



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR1091/2011

In the matter between:

NUM OBO MPHOFELO, V AND 1 OTHER

Applicant

and

XSTRATA SOUTH AFRICA (PROPRIETARY)

LIMITED – THORNCLIFFE MINE

First Respondent

COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION

Second Respondent

SIMON MOHUBEDU RANTHO N.O

Third Respondent

Decided: In Chambers

Judgment: 4 December 2018

JUDGMENT- APPLICATION FOR LEAVE TO APPEAL

LALLIE, J

- [1] The applicant filed an application for leave to appeal against the whole of the judgment handed down by this Court on 11 April 2018. The application is opposed by the first Respondent.

- [2] The test for leave to appeal is whether the applicant has reasonable prospects of success on appeal.¹
- [3] I have carefully considered the papers before me. They do not reflect that the applicant has established reasonable prospects of success on appeal.
- [4] I accordingly, make the following order.

Order

1. The application for leave to appeal is dismissed.

Z Lallie

Judge of the Labour Court of South Africa

¹ *Lodewicus Adries Micheal Kruger v The State* 612/13 [2013] ZA (SCA).

For the Applicant: Mosemao Papola Incorporated

For the Respondent: Bell Dewer Inc

LABOUR COURT