

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: JR13/16

In the matter between:

MARY LEKHELA

Applicant

and

MURRAY & ROBERTS CEMENTATION (PTY) LTD

Respondent

Considered: In Chambers

Delivered: 05 November 2019

JUDGEMENT: LEAVE TO APPEAL

MABASO, AJ

[1] This is an opposed application for leave to appeal by the applicant against the whole judgment of this Court, delivered on 30 August 2019, which dismissed her review application with no order as to costs.

[2] The test to grant a leave to appeal application is found in section 17 of the Superior Court Act¹, which reads thus:

“Leave to appeal

¹ No. 10 of 2013.

- (1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that –
- (a) (i) the appeal would have a reasonable prospect of success; or
 - (ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;
 - (b) the decision sought on appeal does not fall within the ambit of section 16 (2) (a); and
 - (c) where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties”

[3] I have considered all the grounds for leave to appeal, however, not persuaded that there is a reasonable prospect that the findings of this Court might receive a different treatment by the Labour Appeal Court.

[4] In the circumstances, I make the following order:

Order

1. The application for leave to appeal is dismissed.
2. There is no order as to costs.

S. Mabaso

Acting Judge of the Labour Court of South Africa