



NOT REPORTABLE

CASE NO: SA 14/2025

IN THE SUPREME COURT OF NAMIBIA

In the matter between:

STANDARD BANK NAMIBIA LIMITED

Applicant

and

SABINE CLARA-LISA HOPPE-SPEER

Respondent

In RE:

The appeal between:

SABINE CLARA-LISA HOPPE-SPEER

Appellant

and

STANDARD BANK NAMIBIA LIMITED

Respondent

Coram: SMUTS AJA

Heard: IN CHAMBERS

Delivered: 6 May 2025

JUDGMENT IN TERMS OF S 14(7)(a) OF ACT 15 OF 1990

SMUTS AJA:

[1] An application brought by the respondent in this appeal currently serves before me. The application is brought by the respondent, Standard Bank Namibia Limited (the bank) against the appellant as cited in the notice of appeal, Ms Sabine Clara-Lisa Hoppe-Speer, under s 14(7) of the Supreme Court Act 15 of 1990 (the Act), read with rule 6 of the Rules of this Court for the summary dismissal of Ms Hoppe-Speer's appeal on the grounds that it is frivolous and vexatious or has no prospects of success. The bank also seeks the costs of this application against Ms Hoppe-Speer. (For the sake of convenience and clarity, the parties are referred to in this way).

[2] Section 14(7) of the Act provides:

- '(a) Where in any civil proceedings no leave to appeal to the Supreme Court is required in terms of any law, the Chief Justice or any other judge designated for that purpose by the Chief Justice –
 - (i) may, in his or her discretion, summarily dismiss the appeal on the grounds that it is frivolous or vexatious or otherwise has no prospects of success; or
 - (ii) shall, if the appeal is not so dismissed, direct that the appeal be proceeded with in accordance with the procedures prescribed by the rules of court.

- (b) Where an order has been made dismissing the appeal on any of the grounds referred to in subparagraph (i) of paragraph (a) of this subsection, such order shall be deemed to be an order of the Supreme Court setting aside the appeal.
- (c) Any decision or direction of the Chief Justice or such other judge in terms of paragraph (a) of this subsection, shall be communicated to the parties concerned by the registrar.'

[3] The procedure for bringing applications under s 14(7) is set out in rule 6 of the Rules of this Court.

[4] The bank served its notice of motion and founding affidavit on Ms Hoppe-Speer. Despite being called upon to file an answering affidavit under rule 6(3) within ten days of that service, no answering affidavit was filed by Ms Hoppe-Speer within that time or to date in respect of this application.

[5] Having been designated to determine the application under s 14(7) of the Act, I do so under rule 6(4)(a) in chambers on the notice of motion and founding affidavit and annexures seeing that Ms Hoppe-Speer has not seen fit to oppose this application and file an affidavit under rule 6(3) within the time prescribed.

[6] Shortly stated, the background facts are these.

[7] On 26 June 2024 the bank obtained a default judgment in the High Court against Ms Hoppe-Speer for payment of N\$2 462 534,13 plus interest and costs. Relevant for present purposes is that a mortgage bond was registered in favour of the bank over a farm in the Kunene region (the farm) securing Ms Hoppe-Speer's indebtedness.

[8] The bank caused a writ of execution to be issued against Ms Hoppe-Speer on 12 February 2025. A *nulla bona* return followed.

[9] The bank states that it will apply for an order declaring the farm executable.

[10] After service of the writ on Ms Hoppe-Speer on 19 February 2025, she filed process with the heading 'Notice of appeal and application for condonation of late filing of appeal'. A notice of appeal must be filed within 21 days of the order sought to be appealed against. This notice was thus filed several months out of time. The appeal has thus lapsed and this notice has no legal effect and does not constitute any bar whatsoever to further execution of the High Court judgment including an application under rule 108 of the Rules of the High Court.

[11] Although there is reference in the 'notice of appeal' filed by Ms Hoppe-Speer to condonation, it does not constitute a condonation application in any sense. It is not supported by an affidavit and in any event contains no grounds for condonation. It likewise has no effect. I point out that an application for condonation (which this notice is not) would in any event not serve to bar further steps in execution of the judgment.

[12] As there is no appeal pending before this Court in the circumstances, s 14(7) of the Act does not apply to this matter because an order under s 14(7) can only be given where there is an appeal pending, as this Court has repeatedly held. It follows that this application is to be declined.

[13] As this application was not opposed, no order as to costs will be granted. This Court may however in the future make appropriate cost orders against legal practitioners themselves where there is no basis to bring an application of this nature, given the fact that this Court has repeatedly spelt out that where an appeal lapses, s 14(7) would not apply and an abortive notice of appeal also constitutes no bar to further steps in execution of such judgments.

[14] There is a further reason why the appeal is in any event abortive. That is because the order being a default judgment, is in any event not appealable¹ and certainly not without leave.²

[15] The following order is accordingly made:

1. The respondent's (Standard Bank Namibia Limited's) application in terms of rule 6 is declined.
2. No order is made as to costs.
3. The registrar is directed to comply with s 14(7)(c) of Act 15 of 1990.

SMUTS AJA

¹ *Veldskoen & others v Minister of Urban and Rural Development & others* (SA 142/2024) [2025] NASC (20 February 2025).

² *Central Technical Supplies (Pty) Ltd v Paragon Investment (Pty) Ltd JV China Huayun Group & others* 2024 (1) NR 254 (SC).

REPRESENTATION

APPLICANT/RESPONDENT: ENS | Namibia (Incorporated as
LorentzAngula Inc.)

RESPONDENT/APPELLANT: In person