

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Reportable
Case No: J29/24

In the matter between:

B SURE INSURANCE ADVISORS (PTY) LTD

Applicant

and

WARREN SCHNEPEL

First Respondent

MONT BLANC FINANCIAL SERVICES (PTY) LTD

Second Respondent

Heard: In chambers

Delivered: 11 April 2024

This judgment was handed down electronically by circulation to the parties and legal representatives by email. The date of hand-down is deemed to be 11 April 2024.

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

MAKHURA, J

[1] On 22 March 2024, this Court dismissed the applicant's application to enforce a restraint of trade agreement with no order as to costs. The primary basis upon which the application was dismissed was that the applicant failed to prove that the second respondent was its competitor.

[2] The applicant has applied for leave to appeal. Subsequently, both parties filed their written submissions in terms of Rule 30(3A) of the Rules for the Conduct of Proceedings in the Labour Court, read with clause 15 of the Practice Manual of the Labour Court of South Africa.

[3] The applicant filed supplementary written submissions and further written submissions in reply to the first respondent's written submissions. This prompted the first respondent to file supplementary written submissions to the applicant's supplementary submissions and a request to make further written submissions to the applicant's replying submissions. The applicant then filed an opposition to the first respondent's request for further submissions. If both parties read and considered the above provisions, these unnecessary further submissions would have been avoided. The Rules and Practice Manual do not make provision for supplementary or replying submissions, certainly not without leave of this Court. I therefore reject these supplementary submissions. In any event, these submissions are of no assistance to this Court. The test applicable in applications for leave to appeal is trite.¹

[4] Having considered the grounds upon which leave to appeal is sought, the written submissions filed by the applicant and the first respondent, the test for leave to appeal and having reflected on the judgment, I find that the appeal would have no prospects of success (with or without the replying submissions) and there are no compelling reasons for the appeal to be heard. Accordingly, the application for leave to appeal is refused.

[5] In the premises, the following order is made:

Order

1. The application for leave to appeal is dismissed with no order as to costs.

M. Makhura
Judge of the Labour Court of South Africa

¹ Section 17 of the Superior Courts Act 10 of 2013.