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IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J3575/00

2002-09-06

In the matter between

1<sup>st</sup> Applicant

2<sup>nd</sup> Applicant

and

RUBBER GENERAL MOULDERS (PTY) LTD

Respondent

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J U D G M E N T

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REVELAS J:

1. This is an application for leave to appeal against an order made by myself on 13 April 2000.
2. The respondent who came before me was the applicant in an application to have the order rescinded. I found that I could grant such an order rescinding my judgment if I was satisfied that the order was granted in error or in the absence of the parties due to no fault of their own.

3. The legal representative for the respondent could put forward any reason why I should set aside the order. The explanation put forward was simply that the papers in the matter filed by the respondents, (the applicants in the main matter), were never received. This was not borne out by the facsimile transmission slip attached to various notices of set down - which was conceded - bear the correct fax number of the respondent.
4. It was also submitted that these papers "floated around" at the respondent's premises. I found this to be an unacceptable explanation and dismissed the application for rescission and those were the reasons therefore.
5. Subsequently a notice of leave to appeal was filed.
6. My associate notified the parties that they should file heads of argument and I could decide the matters in chambers, alternatively, they could also put forward arguments in court.
7. No heads of argument were forthcoming from the applicant or the respondent.
8. Subsequently, on notice to both parties the matter was set down for today to hear the application for leave to appeal at 09:30. No one arrived. Therefore, in the absence of both parties, the matter is struck from the roll.

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E. Revelas