

REPUBLIC OF NAMIBIA

HIGH COURT OF NAMIBIA



MAIN DIVISION, WINDHOEK

RULING

PRACTICE DIRECTION 61

Case Title: STANDARD BANK NAMIBIA LTD // VERNON MARK MORKEL	Case No: HC-MD-CIV-ACT-CON-2022/05190
	Division of Court: HIGH COURT (MAIN DIVISION)
Heard before: HONOURABLE MR JUSTICE PARKER, ACTING	Date of hearing: 28 June 2023
	Delivered on: 17 July 2023
Neutral citation: <i>Standard Bank Namibia Limited v Morkel</i> (HC-MD-CIV-ACT-CON-2022/05190) [2023] NAHCMD 406 (17 July 2023)	
Order: <ol style="list-style-type: none">1. The defendant shall make to the plaintiff payment in the amount of N\$2 592 112,82 together with compound interest at the rate of 8.25 per cent per annum as from 14 September 2022 until date of full and final payment.2. The defendant shall pay costs on the attorney-client scale to the plaintiff.3. The matter is finalised and is removed from the roll.	
Reasons for the above order:	
PARKER AJ: [1] In the instant summary judgment application, the plaintiff sought summary judgment against the defendant in terms appearing in the particulars of claim.	

[2] I stated in *Namibia Wildlife Resorts Limited v Maxuilili-Ankama*¹ that the purpose of an order in terms of rule 60 of the rules of court is to enable a plaintiff to obtain a summary judgment without trial, if the plaintiff can prove his or her claim clearly and if the defendant is unable to set up a bona fide defence which is good in law or raise an issue against the claim which ought to be tried. Thus, summary judgment may be granted only where the court is satisfied that the plaintiff's case is unanswerable,² in the sense that the defendant has not set up a bona fide defence which is good in law or has not raised issues that ought to be tried.³

[3] The defendant failed to file opposing papers to set up a bona fide defence which is good in law and has not raised issues that ought to be tried.⁴ Accordingly, I hold that the defendant has not established that the plaintiff's case is not unanswerable.⁵

[4] Based on these reasons, I conclude that the plaintiff is entitled to judgment. In the result, I grant the application and order as follows:

1. The defendant shall make to the plaintiff payment in the amount of N\$2 592 112,82 together with compound interest at the rate of 8.25 per cent per annum as from 14 September 2022 until date of full and final payment.
2. The defendant shall pay costs on the attorney-client scale to the plaintiff.
3. The matter is finalised and is removed from the roll.

Judge's signature:	Note to the parties:
	Not applicable.
Counsel:	
Plaintiff	Defendant
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¹ *Namibia Wildlife Resorts Limited v Maxuilili-Ankama* [2023] NAHCMD 94 (7 March 2023) para 10.

² *FNB Limited v Louw* [2015] NAHCMD 139 (12 June 2015).

³ *Namibia Wildlife Resorts* footnote 2.

⁴ *Namibia Wildlife Resorts Limited v Maxuilili-Ankama* footnote 1.

⁵ *FNB Limited v Louw* footnote 2.

Koep & Partners, Windhoek	
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