

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

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**JUDGMENT ON CROSS-APPEAL**

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**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)