

SOUTH AFRICA / JUDGMENT

Miya v Kalaparsad t/a Nikiels Coach Tours and Others (D426/08) [2009] ZALCD 21 (9 February 2009) [2009] ZALCD 21

COURT
Labour Court Durban

BEFORE
Pillay D

CASE / FILE NUMBER
D426/08

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT DURBAN

CASE NO:D426/08

DATE:9 FEBRUARY 2009

In the matter between

BUHLE ZAMOKWAKHE MIYA

Applicant

and

A KALAPARSAD T/A NIKIELS COACH TOURS

First Respondent

COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

Second Respondent

COMMISSIONER HILDA GROBLER Third Respondent

JUDGMENT

PILLAY D, J

This is an application to review and set aside the award of the third respondent commissioner. The principle complaint against the award is that the commissioner did not allow the applicant a fair opportunity to cross examine the first respondent, the employer.

The Court has debated at length the evidence from the transcripts with Mr Jafta who appears for the applicant, and it has not found any evidence to support the contention that the arbitrator interfered unduly with the applicant's cross examination. The arbitrator was keen to hold the parties to her terms of reference and to that extent steered the proceedings.

Furthermore, it is not enough for the applicant to say that he was prevented from asking a question. The applicant has to go further and say that he might have shown that the employer was lying. That case has not been made out in the pleadings. The applicant has failed to establish that in the circumstances of this case, the arbitrator's interventions in the proceedings impeded his cross examination unfairly. The application for review is dismissed.

Pillay D, J

Date of Editing: 22 May 2009

Appearances:

For the Applicant: Mr Jafta – Jafta Inc

For the Respondent: No Appearance

IN THE HIGH COURT OF SOUTH AFRICA

DURBAN AND COAST LOCAL DIVISION

CASE NO

:

D426/08

DATE

:

BUHLE ZAMOKWAKHE MIYA

Applicant

A KALAPARSAD T/A NIKIELS COACH TOURS

Respondent

BEFORE THE HONOURABLE MADAM JUSTICE PILLAY

ON BEHALF OF APPLICANT :

MR JAFTA

REPORT ON RECORDING Clear recording.

TRANSCRIBER'S CERTIFICATE

This is, to the best abilities of the transcriber, a true and correct transcript of the proceedings, where audible, recorded by means of a mechanical recorder in the matter:

B Z MIYA v A KALAPARSAD t/a NIKIELS COACH TOURS

CASE NO

:

D426/08

COURT OF ORIGIN

:

DURBAN

TRANSCRIBER

:

MRS S M BOYCE

DATE COMPLETED

:

10 MARCH 2009

NO OF TAPES

:

CD

NO OF PAGES

:

44

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZALCD/2009/21.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/miya-v-kalaparsad-ta-nikiels-coach-tours-and-others-unknown-topic-alcd-2009>

Prepared on 13 October 2026 · Esheria