

HEARD ON: 1997/02/04

DELIVERED ON:

JUDGMENT

Application by way of Notice of Motion for a Rule nisi to restrain a sale in execution and to set aside the proceedings for such sale.

Original opposition withdrawn, rule ni si granted in terms of Notice of Motion and tender of costs by certain respondents

IN THE HIGH COURT OF NAMIBIA

In the matter between

GERSON HOVEKA

APPLICANT

versus

STANDARD BANK LTD

FIRST RESPONDENT

R6SSING URANIUM LTD

SECOND RESPONDENT

THE DEPUTY SHERIFF FOR

THE

THIRD RESPONDENT

DISTRICT OF WINDHOEK

FOURTH RESPONDENT

THE DEPARTMENT OF DEEDS

:ORAMI LEVY

Heard on: 1957 .
C2 . 04

JUDGMENT

LEVY, A.J. : On app_itar.t came
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represent:

By agreement the parties settled the time schedule applicable to the times for filing an opposition and replying affidavits and the matter stood down to be heard

This morning the Court has advised that first

respondents had withdrawn its opposition and in fact a document has been filed in terms whereof it is recorded that first, second and third respondents have withdrawn their opposition to the applicant's application and that they tender costs to date on a party and party basis.

Applicant persists in its application and asks for a judgment in terms of its notice of motion. In view of the fact that respondents were served and were represented in this Court and had withdrawn their opposition, this Court now orders that a rule nisi do issue returnable on 7th March, 1957 in terms of paragraphs 2.1, 2.2, 2.2, 2.4, 2.5 and 2.5 of the notice of motion. Furthermore it is ordered that in terms of paragraph 2 of the notice of motion that the order shall operate as an interim interdict res the transfer of the said property as set out in the notice of motion.

At this stage it is advisable to record again that the costs to date have been tendered by first, second and third respondents. This is irrespective of the fact that at the hearing hereof the costs will have to be considered i.e. the costs as from today's date.

The order operates as an interim interdict as applied for in terms of the notice of motion.

LEVY

LACTING

ON BEHALF OF THE APPLICANT:

ADV

R

T6TEMEYER

ON BEHALF OF THE FIRST &

SECOND RESPONDENTS:

ADV

J

SWANEPOEL