

**IN THE LABOUR COURT OF SOUTH AFRICA
HELD AT JOHANNESBURG**

CASE NO: J735/11

Not reportable

In the matter between

NATIONAL REAL ESTATE (PTY) LTD

Applicant

and

VAN WYK, ELLOISE DAPHNE

First Respondent

J P RHEEDER N.O.

Second Respondent

J U D G M E N T

PATHER AJ

[1] In this matter I have read the papers and I am not convinced that the applicant has prosecuted the review application expeditiously. This is against the background of the following facts:

[2] An award by default was issued on 26 July 2009.

[3] This was rescinded on 6 September 2009.

[4] The award, which is the subject of review proceedings, was issued on 21 January 2010.

[5] The applicant/employer applied for that award to be rescinded.

- [6] A rescission ruling in terms of which the application was refused was issued on 6 April 2010.
- [7] The application for a stay of enforcement of that award and the review of the arbitration award dated 21 January 2010 was filed during June 2010, some two months later.
- [8] The writ was issued on 11 November 2010. This, despite the applicant/employer's application during June 2010.
- [9] In this regard, no explanation is provided as to what transpired in the intervening period that is, between June 2010 and November 2010. In other words how could the first respondent have successfully enforced the award if the applicant's application was properly before the Court?
- [10] Therefore I make the following order.
1. In any event the cost of further litigation will surely eventually exceed the amount of the compensation awarded to the first respondent on 21 January 2010. Furthermore, as the applicant does not appear to have good prospects of success in the review application, this application is dismissed.
 2. There is no order as to costs.

Pather AJ

Acting Judge of the Labour Court of South Africa

Date of hearing: 26 May 2011

Date of Judgement: 26 May 2011

Appearances:

For the Applicant: P. Strydom for Louis Block c/o Jarvis Jacobs
Raubenheimer Inc

For the Respondent: