



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: J1701/18

In the matter between:

R.T. CHAUKE AND 8 OTHERS

Applicants

and

CAPRICORN DISTRICT MUNICIPALITY

Respondent

Considered: In Chambers

Delivered: 11 October 2019

JUDGMENT- APPLICATION FOR LEAVE TO APPEAL

LALLIE, J

[1] This is an application for leave to appeal against the judgment which was handed down on 5 April 2019. It was filed outside the 15 day period envisaged in Rule 30(2) of the Labour Court Rules¹ and the respondent sought condonation. The condonation application is unopposed. Having

¹ "(2) If leave to appeal has not been made at the time of judgment or order, an application for leave must be made and the grounds for appeal furnished within 15 days of the date of the judgment or order against which leave to appeal is sought, except that the court may, on good cause shown, extend that period."

considered it I am satisfied that the respondent has shown good cause. The delay should in the circumstances be condoned.

[2] The application for leave to appeal is also unopposed. For the application to succeed the respondent has to show that it has reasonable prospects of success on appeal². Having considered the grounds and submissions the respondent sought to rely on I am convinced that it did not establish prospects of success on appeal.

[3] In the premises, the following order is made:

Order

1. The late filing of the application for leave to appeal is condoned.
2. The application for leave to appeal is dismissed.

Z. Lallie

Judge of the Labour Court of South Africa

²*Seatholo and Others v Chemical Energy Paper Printing Wood and Allied Workers Union and Others*¹⁷