

IN THE LABOUR COURT OF SOUTH AFRICA, DURBAN

Not Reportable

Case No: D 225/22

In the matter between:

LOGTRANS PLANT AND TRUCK HIRE CIVILS

Applicant

And

CCMA

First Respondent

COMMISSIONER WILLIAM MBATHA N.O.

Second Respondent

NKOSANA NDEBELE

Third Respondent

Heard: 28 February 2024

Delivered: This judgment was delivered electronically to the parties by email.

The date and time for hand-down is deemed to be 29 April 2024.

JUDGMENT

WHITCHER J

[1] This is an application to reinstate a review application deemed to have been withdrawn in terms of the Practice Manual of the Labour Court on account of the late filing of the record.

[2] Having considered the reason for the late filing of the review, the conduct of all relevant parties (the applicant, CCMA and the Registrar's office) in relation to making the proper record available and filing same, the issue of when the 60-day period would have begun to commence and the contents of the record of proceedings before the arbitrator, I do not consider it just to deny the applicant the

opportunity to proceed with its review application. In the circumstances I make the following order:

Order

1. The late filing of the review is condoned.
2. The review application is reinstated.
3. There is no order as to costs.

Benita Whitcher

Judge of the Labour Court of South Africa

APPEARANCES:

For the Applicant: Adv. P Dix, instructed by Maistry Motsine Attorneys

For the Third Respondent: Farrel Incorporated Attorneys