

SOUTH AFRICA / JUDGMENT

Boss Scaffolding and Access Solutions v Erasmus and Others (Varied Order) (J158/24) [2024] ZALCJHB 517 (26 June 2024) [2024] ZALCJHB 517

COURT

Labour Court Johannesburg

BEFORE

M T M Phehane

CASE / FILE NUMBER

J158/24

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THE

LABOUR COURT OF SOUTH AFRICA

HELD

AT JOHANNESBURG

CASE NO: J158/24

In the matter between:

BOSS
SCAFFOLDING AND ACCESS SOLUTIONS
Applicant
and
NATASHA
ERASMUS
First Respondent
MPETHO
SCUFFOLDING PROJECTS (PTY) LTD
Second Respondent
MPENDULO
ERIC MNGOMEZULU
Third
Respondent

Heard:

26 June 2024

Delivered:

26 June 2024 (This judgment was handed down electronically by
circulation to the parties' legal
representatives by email,
publication on the Labour Court website and release to SAFLII. The
date and time for handing-down is
deemed to be 10h00 on 26 June 2024)

JUDGMENT**AND VARIED ORDER****PHEHANE J**

1. This is an urgent application to hold the respondents in contempt of the order of this Court per Mahalelo AJ date 24 April 2024 enforcing restraint of trade and confidentiality undertakings by the first respondent in favour of the applicant.
2. This application is unopposed.
3. Counsel for the applicant informed this Court during the proceedings, that the applicant's attorney of record contacted that of the respondents regarding these proceedings before Court and was informed by the respondent's attorney that they hold no instructions to oppose this urgent application.
4. Counsel for the applicant takes no issue with a rule nisi being issued by this Court calling upon the respondents to show cause on the return date, why they should not be held in contempt of Court.
5. Satisfied that the applicant has made out a case for the relief sought, I issued a rule nisi returnable on 20 August 2024, directing that the respondents show cause on the return date why they should not be held in contempt of Court and fined an amount this Court deems appropriate or why the first and third respondents should not be incarcerated for a period this Court deems appropriate. Counsel for the applicant thereafter, requested an earlier return date, as the period of restraint expires in December 2024.
6. In the circumstances, given the urgency of this matter and the harm to the applicant that is continuing, the order is varied as follows:

VARIED ORDER:

1. The matter is heard as urgent in terms of Rule 8.
2. The first respondent and the third respondent, Mr Mpendulo Eric Mngomezulu, the director of the second respondent, are to appear in the Labour Court in Johannesburg on 3 July 2024 at 10:00 (the return date) to show cause why they should not be found guilty of contempt of Court for failing to comply with the judgment and order of this Court per Mahalelo AJ issued under the above case number on 24 April 2024.
3. The respondents may explain their conduct by way of an affidavit to be filed before the return date although this shall not excuse them from being present in Court on the return date.

4. In the absence of providing an explanation to the satisfaction of this Court or failing to appear before this Court despite being properly served, the respondents may be found guilty of contempt of Court and may be fined in an amount this Court deems appropriate, or the first and third respondents may be incarcerated for such period as the Court may deem appropriate.
5. The service of this order must be effected on the respondents and personally upon the first and third respondents.
6. The applicant must file proof of service of this order on the respondents before the return date.
7. The costs are reserved.

M. T. M. Phehane

Judge of the Labour Court of South Africa

Appearance:

For the applicant: Adv B. D. Stevens

Instructed by: Morgan Law Inc.

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZALCJHB/2024/517.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/boss-scaffolding-and-access-solutions-v-erasmus-and-others-unknown-topic-alcjhb-2024>

Prepared on 11 October 2026 · Esheria