

Sneller Verbatim/MS

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J2025/02

2002-12-11

In the matter between

MDLULI, NTOMBI

Applicant

and

CITIMED TOTAL PHARMACY

Respondent

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J U D G M E N T

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REVELAS, J:

1. In this matter the applicant, Ms Mdluli, brought an application in terms of section 158(1)(c) of the Labour Relations Act 66 of 1995, as amended ("the Act").
2. This application to make an award of an arbitrator of the Commission for Conciliation Mediation and Arbitration ("the CCMA"), an order of court, was brought fourteen months after the award had been issued.

1. 3. The respondent brought an application to review the award of the arbitrator in terms of which the applicant was awarded compensation in an amount of some R36 000,00. The application for review is also brought considerably out of time. Both parties are in the wrong.

1. 4. I have listened to the argument of both parties and have decided to exercise my discretion in favour of justice. Accordingly I make an order to the effect that the application, in terms of section 158(1)(c) is postponed *sine die*, that the respondent bring its application for condonation for the late filing of its review application within 21 days hereof, failing which, the respondent will be barred from opposing this matter. At the hearing of the application for condonation the parties will be given a proper further opportunity to both air their respective cases.

5. In the circumstances I make the following order.

1. The application in terms of section 158(1)(c) of the Labour Relations Act 66 of 1995, is postponed *sine die*.

2. The respondent is to file and serve its condonation application within 21 days of this order failing which the respondent will be debarred from opposing this matter.

3. There is no order as to costs.

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E. Revelas