

SOUTH AFRICA / JUDGMENT

Moela v Snackworks (JR211/19) [2021] ZALCJHB 364 (19 October 2021)

[2021] ZALCJHB 364**COURT**

Labour Court Johannesburg

BEFORE

F. Coetzee

CASE / FILE NUMBER

JR 211/19

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Source record**IN****THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG****Not****Reportable****Not****of interest to other judges****Case****no: JR 211/19****In****the matter between:**

MATOISHI

JOSEPH

MOELA Applicant

and

SNACKWORKS Respondent

Heard: 19

October 2021

Delivered: This

judgment was handed

down electronically by circulation to the parties'

representatives by email and release to SAFLII. The date and
time for

hand-down is deemed to be 10h00 on 19 October 2021.

Summary:

Review

JUDGMENT

COETZEE AJ

- [1] The applicant agreed to have the matter determined on paper and applied to the Court to review and set aside an arbitration award that held his dismissal to be fair.
- [2] The application was served upon the respondent on 7 March 2019. The respondent on 6 May 2019 filed a notice to oppose the review.
- [3] The applicant has to date not delivered the record of the arbitration proceedings and took issue with the notice to oppose because in the applicant's view it was filed late.
- [4] Rule 7A(9) provides as follows:
- "(9) Any person wishing to oppose the granting of the order prayed in the notice of motion must, within 10 days after receipt of the notice of amendment or notice that the applicant stands by its notice of motion, deliver an affidavit in answer to the allegations. made by the applicant."
- [5] The applicant has not delivered the notice in terms of Rule 7A(8) that it stands by its notice of motion or amends it.
- [6] The respondent is not obliged yet to respond to the notice of motion.

The Court's jurisdiction

- [7] The applicant on 27 May 2019 recorded that the transcription was being prepared and the applicant thus had received the audio recording by then. The 60-day period within which the applicant had to deliver a transcription of the record has long passed.
- [8] In terms of cause 11.2.3 of the Practice Manual the application is deemed to have been withdrawn. This being the case, there is no review before the Court.

Order

- [9] I make the following order:
1. The review application is deemed to have been withdrawn in terms of clause 11.2.3 of the Practice Manual.

F. Coetzee

Acting Judge of the Labour Court of South Africa

Appearances

For the applicant:

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