

QUESTION 1

Chris and Liam are involved in a heated argument. Chris suddenly exclaims: "I'll kill you!" and lunges at Liam with a pocketknife. Liam jumps aside, but suffers a cut on his forearm. Liam does not go to the doctor and the next day at work his employer advises him to have the wound treated by a doctor. Liam ignores the advice and later that day he goes swimming in the river. The wound becomes infected and, when Liam arrives at work the next morning, his employer takes him to a doctor. The doctor supplies Liam with antibiotic pills. Liam does not take the antibiotics regularly and the infection worsens, to the extent that Liam becomes feverish. He consults a specialist who rightly decides that Liam's arm needs to be amputated in order to save his life. Liam is now unable to do his work and is dismissed. He now wishes to institute a claim against Chris for loss of amenities of life, medical expenses and loss of income. Advise Liam on the prospects of proving that Liam was the factual and legal cause of such a claim. **[25]**

QUESTION 2

Tendai is on his way to see his girlfriend. However, due to a meeting that went over time, he is running late. He reaches for his cellphone to let her know what is keeping him and in the process does not see that he failed to stop at a stop street. In doing so, he collided with another vehicle in the crossing. Explain and give reasons as to whether Tendai's conduct amounts to a negligent positive act or an omission. **[10]**

QUESTION 3

Colin draws a pistol and points it at Tim with the apparent intention to kill Tim. However, Tim also draws a pistol and shoots Colin in the shoulder. Afterwards, as Colin is being treated for the bullet wound, he explains that he only intended to frighten Tim and that he only pointed a water pistol at Tim. Explain whether Tim will succeed with an argument that he acted in self-defense and a delictual claim for damages? **[15]**

TOTAL MARKS:	[50]
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