


26/10/2018

"ANNEXURE 11"

IN THE HIGH COURT OF NAMIBIA

Case Title: <i>Joseph Simaneka Asino & 5 others v Omukwaniilwa Tate Immanuel Kauluma Elifas & 7 others</i>	Case No: HC-NLD-CIV-MOT-REV-2017/00011 Leave to Appeal
	Division of Court: Northern Local Division
Heard before: Honourable Mr. Justice Cheda J	Delivered on: 26 October 2018
Neutral citation: <i>Asino v Elifas</i> (HC-NLD-CIV-MOT-REV-2017/00011) [2018] NAHCNLD 110 (26 October 2018)	
The order: <ol style="list-style-type: none">1. The application for leave to appeal is granted.2. The respondents/applicants in the main application, shall pay the costs of the application.	
Reasons for order:	
CHEDA J : <ol style="list-style-type: none">1. There are prospects of success on appeal;2. The decision to order 1st applicant/1st respondent in the main application, to appear in Court to give oral evidence is a final order;3. The oral evidence to be given by the 1st applicant/1st respondent in the main application, is definitive of his rights and will affect the rights of other applicants;4. The effect of the order of the 9th of August 2018 has the effect of disposing of a substantive portion of the relief sought by respondents/applicants in the main application.	

A handwritten signature in black ink, appearing to read 'M Cheda', is written over a horizontal line.

M CHEDA

JUDGE



HC-NLD-CIV-MOT-REV-2017/00011

IN THE HIGH COURT OF NAMIBIA, NORTHERN LOCAL DIVISION,
HELD AT OSHAKATI

ON FRIDAY, THE 26th DAY OF OCTOBER 2018
BEFORE THE HONOURABLE JUSTICE CHEDA

In the matter between:

JOSEPH SIMANEKA ASINO
SHEETHENI VILHO ELIFAS KAMANJA
PETER KAULUMA
KASHONA MALULU
FILLEMON AMUTENYA NAMBILI
JOHN WALENGA

1st APPLICANT
2nd APPLICANT
3rd APPLICANT
4th APPLICANT
5th APPLICANT
6th APPLICANT

and

OMUKWANIILWA TATE IMMANUEL KAULUMA ELIFAS
ERASTUS MVULA
PAAVO AMWELE
RAINHOLD NEPOLO
NAEMAN FILLEMON KAMBALA
NEPANDO AMUPANDA
MINISTRY OF URBAN AND RURAL DEVELOPMENT
ONDONGA TRADITIONAL AUTHORITY (OTA)

1st RESPONDENT
2nd RESPONDENT
3rd RESPONDENT
4th RESPONDENT
5th RESPONDENT
6th RESPONDENT
7th RESPONDENT
8th RESPONDENT

COURT ORDER

Having heard **Ms Miller**, on behalf of the **Applicants/Respondents in the main application** and **Mr Coleman**, on behalf of the **Respondents/Applicants in the main application**, and having read the Application for HC-NLD-CIV-MOT-REV-2017/00011 and other documents filed of record:

IT IS HEREBY ORDERED THAT:

- 1 The application for leave to appeal is granted.
- 2 The respondents/applicants in the main application, shall pay the costs of the application.
- 3 Matter is removed from the roll.

BY ORDER OF THE COURT



REGISTRAR

TO:

SAIMA NAMBINGA

On behalf of

1st Applicant , 2nd Applicant , 3rd Applicant , 4th Applicant , 5th Applicant and 6th Applicant

AngulaCo Inc. (Branch Office)

Makalani Real Estate Complex

Marula Street

Namibia

AND TO:

JOHN KANDARA

On behalf of

1st Respondent , 2nd Respondent , 3rd Respondent , 4th Respondent , 5th

Respondent , 6th Respondent , 7th Respondent and 8th Respondent

Shikongo Law Chambers (branch office)

Office 4 Ongwediva Trade Fair Centre

Ongwediva

Namibia

Namibia