“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 CourtMain 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:** |
|  |  |
| **Counsel:** |
| **Plaintiff(s)** | **Defendant (s)** |
| Ms Da SilvaConradie & Damaseb Legal Practitioners19 Feld Street Windhoek | Mr MhataSisa Namandje & Co. IncNo 13 Pasteur StreetWindhoek West Windhoek |