

Sneller Verbatim/MC

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J112/01

2001-11-08

In the matter between

REBECCA T PHAKATHI

Applicant

and

VDO CAR COMMUNICATIONS SA

Respondent

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J U D G M E N T

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REVELAS J:

1. In this matter an award of the Commission for Conciliation Mediation and Arbitration had been made in favour of the applicant, Rebecca T Phakathi. The respondent did not comply with the arbitration award and an application in terms of section 158(1)(c) was brought by the applicant to have the arbitration award made an order of court which application was successful and on 24 February 2001, JAMMY AJ made the arbitration award an order of Court.
2. The respondent seeks to rescind that order. The Court is entitled to rescind an order if the order was obtained in the absence of a party where there was no proper notification to that party. It is quite clear on the papers that the notice of set down was not served on the respondent. The respondent party would therefore have no knowledge that the matter appeared and its remedy is to bring such an application
3. This is also not a case where I can form the view that the respondent party brought this application solely for the purposes of delay, since it had

filed within the time period prescribed by the Act, an application for review of the arbitration award.

4.It is argued on behalf of the applicant that there are no prospects of success in the review application, but, no grounds were advanced why this is indeed so.

5.The fact that an arbitration award was granted in favour of the party does not mean that the award is not reviewable.

6.In the circumstances I make an order to the effect that the order made by JAMMY AJ on 24 February 2001 is rescinded and I make no order as to costs.

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E. Revelas