



Investing in Africa's Future

COLLEGE OF BUSINESS AND MANAGEMENT SCIENCES

MMS203 COMMERCIAL LAW

END OF SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: C. MUNGUMA

DURATION: 3 HRS

INSTRUCTIONS

Answer **QUESTION 1** from **Section A** and any **THREE** questions from **Section B**

Marks allocated to each question are indicated in brackets at the end of the question.

Start each question on a new page.

SECTION A

QUESTION 1

The claimant, Curtis, took her wedding dress to be cleaned by a professional laundry service, the defendants, the Chemical Cleaning and Dyeing Company. The defendants asked the claimant to sign a form, and she asked the service assistant what the consequences of signing the form would be. The assistant replied that the form merely included an exclusion of liability clause for any damage they may cause to **any beading and sequins on garments**. However, in reality the exclusion of liability clause pertained to **all possible damage** that may befall a garment whilst being cleaned. When the claimant returned to pick up her dress, it had been damaged by the defendants. The dress had been burnt at the back during ironing. Curtis brought a claim for damages against the company for negligence. In response, the defendants submitted that she had no grounds for a claim due to the exclusion of liability clause that she signed.

- a) Explain what an exclusion of liability clause is. [7 Marks]
- b) Identify places or categories of business people that resort to exemption clauses. Why do they use such terms? [7 Marks]
- c) Advise Curtis if she can make a claim for damages from the company. [11Marks]

SECTION B

QUESTION 2

- a) With the aid of examples provide the essential elements of a valid contract in Zimbabwean law? [20 Marks]
- b) Explain the civil role of the Magistrate Court in Zimbabwe. [5 Marks]

QUESTION 3

- a) Differentiate a void and a voidable contract. [5 Marks]
- b) Discuss the state president as a source of law in Zimbabwe. [5 Marks]
- c) Explain capacity as an essential element of a valid agreement. [15 Marks]

QUESTION 4

Identify and explain the factors that can vitiate a legal agreement in Zimbabwe.

[25 Marks]

QUESTION 5

Distinguish between the following:

- a) Civil and criminal law [5 Marks]
- b) Private and public law [5 Marks]
- c) Explain any two remedies that are available to a party who enters into a voidable sale agreement. [15 Marks]

QUESTION 6

- 1. What is a contract in restraint of trade and how does it bind the parties to it? [10 Marks]
- 2. What are the main duties of a leasee in a lease agreement? [15 Marks]

End of Examination