

BEGIN DEUR 'N "HEADER" TE MAAK

Sneller Verbatim/PJ

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J2642/02

2003-01-15

In the matter between;

THEMBINKOSI MTHETHWA Applicant

and

LEWIS FURNITURE Respondent

J U D G M E N T

CASSIM, AJ: At the hearing on 15 January 2003 when the matter was called, Mr Aaron Chauke appeared and informed me that he represents the applicant and that the matter had been settled with the respondent Lewis Stores (Pty) Ltd.

He presented a settlement agreement which I received and noted on the court file that the dispute is settled and therefore resolved.

I thereafter informed Mr Aaron Chauke that I had received a complaint that he was not an attorney and he informed me, as I understood the position, that he was an attorney. I requested him to produce some form of proof that he was an attorney.

At 14:00 on this day, 15 January 2003, Mr Chauke arrived at my chambers. He informed me that he had no documents available as he was moving premises. I asked him whether he could produce any proof that he was a graduate. He stated that in the file which he had available, there were no documents and that he would have to locate such documents.

I then informed him that I was earlier that morning in the offices of the Law Society and my preliminary investigation showed that he was not an attorney. I further informed him that I was in receipt of a letter from Attorneys Nhlapo from Boksburg in which they confirmed that he, Aaron Chauke, is not practising with Nhlapo Attorneys and in fact is not an attorney.

Mr Chauke then responded that he is not an attorney but that he is a labour consultant. I then directed that we reassemble forthwith in court as I wish to put these facts on record. Mr Aron Chauke, however, did not arrive at court. I take it that he disappeared and did not abide by my directive that he attends court.

It is clear from the papers in this file that Aaron Chauke holds himself out to be an attorney, practising at c/o Nhlapo Attorneys, Boksburg.

I am satisfied from what had happened that he is not a practising attorney and that he is unlawfully passing himself off as attorney associate with Nhlapo Attorneys of Boksburg.

I have however therefore ascertained that the settlement agreement with Lewis Furniture Ltd is a genuine agreement. Accordingly, I make the following rulings:

1. That this matter be referred to the Director of Public Prosecutions with the complaint from this court that Aaron Chauke is holding himself out to be an attorney when in fact he is not an attorney;
2. That it be published in this court and wherever else it is necessary, to inform the judges of this court, the registrars

and the litigating public that Aaron Chauke is not an attorney
and has no right of appearance in this court.

N A CASSIM

Acting Judge of the Labour Court of South Africa