

SOUTH AFRICA / JUDGMENT

Lehari v Mhlave Investment Holdings (Pty) Ltd (J2297/08) [2011]

ZALCJHB 245 (25 November 2011)

[2011] ZALCJHB 245

COURT

Labour Court Johannesburg

BEFORE

Molahlehi

CASE / FILE NUMBER

J2297/08

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REPUBLIC OF SOUTH AFRICA

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: J2297/08

In the matter between:

LEHARI MAKHOSIApplicant

and

MHLAVE INVESTMENT HOLDINGS (PTY) LTDRespondent

Heard: Decided in chambers

Delivered: 25 November 2011

Summary: Leave to appeal. Appeal granted.

molahlehi J

Introduction

This is an application for leave to appeal against the judgment made by this Court on 07 June 2011. In that judgment the Court found that the applicant has made out a case that the respondent owes him the amounts claimed in his statement of case and that the amounts are due to him and ordered the respondent to pay the applicant R25 000, 00 being the amount due and owing in

respect of the June 2008 salary, R25 000, 00 being the applicant's owing and due in respect of the July 2008 salary, R2 445.95 being the amount due and owing in respect of the applicant's petrol reimbursement for June 2008. The court ordered the respondent to pay the above amounts at the rate of 15.5% *tempora morae*. The court also ordered the respondent to pay the applicant the costs of the suit including the costs occasioned by the postponement of the matter on 10 March 2011.

The respondent has applied for condonation for the late filing of the leave to appeal. The application is not opposed and accordingly condonation is granted.

The applicant in its leave to appeal raised several grounds upon which it seeks leave to appeal to the Labour Appeal Court. I do not intend repeating the same in this

judgment.

I have read the judgment of this court and the submissions made by the parties in considering whether or not leave to appeal should be granted.

In considering whether to grant or refuse leave to appeal I have applied the standard test which is to determine whether there are reasonable prospects that another court could come to a different conclusion from the one reached by this Court.

The respondent has made out a case for leave to appeal and accordingly its application for leave to appeal stands to succeed.

In the premises leave to appeal to the Labour Appeal Court is granted.

Molahlehi J

Judge of the Labour Court of South Africa

Appearances:

Matter decided in chambers

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