

“ANNEXURE 11”

IN THE HIGH COURT OF NAMIBIA

<b>Case Title:</b> Hans Christian Diebold vs SP Namib Constructions CC and 1 Other.	<b>Case No:</b> HC-MD-CIV-ACT-CON-2018/02365
	<b>Division of Court:</b> High Court Main Division
<b>Heard before:</b> Honourable Justice Herman Oosthuizen	<b>Date of hearing:</b> 8 April 2019
	<b>Delivered on:</b> 17 April 2019
<b>Neutral citation:</b> <i>Diebold vs SP Namib Constructions Close Corporation</i> (HC-MD-CIV-ACT-CON-2018/02365) [2019] NAHCMD 114 (17 April 2019).	
<b>Result on merits:</b> Condonation application dismissed with costs and the Plaintiff's particulars of claim struck.	
<b>The order:</b>  Having heard <b>Nambili Mhata</b> , counsel for the first and second defendants, and having read the documents filed of record:  <b>IT IS ORDERED THAT:</b>  1. The matter is postponed to <b>20 May 2019</b> at <b>14H00</b> for status hearing.  2. Plaintiff's condonation application is dismissed with costs.  3. Plaintiff's particulars of claim is struck.	
<b>Reasons for orders:</b>	
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.

<b>Judge's signature:</b>	<b>Note to the parties:</b>
<b>Counsel:</b>	
<b>Plaintiff(s)</b>	<b>Defendant (s)</b>
Ms Da Silva Conradie & Damaseb Legal Practitioners 19 Feld Street Windhoek	Mr Mhata Sisa Namandje & Co. Inc No 13 Pasteur Street Windhoek West Windhoek