



"Investing in Africa's Future"

SCHOOL OF LAW

NLLB303: LAW OF SUCCESSION AND ADMINISTRATION OF ESTATES

END OF FIRST SEMESTER EXAMINATIONS

NOVEMBER 2025

LECTURER: L. MANYIKA

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet**
- 2. Answer any 4 questions.**
- 3. Begin your answer for each question on a new page.**
- 4. Candidates may bring into the examination room clean copies of:**

Administration of Estates Act Chapter 6:01

Births and Deaths Registration Act Chapter 5:02

Customary Law and local Courts Act Chapter 7:05

Marriages Act Chapter 5:17

Deceased Estates Succession Act Chapter 6:02

Deceased Persons Family Maintenance Act Chapter 6:03

Estate Administrator's Act No.16/98 Chapter 27:20

Missing Persons Act Chapter 5:14

Wills Act Chapter 6:06

Zimbabwe Constitutional Amendment Number 20 of 2013

Question 1

With reference to relevant authority, distinguish between the old law and the new law of inheritance under the administration of estates. **[25 Marks]**

Question 2

In *per Chigwada vs Chigwada and 2 others SC 188/20*, the Court held that-

“The law of testamentary disposition, which is based on the universal principle of equality of men and women, gives a right to a person married out of community of property to dispose of his or her estate by will to whomsoever he or she chooses. Decisions of the High Court to the effect that a testator is, in the circumstances, bound to leave his or her property to the husband or wife and declaring testamentary disposition to the contrary to be void are inconsistent with the law. They should no longer be followed.”

With reference to case law and statute, discuss the above statement and discuss whether this statement is in line with Section 56 of the Constitution of Zimbabwe Amendment Number 20 (2013). **[25 Marks]**

Question 3

Mark is a 30-year old male adult residing in Chikanga, Mutare. He is a self-employed business person who owns three tuckshops and a mining claim in Penhalonga. He is married under the Marriage Act [*Chapter 5:11*] to Grace. They have two minor children namely Mandy, aged 10 and Mark Junior, aged 7. Grace is employed as a school teacher at Tsvingwe High School where she holds the post of Deputy Headmistress. Grace’s parents, Gloria and George Mabeza, reside in Shurugwi where they are farmers. They have never liked Mark because they believe that Grace married beneath her standard. They even refused to accept lobola (bride price) initially but only accepted after persuasion from George’s sister. Grace who had no history of illness suddenly collapses and dies whilst in the staff room at Tsvingwe High School. Gloria and George refuse to attend the funeral unless Mark pays US\$10 000. Mark’s brothers sign an acknowledgement of debt on his behalf. Shortly after the funeral, Mark is summoned to a meeting where he is advised that Mary who is Grace's elder sister will take care of Grace’s estate. According to Gloria and George, they are aware that there is a person who is called an executor who is supposed to be appointed by the Master of

the High Court. Mark approaches you as a lawyer seeking advice on the issue of executorship. Advise him. **[25 Marks]**

Question 4

A (the deceased) was married to three wives B, C and D under unregistered customary law unions whilst still resident in Zimbabwe. He owned a family home in Harare where B and her children live and two other houses in Norton for C and D. A also owned farmland in Zvimba rural district in Zimbabwe which he was using for farming activities and providing sustenance for the families he supported. He then migrated to the United Kingdom (UK) with D and solemnized their marriage in terms of the Marriage Act 1949 of the United Kingdom making the customary law union a monogamous civil marriage. In the UK, A and D purchased a house in London which was their matrimonial home. Further, A had accumulated savings in bank accounts which formed part of his estate. A died intestate.

a) With the aid of relevant case law, discuss the legal status of A and D's monogamous marriage. In your answer indicate whether B and C would be entitled to inherit A's deceased estate. **[13 Marks]**

b) Would your answer be different if A had married B first in a civil marriage and then later married C and D customarily? **[12 Marks]**

Question 5

Clara and Jonathan were married under the previous Marriage Act [*Chapter 5:11*]. The couple had four children together namely Tyson, Tardrain, Terrence and Thelma. In 2016, they decided to separate due to ongoing conflicts and personal differences. During their separation, Jonathan began living with Marcia, and the couple had one child, a daughter named Amaka. In 2021, Clara filed for divorce marking the beginning of a lengthy legal process. Clara and Jonathan had been living apart for over four years. Tragically, in June 2023, Jonathan died intestate due to a sudden illness. Clara is now claiming that she and her four children are sole beneficiaries of Jonathan's estate. She asserts that their marriage and the children born in the marriage gives them priority. Meanwhile, Marcia also claims Jonathan's estate citing their partnership and the fact that they lived together as a family during the last part of Jonathan's life. Advise Marcia on the validity of her claim. **[25Marks]**

END OF QUESTION PAPER

