

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>nd</sup> YEAR TERM III EXAMINATION



CIVIL PROCEDURE II

26 MARCH 2019

DURATION: 2 HOURS

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER



**Question One:**

- a) State the document that should accompany the plaint at the point of filing. (5 Marks)
- b) Explain the tracking of pleadings as provided for by the Civil Procedure Act Cap 21 Laws of Kenya. (8 Marks)
- c) Briefly explain the process of filing of a plaint from the time of preparation to the time of close of pleadings. (5marks)
- d) Discuss any 7 preliminary preparations that parties have to undertake before beginning the pre-trial directions. (7marks)

**Question Two:**

- a) Explain the purpose of the case conference as provided for by the Civil Procedure Act Cap 21. (10 Marks)
- b) Discuss any five orders that the Court may make at the end of the case conference. (5 marks)

**Question Three:**

Describe the contents of a Settlement Conference brief as provided for by the Civil Procedure Act of Kenya. (15 marks)

**Question Four:**

- a) Explain how a witness is summoned to Court as per the Civil Procedure Act 2010. (8 Marks)
- b) State what must be specified in a witness summons. (7marks)

**Question Five:**

Discuss the contents of an application for execution of a decree. (15 marks)

**Question Six:**

- a) Explain 5 circumstances under which parties would successfully request for a stay of execution of a decree. (5 marks)
- b) State the steps that an auctioneer would take after attachment to the time of a valid sale by public auction. (10 marks)

---

END