

REPUBLIC OF NAMIBIA

HIGH COURT OF NAMIBIA
RULING
(PRACTICE DIRECTION 61)



MAIN DIVISION, WINDHOEK

Case Title: BARTHOLOMEUS ARUVITA KAYOKA APPLICANT and GCIRIKU TRADITIONAL AUTHORITY 1st RESPONDENT MINISTER OF URBAN AND RURAL DEVELOPMENT 2nd RESPONDENT MARAGHULI FELIX MASHIKA 3rd RESPONDENT PRESIDENT OF THE REPUBLIC OF NAMIBIA 4th RESPONDENT BONIFACIOUS WAKUDUMO 5th RESPONDENT	Case No: HC-MD-CIV-MOT-REV- 2023/00425 (INT-HC-UPLIFBAR- 2024/00551) Division of Court: HIGH COURT (MAIN DIVISION)
Heard before: HONOURABLE MR JUSTICE ANGULA, DEPUTY JUDGE- PRESIDENT	Date of hearing: 22 October 2024 Delivered on: 22 October 2024
Neutral citation: <i>Kayoka v Gciriku Traditional Authority</i> (HC-MD-CIV-MOT-REV-2023/00425) NAHCMD 623 (22 October 2024)	
IT IS ORDERED THAT: 1. Condonation is granted in respect of the late filing of the the supplementary founding affidavit. The bar is lifted and the applicant is granted leave to file his supplementary founding affidavit. 2. Condonation is further granted in respect of the late filing of the second respondents answering affidavit. The bar is lifted and the second respondent is granted leave to file its	

answering affidavit.

3. There is no order as to costs in respect of both applications.
4. The matter is postponed to 5 November 2024 at 08h30 for case management conference.
5. The parties shall file a joint case management report on or before 1 November 2024.

Reasons for the order:

ANGULA DJP:

1. Having regard to the degree of non-compliance with the court order: the reasonableness and the bona fide of the explanation; the parties interest in the finalization of the case; the prejudice suffered, if any, as a result of the non-compliance by either party.
2. The convenience of the court and the avoidance of an unnecessary delay in the administration of justice and further having regard to the over-riding objectives of the court to resolve the real dispute between the parties.
3. Given the early stage at which the pleadings are at this moment, the court is not in a position to properly assess the prospects of success of the parties' respective cases.
4. In the courts exercise of its discretion, condonation for the late filing of the applicants supplementary founding affidavit, which was filed at 17h17 instead of 15h00 on due date, is granted.
5. Furthermore, the condonation for the late filing of the second respondents answering affidavit, filed five days late after the due date, is granted.
6. Those are my reasons for the order made above.

Judge's signature:

Note to the parties:

Not applicable.

Counsel:	
APPLICANT	SECOND RESPONDENT
I Gebhardt Of Ileni Gebhardt & Co. Inc, Windhoek	J Ludwig Of Office of the Government Attorney, Windhoek