

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT JOHANNESBURG

Case No: JS 943/09

SHAMANI PAKIRY

Appellant

And

EXTREME COSMETICS

Respondent

REASONS FOR THE ORDER

Molahlehi J

Introduction

- [1] This is an application for the late filing of the statement of case, filed in terms of s 191(1) (a) and (b) of the LRA. Although the respondent did not attend court on the 28 February 2011 when the condonation application was heard, it had filed the opposing affidavits. The matter is therefore treated as opposed.
- [2] The respondent contends that condonation should be refused because the applicant has failed to show any good cause for the delay.
- [3] The delay in filing the statement of case is about 26 days late. The essence of the explanation for the delay is that:
- 1) After the issuing of the statement of case the applicant repeatedly contacted her attorney to enquire about the progress

in the matter. That attorney withdrew and the applicant had to instruct the current attorney of record.

2) The other reason for the delay is attributed to obtaining the insurance cover from Legal Wise.

[4] Having regard to all the relevant legal factors in the consideration of a condonation application, I am satisfied that the applicant has made out a case for condonation. The reasons are:

- 1) The delay in the circumstances of this case is not excessive.
- 2) The explanation tendered is reasonable and acceptable particularly taking into account that the applicant did take steps to seek to have his attorney expedite the process. She phoned her previous attorney, and the legal insurance to find out about progress.

[5] I see no reason why costs should not follow the results.

[6] In the premises the late filing of the statement of case is condoned with costs.

Molahlehi J

JUDGE OF THE LABOUR COURT OF SOUTH AFRICA

Date of Hearing: 28 February 2011

Date of Judgment : February 2011

Appearances:

For the applicant: Adv. F. Bezuidenhout

For the respondents: No appearance

