

Summary

This is an appeal against the dismissal of an application for review in terms of s33 of the Arbitration Act 42 of 1965 and the setting aside of an arbitration award. The appellant's ground of review, in the court *a quo*, was that, the arbitrator committed a gross irregularity in the conduct of the proceeding, s contemplated in s33(1)(b) if the Arbitration Act, by failing to determine the appellants counterclaims.

Held: That the arbitrator was under a duty to ensure that his award is a final decision on all matters, and must leave no matter unsettled. The arbitrator left issues relating to the appellants' counterclaims open for interpretation, speculation, and inference. A full and final award should require no inferences to be drawn. An incomplete arbitration award can never be made an order of court until the award is final. There is no room in law for a hybrid order, which is partially a finding made by an arbitrator and partially a finding by a court of law. The court found that the arbitrator's failure to deal with the appellants' counterclaims in his arbitration award constituted a gross irregularity and set it aside.

Abandon