



**THE LABOUR COURT OF SOUTH AFRICA
JOHANNESBURG**

Not reportable

Case no: JS 964/2015

In the matter between:

CORNELIUS MARTHINUS VERMAAK

First Applicant

MARLENE DAPHNE VERMAAK

Second Applicant

and

SEA SPIRIT TRADING 162 CC t/a PALEDI SUPER SPAR

First Respondent

GREENVILLE TRADING 543 CC t/a PALEDI TOPS

Second Respondent

THE SPAR GROUP LIMITED t/a PALEDI SUPER SPAR

Third Respondent

Decided: In Chambers

Judgment: 23 March 2017

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

PRINSLOO J.

- [1] The Third Respondent filed an application for leave to appeal against the whole of the judgment of this Court handed down on 31 January 2017.

- [2] The application for leave to appeal is unopposed and the Third Respondent filed comprehensive written submissions.
- [3] I have considered the six grounds for appeal as raised by the Third Respondent as well as the submissions made in support thereof and I do not intend to repeat those herein.
- [4] It is trite that in order to be entitled to leave to appeal, an applicant in the application for leave to appeal must satisfy this Court that it has reasonable prospects of success on appeal and that based on the facts and the law another court could arrive at a conclusion different than the one reached by the Court *a quo*.
- [5] Suffice to say that after due consideration of the application for leave to appeal, I am persuaded that there is a reasonable prospect that another court could arrive at a different conclusion than the one arrived at by this Court. Furthermore, I am also of the view that there is an important question of law that should be decided and that requires the appeal to be heard.

Order

- [6] I therefore make the following order:

6.1 Leave to appeal is granted.

6.2 Costs to be costs in the appeal.

C. Prinsloo

Judge of the Labour Court