“ANNEXURE 11”

**IN THE HIGH COURT OF NAMIBIA**

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| **Case Title:**  Hans Christian Diebold vs SP Namib Constructions CC and 1 Other. | | **Case No:**  HC-MD-CIV-ACT-CON-2018/02365 |
| **Division of Court:**  High Court  Main Division |
| **Heard before:**  Honourable Justice Herman Oosthuizen | | **Date of hearing:**  8 April 2019 |
| **Delivered on:**  17 April 2019 |
| **Neutral citation:** *Diebold vs SP Namib Constructions Close Corporation* (HC-MD-CIV-ACT-CON-2018/02365) [2019] NAHCMD 114 (17 April 2019). | | |
| **Result on merits:**  Condonation application dismissed with costs and the Plaintiff's particulars of claim struck. | | |
| **The order:**  Having heard **Nambili Mhata,** counsel for the first and second defendants, and having read the documents filed of record:  **IT IS ORDERED THAT:**  1. The matter is postponed to **20 May 2019** at **14H00** for status hearing.  2. Plaintiff's condonation application is dismissed with costs.  3. Plaintiff's particulars of claim is struck. | | |
| **Reasons for orders:** | | |
| 1. Plaintiff failed to prosecute its claim diligently.  2. Plaintiff failed to adhere to Rule 19(a), (d), (e) and (i).  3. Plaintiff filed two notices of motion with a founding affidavit on **22 March 2019**, two days late, without explanation or a request for condonation and in both pages 3 of 5 were not filed.  4. Plaintiff failed to make out its case in the founding affidavit and failed to make out good cause. | | |
| **Judge’s signature:** | **Note to the parties:** | |
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| **Counsel:** | | |
| **Plaintiff(s)** | **Defendant (s)** | |
| Ms Da Silva  Conradie & Damaseb Legal Practitioners  19 Feld Street  Windhoek | Mr Mhata  Sisa Namandje & Co. Inc  No 13 Pasteur Street  Windhoek West  Windhoek | |