

“ANNEXURE 11”
Practice Directive 61

IN THE HIGH COURT OF NAMIBIA

Case Title: ALEX KAMWI KAMWI // STANDARD BANK NAMIBIA LIMITED & 2 OTHERS	Case No: A 101/2011
	Division of Court: HIGH COURT (MAIN DIVISION)
Heard before: HONOURABLE MR JUSTICE ANGULA, DEPUTY JUDGE-PRESIDENT	Date of hearing: 25 MARCH 2019
	Delivered on: 17 APRIL 2019
Neutral citation: <i>Kamwi v Standard Bank Namibia Limited</i> (A 101/2011) [2019] NAHCMD 113 (17 April 2019)	
The order: Having heard Mr Kamwi , the applicant in person, and Mr Vaatz , counsel for the first respondent, and having read the documents filed of record: IT IS ORDERED THAT: 1. The applicant is hereby released from the obligation to furnish security for the respondent’s costs in respect of his appeal to the Supreme Court under case number SA 54/2018. 2. There is no order as to costs in respect of this application 3. The matter is removed from the roll and is considered as finalised.	
Reasons for the above order:	
[1] The applicant has satisfied the Court on a balance of probability that he is not in a financial position to pay security for costs to the respondent in respect of his appeal to the Supreme Court. [2] The foregoing finding is based on the undisputed evidence before Court that the applicant is a pensioner and has no other income, notwithstanding the fact that he claims to be a businessman and a legal advisor. On the evidence it turned out that he has no business and does not give legal advice from where he earns an income. His bank statement attached to his	

supporting affidavit indicates a single monthly income from the Government social grant paid to pensioners. The Court is therefore satisfied that the applicant is an indigent person.

[3] The Court is therefore, on the facts of this matter, of the view that it would not be in the interest of justice to deny the applicant access to the Supreme Court, in order to pursue his cause, merely because he cannot put up a security for costs. It is also necessary that the Supreme Court makes a pronouncement regarding the claim for fees and disbursements by a successful litigant who is not an admitted legal practitioner.

Judge's signature:	Note to the parties:
	Not applicable.
Counsel:	
Applicant	First respondent
In person	A Vaatz <i>of</i> Andreas Vaatz & Partners, Windhoek