

SOUTH AFRICA / JUDGMENT

Munozohamba v Onelogix Linehaul (JS459/2021) [2021] ZALCJHB 426 (10 November 2021)

[2021] ZALCJHB 426

COURT

Labour Court Johannesburg

BEFORE

F. Coetzee

CASE / FILE NUMBER

JS459/2021

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IN

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not

Reportable

Not

of interest to other judges

Case

no: JS 459-2021

In

the matter between:

KENNETH

MUNOZOHAMBA Applicant

and

ONELOGIX

LINEHAUL 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 10 November 2021.

Summary:

Rescission of a default judgment

JUDGMENT

COETZEE AJ

- [1] The applicant approached this Court for a default judgment.
- [2] The matter was on the unopposed roll for 19 October 2021.
- [3] On 19 October 2021 I considered the application on paper as the Court was informed that the parties agreed thereto. I granted a default

judgment.

- [4] When I considered the application there was no indication in the Court file that the matter was opposed.
- [5] I have subsequently been informed that the respondent submitted opposing papers to the Registrar after the matter had been enrolled but prior to it having been heard. As a result of an administrative filing error at the office of the Registrar the opposing papers were not brought to my attention.
- [6] It is unfortunate that loadshedding and regular intermittent email disruptions of the official email service of the Office of the Chief Justice caused disruptions in the filing and sending of documents to the Registrar and to the judges working remotely. It also meant that the files were at the judge and not at the office of the Registrar to facilitate the filing of documents in the Court file when received late as is the case here..
- [7] This has been confirmed by the Registrar. I am of the view that this is a case where I may rescind the default judgment mero moto in terms of Rule 16 as the judgment was granted in error in the absence of the respondent and while I erroneously believed the matter was unopposed. If I do not rescind the order, it may lead to an injustice to the respondent.

[8] As a result, I make the following order:

[8.1] The order of 19 October 2021 is rescinded mero motu.

[8.2] The order is substituted by an order that the matter is removed from the unopposed roll with no order as to costs.

F. Coetzee

Acting Judge of the Labour Court of South Africa

Appearances

For the applicant: Dealt with in Chambers.

For the Respondent: Dealt with in Chambers.

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Prepared on 11 October 2026 · Esheria