

“ANNEXURE 11”

IN THE HIGH COURT OF NAMIBIA

Case Title: Zacharias Johannes Globber v Trustco Insurance Limited	Case No: HC-MD-CIV-ACT-CON-2018/02922
	Division of Court: High Court Main Division
Heard before: Honourable Justice Herman Oosthuizen	Date of hearing: 27 February 2019
	Delivered on: 17 April 2019
Neutral citation: <i>Zacharias Johannes Globber v Trustco Insurance Limited</i> (HC-MD-CIV--ACT-CON-2018/02922 [2019] NAHCMD 115 (17 April 2019).	
Result on merits: Summary Judgment refused.	
The order: Having heard Zacharias Globber , on behalf of the plaintiff and Jacobus Visser , counsel for the defendant, and having read the documents filed of record: IT IS ORDERED THAT: <ol style="list-style-type: none">1. Plaintiff's application for summary judgment in the amount of N\$151,499.63 is refused.2. Defendant has complied with Rule 60(5)(b)(ii).3. Defendant is granted leave to defend the whole of the action instituted against it.4. Costs shall stand over for determination at the end of the trial.5. The matter is postponed to 20 May 2019 at 14H00 for Case Planning Conference Hearing.	

Reasons for orders:

1. The real issues between the parties need adjudication.
2. Liquidity of the amount concerned in the summary judgment application is subject to judicial deliberation and findings in respect of the defences as alleged in the opposing affidavit from paragraph 9 onwards subsequent to the plea, judicial case management and eventual evidence thereon.
3. Defendant has stated under oath that it has *bona fide* defences concerning the amount applied for and has complied with Rule 60(5)(b)(ii). *Vide* paragraphs 19 to 46 and 48 of the opposing affidavit wherein the entitlement for raising of the fees was put in issue.
4. The Court is of the considered view that the case at hand may be an appropriate case for the separation of the merits and the quantum. Liability need to be decided prior to taxation upon a basis to be decided during the liability phase.

Judge's signature:

Note to the parties:

Counsel:

Plaintiff(s)

Defendant (s)

Zacharias Johannes Globler
Glober & Co
1st Floor Sokolic Building
John Meinert Street
Windhoek

Jacobus Visser
Koep & Partners
33 Schanzen Road
Windhoek