

SOUTH AFRICA / JUDGMENT

Makaukau v Moiloa and Others (J633/2016) [2016] ZALCJHB 450 (6 December 2016) [2016] ZALCJHB 450

COURT

Labour Court Johannesburg

BEFORE

R Harper

CASE / FILE NUMBER

J633/2016

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THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: J633/2016

In the matter between:

GEORGE MAKAUKAU Applicant And RAMOTSHERE MOILOA LOCAL MUNICIPALITY THOMAS PHAKANE First Respondent Second Respondent

Heard: 8 July 2016

Delivered: 06 December 2016

Summary: Dispute resolved by the parties – no agreement on costs – Labour Court asked to rule on costs – inappropriate circumstances – no costs granted

HARPER, AJ

Introduction:

1. During the hearing of this matter the Court enquired whether the parties had made any effort to resolve the dispute. The Counsel for the parties advised that the parties had made no such effort.
2. The Court noted that the papers were voluminous, there had been past hearings and it may be opportune for the parties to attempt to resolve the matter.

3. Counsel for the Respondent advised that there was a possibility that the parties could resolve the matter. The Court then adjourned the proceedings for one (1) hour in order to allow the parties to attempt to negotiate a settlement.
4. The negotiations were thereafter facilitated in Chambers and the parties finally reached agreement on the merits of the dispute but indicated that they could not reach agreement on the awarding of costs for the proceedings on 15 June 2016 and 8 July 2016.
5. They accordingly advised that the Court would be left to deal with the awarding of costs.
6. I have considered the request and have concluded that it would be inappropriate to grant costs in respect of both proceedings in these circumstances.
7. I accordingly rule as follows:-
 - 7.1 No order is granted in respect of costs for the proceedings held on 15 June 2016;
 - 7.2 No order is granted in respect of the costs for the proceedings held on 8 July 2016.

R Harper

Acting Judge of the Labour Court of South Africa

APPEARANCES:

On behalf of the Applicant: Adv M Marcus

Instructed by:

Lebea & Associates

On behalf of the Respondent: Adv X D Matyolo

Instructed by:

RS Tau Attorneys

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