

Question 1

Palesa and Thabang, residents of Mafeteng, recently got married. Their marriage was solemnised in Mafeteng by Mr Phatla, a District Administrator for the district of Leribe. The said marriage took place following publication of notification regarding their intention to marry one another was made for 4 consecutive Sundays on the premises of the Mafeteng District Administrator's office. Palesa's matron of honour was her aunt, 'Me Lintle. Thabang's best man was their photographer, ntate Linepe.

Palesa's ex-boyfriend is challenging the validity of the marriage on the ground that formalities for concluding a valid marriage were not followed.

Making reference to relevant authorities, advise Palesa's ex-boyfriend on whether the marriage is valid.

25 MARKS

Question 2

An ante nuptial contract was drawn and registered by Lebohang and Meme in March 2012. Clause 12 of the contract reads as follows:

"I will transfer my immovable property to my wife when she obtains an LL.M degree from NUL."

Meme passed LL.M with Distinction from NUL in October 2023, having specialized in Mining Law. Her husband refuses to transfer the property arguing that the specialization is irrelevant in Lesotho. He has stopped supporting his wife financially, including paying for dental services that she receives monthly.

Meme has learned that her husband is in an adulterous relationship with one Limpho Khoeli. Meme wants to divorce Lebohang but her friends have advised her that she will not be able to claim the transfer of the immovable property once the marriage has terminated.

Meme has come to you for legal advice. Advise her on the following:

- (a) The correctness of her friend's advice. **10 marks**
- (b) The legality of Lebohang's decision to stop maintaining his wife. **10 marks**
- (c) Her chances of success with the planned divorce. **5 marks**

[25 MARKS]

Question 3

Discuss instances when the High Court can allow juristic acts to be concluded by spouses married in community of property without the required spousal consent.

25 MARKS

Question 4

Discuss how *consortium* is protected and the remedy available against a third party who has committed adultery with a spouse.

25 MARKS

Question 5

Mr and Mrs Mohatla have been married for 16 years. Mr Mohatla has been having an affair with a 16-year-old girl called Seponono. He recently gave her an engagement ring and a gold watch as a sign of his commitment to their relationship. He further gave her M50,000.00 to make necessary payments towards their wedding. She used the money as follow; M5,000.00 as deposit for

her wedding dress, M15, 000.00 for bridal make-up and hairstyling, and lastly, M20, 000.00 for catering services. She kept the rest for herself.

Seponono denies the engagement and has started dating Boyzam, her ex-boyfriend. Upon learning about this relationship, Mr Mohatla terminated the engagement and claimed the M50, 000.00 and the engagement ring together with the gold watch, from Seponono. She refuses to pay him back and return the claimed items arguing that he terminated the engagement and is therefore not entitled to anything from her.

Advise Mr Mohatla on the legal correctness of Seponono's argument and whether he can succeed if he makes a claim in a court of law.

25 MARKS

Question 6

Write short notes on the following:

- (a) Judicial Separation. **15 marks**
- (b) Ante Nuptial Contracts of minors. **10 marks**

[25 MARKS]