

NATIONAL UNIVERSITY OF LESOTHO
FACULTY OF LAW
LL.B SUPPLEMENTARY EXAMINATIONS
L3301 - LAW OF PROPERTY

AUGUST 2023

MARKS 100

TIME: 3 HOURS

INSTRUCTIONS:

1. There are six questions. Answer any **FOUR (4)** questions.
 2. Each question carries 25 marks.
 3. Use of relevant cases will be rewarded.
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QUESTION 1

With the aid of cases, distinguish between possession and ownership.

[25 MARKS]

QUESTION 2

Linko bought a house from Lefa and the house was transferred into Linko's names in a lease document. Two years later, Likhang shows up at Linko's premises claiming that the house is owned by himself (Likhang). He states that Lefa, who is his younger brother, did not have a right to sell the house to Linko as he had no ownership over it. Likhang threatens to go to the Chief to demand that Linko vacate the house. Linko is confused and worried that he is going to lose his house. He wants to apply for an interdict against Likhang to protect his ownership.

Discuss whether Linko's problem meets the requirements of an interdict. Will his application succeed?

[25 MARKS]

QUESTION 3

Briefly explain how each of the factors below terminates ownership:

- a) Termination of a relationship with the thing **5 Marks**
- b) *Accessio* **5 Marks**
- c) *Specification* **5 Marks**
- d) Death **5 Marks**
- e) Acquisitive prescription **5 Marks**

[25 MARKS]

QUESTION 4

Liako purchased 3 sheep from Molisana, who was selling the sheep at his animal farm in Roma. He slaughtered the sheep for a feast that he was hosting at his home. A week later, the police arrived at Liako's home with one Tom. Tom demanded the 3 sheep from Liako. He alleged that the sheep belonged to him, but were stolen by Molisana, who subsequently sold them to Liako. Liako was not aware that the sheep he purchased were stolen property. Tom, files for a vindication action against Liako, for the return of the sheep.

- a. With the aid of decided cases, discuss the requirements of a vindication action and its availability to Tom? **15 Marks**
- b. Does Liako have any defence against the vindication action? Discuss. **5 Marks**
- c. Would Tom succeed if he raised an enrichment action against Liako? Explain. **5 Marks**

[25 MARKS]

QUESTION 5

One evening, Botšo came home late from work. As he approached his house, he noticed a stranger leaving his house and running into the street with his big screen television (TV) and laptop bag. He realised that this was a thief. Botšo immediately stopped his car and chased the stranger into the bushes along the street. He managed to catch and overcome the thief and recovered the TV and laptop bag. The following morning, the thief sued Botšo for recovery of the property which Botšo seized from his possession.

Advise Botšo as to any defence he may have against the claim.

[25 MARKS]

QUESTION 6

Critically discuss the three criteria inquiry laid down in *Mac Donald Ltd v Radin & Potchefstroom Diaries and Industries* 1915 AD 454, which is applied to determine whether a movable thing has attached onto land so that it becomes an immovable thing by *inaedificatio*.

[25 MARKS]