

REPUBLIC OF NAMIBIA



IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION, WINDHOEK

RULING

CASE NO.: HC-MD-CIV-ACT-OTH-2017/02170

In the matter between:

ERICH DAUSAB

PLAINTIFF

And

MINISTER OF SAFETY AND SECURITY

DEFENDANT

Neutral Citation: *Dausab v Minister of Safety and Security* (HC-MD-CIV-ACT-OTH-2017/02170 [2018] NAHCMD 92 (06 March 2018))

Coram: USIKU J

Heard: 13 February 2018

Delivered: 06 March 2018

ORDER

1. The late filing of the Defendant's heads of argument is hereby condoned.
2. The claim does not fall within the category of a liquidated amount of money and the matter therefore, is not within the terms of Rule 60(1).
3. Summary judgment is therefore refused and the Defendant is granted leave to defend the action.
4. The Plaintiff is ordered to pay the costs of the Defendant on the scale as between legal practitioner and client and the action is hereby ordered to be stayed, in terms of Rule 60 (1), until the Plaintiff has paid the Defendant's costs.
5. The matter is postponed to **25 April 2018** at **15:15** for a status hearing.

REASONS IN TERMS OF PD 61 OF THE PRACTICE DIRECTIVES

USIKU, J:

[1] The claim does not fall within the category of a liquidated amount of money, in the sense that the value of the motor vehicle and therefore its price, can be ascertained promptly or that the amount in issue is a mere matter of calculation. To determine the value or price of a motor vehicle, an enquiry has to be made into the cost of the relevant motor vehicle on the market.

[2] For the foregoing reasons, the Plaintiff has failed to bring his claim within the ambit of Rule 60 (1) and is therefore, not entitled to a summary judgment.

[3] In the circumstances, it is unnecessary to deal with the further arguments raised by counsel at the hearing of the matter.

B Usiku

Judge

APPEARANCES:

FOR THE PLAINTIFF:

B Cupido
of Isaacks and Associates Inc., Windhoek

FOR THE DEFENDANT:

N Ngula
of Government Attorneys, Windhoek