



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, PORT ELIZABETH

Not Reportable

Case No: JS31/2011

In the matter between:

ZOLA KHOZA

Applicant

And

AFRICAN EXPLOSIVES LTD

First Respondent

11 August 2014

REASONS FOR JUDGMENT

LALLIE J

[1] This matter was set down for a pre-trial conference before a judge on 20 August 2013. There was no appearance by the applicant and counsel for the respondent sought an order striking the matter from the roll and wasted costs. I granted the order owing to an obvious error. On the same day upon realizing my obvious error I rescinded the order and granted the following:

- '1. The order granted earlier on 20 August 2013 is rescinded and substituted with the following:

2. The matter is struck off the roll.
3. The registrar is directed not to re-enrol the matter before the applicant gives an explanation on oath for the applicant's non-appearance in court on 20 August 2013.
4. The registrar may enrol the matter at the instance of the respondent without the explanation referred to in paragraph 3 above.
5. Costs are reserved'.

[2] I decided to invoke provisions of section 165 of the Labour Relations Act 66 of 1995 ('the LRA') as I made an obvious error in granting the order. Clause 10.4.4 of the practice manual of the Labour Court of South Africa protects litigants who fail to appear before court for pre-trial conference against costs orders. I am of the view that section 165 of the LRA is intended *inter alia*, to provide an expeditious inexpensive way of correcting the kind of error I made and protect litigants against adverse orders which are granted in their absence.

[3] It is for reasons that I rescinded and substituted the order granted on 20 August 2013.

Lallie J

Judge of the Labour Court of South Africa