

**IN THE HIGH COURT OF NAMIBIA**

**WINDHOEK, WEDNESDAY, THE 5<sup>TH</sup> DAY OF OCTOBER 2010**

**BEFORE THE HONOURABLE MS JUSTICE VAN NIEKERK**

In the matter between:

**THEO NGAUJAKE**

**APPLICANT**

and

**NATIONAL UNITY DEMOCRATIC ORGANISATION  
OF NAMIBIA (NUDO)**

**FIRST RESPONDENT**

**CHIEF KUAIMA RIRUAKO**

**SECOND RESPONDENT**

**ASSER MBAI**

**THIRD RESPONDENT**

**STEVE ZAKAAPI**

**FOURTH RESPONDENT**

**ERWIN UANGUTA**

**FIFTH RESPONDENT**

**THE CHAIR OF THE ELECTORAL COMMISSION**

**SIXTH RESPONDENT**

Having on **29 September 2010** heard **Mr Coleman**, Counsel for the **Applicant** and **Mr Hinda**, Counsel for the **Respondents** and having read the notice of motion and other documents filed of record,

The Court reserved judgment:

Thereafter on this day the Court made the following order:

1. The Court declines to grant condonation for non-compliance with the rules of this Court and to hear the application on an urgent basis as envisaged in Rule 6(12).
2. The application is struck from the roll with costs, such costs to include the costs of one instructing and one instructed counsel.

**BY ORDER OF COURT**

**REGISTRAR**

*/vcb*

**To: Hengari, Kanguuehi & Kavendjii Inc.**

**Tjitemisa & Associates**