

SOUTH AFRICA / JUDGMENT

Compensation Commissioner and Others v Compensation Solutions (Pty) Ltd (49156/2021) [2024] ZAGPPHC 263 (18 March 2024)

[2024] ZAGPPHC 263**COURT**

North Gauteng High Court, Pretoria

BEFORE

HF Jacobs

CASE / FILE NUMBER

49156/2021

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**IN THE HIGH COURT OF
SOUTH AFRICA
(GAUTENG DIVISION,
PRETORIA)**

Case No:

49156/2021

(1)

REPORTABLE: YES/NO

(2)

OF INTEREST TO OTHER JUDGES: YES/NO

(3)

REVISED.

DATE: 18 March 2024

SIGNATURE

In the matter between:

COMPENSATION

COMMISSIONER

1st

APPLICANT

DIRECTOR-GENERAL,

DEPARTMENT

LABOUR

2ND

APPLICANT

THE

MINISTER OF

LABOUR

3RD

APPLICANT

and

COMPENSATION
SOLUTIONS (PTY) LTD
RESPONDENT

JUDGMENT

HF JACOBS, AJ:

- [1] This is an application for leave to appeal an order upholding the exceptions noted by the respondent to two special pleas of prescription raised by the applicants. The principles applicable to applications for leave to appeal are set out in Hunter[1].
- [2] The grounds upon which leave to appeal is sought against the order upholding the exception in respect of the first special plea of prescription based on sections 43 and 44 of the COIDA are without any merit. Those points have been decided on by our courts on more than one occasion. I am not of the opinion that the appeal against the order granted in that regard has any prospect

of success or that any other compelling reason exist why leave to appeal should be granted to the applicants.

- [3] The main judgment explains why the second special plea lacks essential averments concerning the plea of prescription. Pleadings serve important functions in civil litigation namely to inform an opponent of the case to be met and to set out, for the convenience of the court, sufficient allegations of fact to distil the facta probanda. The applicants' pleading falls foul of the required standard. In my opinion the proposed appeal has no prospect of success and there exist no compelling reason why leave to appeal should be granted.

- [4] The application for leave to appeal is refused with costs.

H F JACOBS

ACTING Judge of the High Court

GAUTENG DIVISION, PRETORIA

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by e-mail. The date and time for hand-down is deemed to be 14h00 on the 18th March 2024.

APPEARANCES

Counsel for applicants: Adv M Makhubela Adv M S Netso Attorneys for defendants/respondents:
State Attorney Counsel for plaintiff/excipient: Adv E J J Nel Attorneys for plaintiff/excipient:
Quiryn Spruyt Attorneys

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- [1] Hunter v Financial Services Board 2017 JBR 0941 (GP); Caratco (Pty) Ltd v Independent Advisory (Pty) Ltd 2020 (5) SA 35 (SCA); Minister of Justice and Constitutional Development and Others v Southern Africa Litigation Centre and Others 2016 (3) SA 317 (SCA);
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Prepared on 10 October 2026 · Esheria