



**THE NATIONALA UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B FINAL EXAMINATIONS**

**L485 PRACTICAL LEGAL TRAINING**

**MAY 2018**

**MARKS:100**

**TIME:3HOURS**

**INSTRUCTIONS:**

1. Answer any **FOUR (4)** questions.
2. All questions carry equal marks.

## QUESTION1

In LEHANA AND OTHERS V LAW SOCIETY OF LESOTHO Monaphathi J.

The meaning of sec. 6 (1) (c) (iii) of the legal Practitioners Act 1983 (sic) is clear and not dubious. So that if the words of the statute are in themselves precise and unambiguous, then no more can be necessary than to expound those in that natural and ordinary sense.

Discuss how the courts in Lesotho have interpreted this section.

[25 MARKS]

## QUESTION2

In the case of Kaplan v Incorporated Law Society, Transvaal 1981 (2) SA 762 (T) it was said;

The Court has the discretion to decide whether or not an Applicant is a fit and proper person to be admitted / readmitted as an attorney, but the Court only exercises its discretion in favour of re-reinstatement if they are satisfied that the evidence of reformation was overwhelming and that they will not make a mistake if they re-instate the applicant.

Discuss how the courts have dealt with the concept of “fit and proper person” for;

(a) Admission

5MARKS

(b) Striking- off, and

10 MARKS

(c) Re-admission of legal practitioners.

**10 MARKS**

**[25 MARKS]**

### **QUESTION 3**

Discuss the legal practitioner's duty to avoid conflict of interest and other ethical duties he has towards his client.

**[25 MARKS]**

### **QUESTION 4**

Lisebo is married to Mollo Sbabole. Her maiden name is Thebe. She is Mollo's second wife. Mollo's first wife is Malitaba. Malitaba and Mollo got married by customary rites. Whilst she had 'ngalaed' for 4 years Mollo married Lisebo by civil rites. They have 2 minor children, a boy and a girl.

Mollo also has 2 minor children with Malitaba. Two boys to be exact. After learning of the marriage Malitaba wants to divorce Mollo. She has obtained leave of court to sue in terms of civil rites.

Before she left the matrimonial home, the couple had various assets such as 5 taxis, a 10 roomed house, and 2 cars for private use.

Assuming summons has already been drafted, you are to

(a) Draft a declaration on her behalf emanating from the above set of facts.

**20 MARKS**



(b) Mollo has received the combined summons and has instructed his legal practitioners to enter a document that indicates that he is defending the matter.

Draft an Appearance to Defend on behalf of Mollo.

**5 MARKS**

**[25 MARKS]**

### **QUESTION 5**

Sebele was awarded a site at Ha-Thetsane in Mazenze. The laws of Mazenze are similar to those of Lesotho. Sebele has followed all the legal prerequisites to obtain a lease from the proper allocating authorities. Is unable to access the house he has built because Khathatso, his neighbour, has built a wall on Sebele's site. Sebele requests Khathatso to demolish the wall promising to compensate him. The neighbour refuses to do so. Sebele has sought the intervention of the Local Land Allocating Authority (LLAA). On proper inspection of the map, the authorities discover that in actual fact, Khathatso has encroached on the land belonging to Sebele.

Sebele wants to know the remedies available to him to have Khathatso remove the wall. He has come to you for legal advice.

(a) Draft consultation noted you you have writtin during the consultation session.

**10 MARKS**

(b) Draft a legal opinion for Sebele.

**15 MARKS**

**[25 MARKS]**

### **QUESTION 6**

Marata Helele bought a car from Hake Litaba. The price of the car was M100,000.00. It is a BMW. The terms of the agreement are that Marata will first pay a deposit of 50% of the value of the car. Thereafter he will pay 5 equal amounts until the debt is extinguished.

After paying the 50% Marata disappeared. He did not paid Hake in terms of the agreement.

Hake successfully serves a Summons on Marata. Through his legal representative, Marata enters an Appearance to Defend.

After consulting you and learning about what a summary judgement is, Hake instructs you to proceed to file an application for Summary judgement on his behalf.

Draft Summary Judgment papers from the above set of facts adding relevant facts which may assist in the drafting.

**[25 MARKS]**