

REPUBLIC OF NAMIBIA



HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

RULING IN TERMS RULE 75 (7)

PRACTICE DIRECTIVE 61

Case Title: MICHAEL TUGALUKEN ILLONGA PLAINTIFF and NAMIBIA PUBLIC WORKERS UNION (NAPWU) FIRST DEFENDANT PRIME MINISTER OF THE REPUBLIC OF NAMIBIA SECOND DEFENDANT INSPECTOR GENERAL OF THE NAMIBIAN POLICE FORCE THIRD DEFENDANT ATTORNEY GENERAL OF THE REPUBLIC OF NAMIBIA FOURTH DEFENDANT PUBLIC SERVICE COMMISSION FIFTH DEFENDANT	Case No: HC-MD-CIV-ACT-OTH-2021/04078 Division of Court: High Court, Main Division
Coram: Honourable Justice Coleman	Heard (in chambers as per stated case): 6 July 2023 Reasons (in chambers): 6 July 2023
Neutral citation: <i>Illonga v Namibia Public Workers Union and others</i> (HC-MD-CIV-ACT-OTH-	

2021/04078) NAHCMD 381 (6 July 2023)

Order:

1. The review is dismissed.
2. There is no order as to costs.

Reasons:

COLEMAN J:

Introduction

[1] This matter came before me as a review in terms of rule 75 of a Taxing Officer's taxation of plaintiff's bill of costs which occurred on 8 June 2023.

[2] The taxation emanates from an order by me on 17 February 2023, ordering second to fifth defendants to pay plaintiff's wasted costs since they abandoned an exception to his particulars of claim that they raised earlier. Plaintiff is not represented by a legal practitioner.

[3] Plaintiff submitted a bill of costs including N\$80 000 as disbursements, being N\$20 000 in respect of each of second to fifth defendants. Plaintiff's reasoning is that he is entitled to the capped fee in terms of rule 32 (11) of the rules of court since this was an interlocutory matter and he conducted the case himself.

[4] The Taxing Officer's ruling was that plaintiff is not entitled to the disbursements claimed since he acted for himself and as a lay litigant, he is only entitled to actual disbursements necessarily and reasonably incurred.

Conclusion

[5] Having read the pleadings, plaintiff's 'Notice of Taxing Review' and the Taxing Officer's stated case, I agree with the Taxing Officer. She is correct in her evaluation of the matter and the application of the law. Plaintiff could not demonstrate necessary and reasonable disbursements to the tune of N\$80 000 and there is also no rationale for him claiming N\$20 000 for each of the four defendants simply because there is a capped fee determined by rule 32(11).

[6] Consequently, I dismiss the review and make no order as to costs.

Judge's signature	Note to the parties:
Counsel:	
Plaintiff	Defendants
In person	No submissions, apart from taxing officer's stated case.