

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT JOHANNESBURG

Case Number: C263/98

In the matter between

Western Cape Workers Association

Applicant

and

Hazeley Piggeries

Respondent

JUDGMENT

LANDMAN J

[1] The application for leave to appeal is out of time, but taking all the circumstances into account, particularly the prospects of success, the late application is condoned.

[2] The applicant in the main action (respondent in this application) applied for an interim interdict prohibiting the intimidation of casual and non-striking employees, and allowing them unimpeded access to the applicant's premises. A rule was granted against the

individual respondents on 23 June 1998. Costs were stood over until the return date, namely 29 June 1998. There was no appearance and the rule was confirmed with costs.

[3] The costs order relates to the respondents and was not restricted to those against whom the rule had been issued and confirmed.

[4] Costs should not have been awarded against the first respondent (the applicant in this application). There is, therefore, a reasonable prospect of success on appeal.

[5] Leave to appeal is granted.

[6] Costs are to be costs in the appeal.

A A LANDMAN

Judge of the Labour Court

SIGNED AND DATED THIS 3rd DAY OF DECEMBER 1998.