

Case No 107/97

REPORTABLE

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

In the appeal between:

TRADAX OCEAN TRANSPORTATION SA

Appellant

and

**mv “SILVERGATE” PROPERLY DESCRIBED AS
mv “ASTYANAX”**

First Respondent

ASTYANAX COMPAÑIA NAVIERA SA

Second Respondent

GARDENIA MARITIME INC

Third Respondent

Coram : Nienaber, Marais, Plewman, Streicher JJA *et* Farlam AJA

Heard: 1 & 2nd March 1999

Delivered : 28 May 1999

JUDGMENT ON CROSS-APPEAL

FARLAM AJA/...

FARLAM AJA:

[1] In this matter, in which judgment was delivered dismissing the main appeal on 24 May 1999, the third respondent cross-appealed against the failure of the learned judge in the court *a quo* to award it the qualifying fees of its three expert witnesses, Mr Tasiopoulos, Mr Verhoeven and Mr Nakazawa.

[2] I am satisfied that the judge's failure to award the qualifying expenses was due to an oversight. Third respondent was clearly entitled to an order awarding it the qualifying expenses and the appellant does not oppose the cross- appeal.

[3] The following order is made on the cross-appeal:

- “1. The cross-appeal is allowed with costs.
2. The order made by the court *a quo* is varied by the addition after the words “two counsel” of the following:

‘and the qualifying fees and expenses of the expert witnesses Tasiopoulos, Verhoeven and Nakazawa’.”

**I G FARLAM
ACTING JUDGE OF APPEAL**

NIENABER JA)

MARAIS	JA)	
PLEWMAN	JA)	- Concur
STREICHER	JA)	