

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE NO: 80277/18

(1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED.

30 June 2021

.....  
DATE

.....  
SIGNATURE

**THE COMPENSATION COMMISSIONER**

First Applicant

**THE DIRECTOR-GENERAL OF THE  
DEPARTMENT OF LABOUR OF THE  
NATIONAL GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

Second Applicant

and

**COMPENSATION SOLUTIONS (PTY) LTD**

Respondent

---

**JUDGMENT – APPLICATION FOR LEAVE TO APPEAL**

---

*The judgment and order are accordingly published and distributed electronically. The date and time of hand down is deemed to be 10:00 on 30 June 2021*

**TEFFO, J:**

[1] On 22 October 2019 I granted summary judgment against the applicants for payment of the amount of R8 796 298,70 with costs.

[2] The applicants seek leave to appeal against the whole of the judgment and order on various grounds.

[3] The application is opposed by the respondent.

[4] The respondent has filed the supplementary heads of argument in which it is submitted that the applicants have made payment of the total amount claimed and for which judgment was granted prior to this application being decided.

[5] Section 16(2)(a) of the Superior Courts Act, 10 of 2013 provides that when at the hearing of an appeal the issues are of such a nature that the decision sought will have no practical effect or result, the appeal may be dismissed on that ground alone.

[6] I agree with the submission on behalf of the respondent that the matter is purely academic and that in view of the provisions of section 16(2)(a) of the Superior Courts Act, the application is precluded. It follows that the application falls to be dismissed.

### Costs

[7] The applicants have filed an application for leave to appeal and proceeded to pay the amount claimed for which judgment was granted prior to the hearing of the application. This is one example of the abuse of court processes. The applicants should not have proceeded with the application after paying the total amount claimed. They should have withdrawn it. Under the circumstances I am inclined to order the applicants to pay punitive costs.

[8] The matter was set down previously and had to be postponed as there was no representation on behalf of the applicants.

[9] In the result the following order is made:

1. The application for leave to appeal is dismissed with costs on attorney and client scale which costs are to include the costs of the previous appearance.
2. The applicants are ordered to pay the costs of this application jointly and severally the one paying the other is to be absolved.



**M J TEFFO**  
**JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION, PRETORIA**

For the applicants	S S Maakane SC & W N Mothibe
Instructed by	State Attorney
For the respondent	C J Welgemoed
Instructed by	Quiryn Spruyt Attorneys c/o V D T Attorneys
Date of judgment	30 June 2021