

REPUBLIC OF NAMIBIA

HIGH COURT OF NAMIBIA
JUDGMENT
PRACTICE DIRECTION 61



MAIN DIVISION, WINDHOEK

Case Title: DIRK HENDRIK CONRADIE and MINISTER OF AGRICULTURE, WATER AND LAND REFORM RESPONDENT REGISTRAR OF DEEDS RESPONDENT MASTER OF THE HIGH COURT OF NAMIBIA RESPONDENT SANLAM NAMIBIA LIMITED JOHN ROBERT WALTERS RESPONDENT VALERIE JOAN DE WAAL RESPONDENT LYDIA CORNELIA DE WAAL RESPONDENT	Case No: HC-MD-CIV-MOT-GEN- 2023/00503 Division of Court: HIGH COURT (MAIN DIVISION) APPLICANT FIRST SECOND THIRD FOURTH RESPONDENT FIFTH SIXTH SEVENTH
Heard before: HONOURABLE MR JUSTICE PARKER, ACTING	Date of hearing: 19 APRIL 2024 Delivered on: 5 JUNE 2024
Neutral citation: <i>Conradie v Minister of Agriculture, Water and Land Reform</i> (HC-MD-CIV-MOT-GEN-2023/00503) [2024] NAHCMD 285 (5 June 2024)	

IT IS ORDERED THAT:

Based on the below reasons, I grant the order, as contained in the applicant's draft order, in the following terms:

1. The applicant, Dirk Hendrik Conradie N.O. and the fifth respondent, Sanlam Namibia Limited, apply in terms of section 4 of the Subdivision of Agricultural Land Act No 70 of 1970 (as amended) to the first respondent, the Minister of Agriculture, Water and Land Reform, within 21 days of this order being made for the transfer of an undivided half share from the Estate of the Late Reinhold De Waal (Estate No E 817/2023) to the seventh respondent, Lydia Cornelia De Waal and from the Estate of the Late Heinrich De Waal (Estate No E 224/2019) to the sixth respondent, Valerie Joan De Waal.
2. The first respondent, the Minister of Agriculture, Water and Land Reform must give / or not give his consent [if refused/denied, such reasons also to accompany his refusal] within 30 working days after receipt of the section 4 applications from the applicant and fifth respondent.
3. The applicant, Dirk Hendrik Conradie N.O. and the fifth respondent, Sanlam Namibia Limited, apply in terms of section 5 of the Subdivision of Agricultural Land Act No 70 of 1970 (as amended) to the first respondent, the Minister of Agriculture, Water and Land Reform, within 21 days of the first respondent, the Minister of Agriculture, Water and Land Reform refusal of their section 4 application.
4. Costs of suit on the scale as between party and party.
5. The matter is finalised and removed from the roll.

Following below are the reasons for the above order:

PARKER AJ:

[1] In this matter, the applicant, represented by Mr Stolze, seeks the order set out in the notice

of motion and in terms of the draft order filed of record.

[2] The matter, which had been filed on the first motion court roll became opposed on 29 November 2023. On 7 March 2024 the matter was removed from the roll to allow time for the exchange of affidavits to take place. The respondents failed to file answering affidavits, albeit they had opposed the matter.

[3] Accordingly, pursuant to rule 66 (3) of the rules of court, the applicant, within the time limit allowed by the said rule, gave notice to the registrar to place the application before a judge in residual court for determination.¹ I note that the applicant complied with the relevant Practice Directions.

[4] At the hearing, there was no appearance by the respondents in person or by counsel. In his founding affidavit, the applicant set out concisely and in detail the facts on which he relies for relief. In the absence of any contradicting evidence and having accepted the applicant's affidavit evidence as sufficient and satisfactory, I find that the applicant has made out a case for the relief sought and is, therefore, entitled to judgment.

Judge's signature:	Note to the parties:
	Not applicable.
Counsel:	
APPLICANT	DEFENDANT (RESPONDENT)
H Stolze of Masiza Law Chambers, Windhoek	No appearance

¹ Petrus T Damaseb *Court-Managed Civil Procedure of the High Court of Namibia* 1ed (2020).