fenced it with a brick wall. When A approached B to inquire on B's occupation of the land, B informed A that she bought and occupied the land in 1998. She showed him a Form C to the land which was issued to her by Chief Hlathe. A, the lease-holder, intends to claim the land from B and eject her from the site.

Advise B on the prospects of his success in the action.

[25 MARKS]