



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: JS 880-12

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| (1) | <u>REPORTABLE: YES/NO</u> |
| (2) | <u>OF INTEREST TO OTHER JUDGES:</u>
<u>YES/NO</u> |
| (3) | <u>REVISED.</u> |
| | |

In the matter between –

SOLIDARITY obo A S HARTZENBERG

Applicant

And

VIOFLOT CONSTRUCTION (PTY) LTD t/a

KLP STRUCTURES & CONSTRUCTION

Respondent

Date of judgment: 02 May 2013

JUDGMENT

MOLAHLEHI J

- [1] This is an application for a default judgment in terms of which the applicant seeks an order directing the respondent to pay the individual applicant unpaid salary for the months of October, November and December 2011.
- [2] The applicants have launched the claim under the provision of Section 77 (3) of the Basic Conditions of Employment Act 75 of 1997. The applicants in their

statement of case contends that the respondent has despite the claim for the payment of the outstanding salaries of the individual applicant failed to or neglected to pay the amount due and owing. The breakdown of the amount due and owing is as follows:

October 2011:	R4500. 00
November 2011:	R5000. 00
December 2011:	<u>R5000. 00</u>
Total	R14500. 00

- [3] The applicants contend that the claim was duly and properly served on the respondent and the respondent has not opposed the claim. The time for serving and filing the notice of intention to oppose the claim has expired.
- [4] The only version, which has not been challenged, is that of the individual applicant. There exist no reason why the version of the applicants should be rejected. The applicants have accordingly made a case warranting the granting of the default judgment.

The order

- [5] In the circumstances, the following order is made:
1. The respondent has failed and or neglected to pay the individual applicant, Mr A S Hartzenberg, the salary which is due and owing.
 2. The respondent is ordered to pay the individual applicant, Mr A S Hartzenberg, the amount of R14500,00 with interest a *tempore mora* less tax and other statutory deductions with.

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JUDGE OF THE LABOUR
COURT OF SOUTH AFRICA

Appearances:

Matter considered in Chambers

LABOUR COURT