

Civil procedure law summary questions

1/ what is the purpose of civil procedure law:

2/ Is procedure law a means to the end or an end by itself?

3/what does first hearing mean? When first hearing starts?

4/Distinguish b/n ex-parte and default proceeding? art 70/a , art 233,199,76

5/ Discuss the d/ce b/n dismissal and strike oute /art 69,70,71,72, 73,74

➤ when a casse can be strike out? art 69/2 amd 70/d?

➤ when a case can be dismissed? art 73,69/2 apeal, 70/d appeal,

6/what is the d/ce b/n good cause and sufficient cause? art 73,

7/Discuss what does national jurisdiction, material jurisdiction, local jurisdiction, mean ?

case

A and B entered into car rent contract. The contracting parties live in Addis Abba and Somalia region respectively.that means the owners the car live in Addis Ababa and the person rented the car live in Somalia region.Mir.B rented the car to be used for construction project undertaking in Somalia region. Under the contract it is stated that in case there is disagreement the case can be seen by courts found in Addis Ababa.

Unfortunately disagreement arise and the plaintiff needs to bring his case before court of law. Don't forget the plaintiff live in Somalia while the permanent residence of the defendant is Addis Ababa.

1/which court has the local jurisdiction?

2which court has material jurisdiction?

8/Discuss the order of serving summon and who can give summon?

9/ How many steps do we have in a normal civil proceeding? In civil proceeding the procedures are limited but practically a case takes months or years what do think is the reason?

10/Discuss statement of claim and its contents

11/Discuss statement of defense and its contents

12/what does preliminary objection mean? Do we have additional preliminary objections other than those stated under article 244 of the procedure code?

13/what does issue mean? When issue can be framed?

14/ who can bring civil case before court of law? who can also be defendant? ART 33 of the code.

15/Discuss resjudicata, pendency, priority.

16/Compare and contrast civil and criminal litigation including the grounds for determination of material and local jurisdiction.

17/ Compare and contrast industrial and adversarial systems.

18/What does amendment of pleading mean? What are the grounds of amendment, when amendment is possible? Who can request amendment? For instance a person first institute suit for payment 500 000 Birr later on he needs to increase the

amount of his claim. Based on this reason the plaintiff needs to amend his pleading, What will be your decision if you were the judge handling the case?

19/Discuss the effect of non appearance of parties /in case the plaintiff failed to appear, the defendant failed to appear, both parties failed to appear and witnesses failed to appear?

20/ The grounds for rejecting statement of claim by the judge are stated under article 231 of the civil procedure code. Can the judge reject the statement of claim on technical insufficiency not recognized by the registrar?

21/Based on article 232/2 of the code appeal should brought 60 days after judgment,

- Does the 60 day include the judgment date?
- What if the parties couldn't get the copy at the right time?

22/A plaintiff in a civil suit may seek

- a. damages.
- b. injunction.
- c. specific performance.
- d. all of the above.

23. Pleadings include

- a. complaints.
- b. answers.
- c. discovery documents.
- d. only a and b.

24/distinguish b/n:-

A/specific denial and evasive denial/art 235 and art 83

B/new fact art 82 and departure art 90