



THE LABOUR COURT OF SOUTH AFRICA, GQEBERHA

Not Reportable
Case No: PR142/22

In the matter between:

GOODYEAR SOUTH AFRICA (PTY) LTD

Applicant

and

**COMMISSION FOR CONCILIATION,
MEDIATION AND ARBITRATION**

First Respondent

AMON NYONDO N.O.

Second Respondent

NUMSA OBO V JACOBS AND 53 OTHERS

Third Respondent

Heard: In Chambers

Delivered: 22 January 2025

JUDGMENT:

APPLICATION FOR LEAVE TO APPEAL

MAKHURA, J

- [1] On 6 November 2024, this Court handed down a judgment in terms of which the applicant's review application, brought in terms of section 145 of the Labour Relations Act¹ (LRA), was dismissed with no order as to costs.
- [2] The applicant has filed an application for leave to appeal against the whole of the judgment and order. The applicant has, in its notice of application for leave to appeal and written submissions, set out in detail its grounds and submissions upon which leave to appeal is sought. It is not necessary for this Court to regurgitate those grounds and the submissions, nor is it necessary to revisit the findings contained in the main judgment, save to state that the issues raised by the applicant have been comprehensively addressed in my main judgment.
- [3] The applicable test for review applications is settled. It is evident from the main judgment that this review test was correctly construed and applied. The applicant does not suggest otherwise.
- [4] The test applicable to the current application is set out under section 17(1) of the Superior Court Act (SC Act).² The question is whether the appeal would have a reasonable prospect of success or whether there are other compelling reasons that warrant the appeal being heard.
- [5] The applicant must satisfy the requirements of section 17(a) of the SC Act. The applicant's grounds in my view amount to no more than an expression of its unhappiness with the judgment and its consequences and a recordal of the type of judgment or findings it expected from the Court. The commissioner's award is well-reasoned and one that warrants no interference whatsoever by a review court. The application stands to be dismissed.

¹ Act 66 of 1995, as amended.

² Act 10 of 2013. Section 17(1) provides that: "Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

(a) (i) the appeal would have a reasonable prospect of success; or
(ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;..."

[6] Having considered the grounds for leave to appeal, the test for leave to appeal, the parties' respective written submissions and reflected on the main judgment, I am not persuaded that the appeal would have a reasonable prospect of success. There are no conflicting judgments on any issue that arose from the matter. Further, the matter does not present any arguable point of law. Therefore, there are no other compelling reasons to burden the appeal court with this matter. The applicant for leave to appeal stands to be dismissed.

[7] NUMSA seeks costs of this application. Both parties did not seek costs during the main application. In consideration of the requirements of law and fairness, and the principle that costs do not follow the result in this Court, I am not persuaded that a costs order is warranted.

[8] In the premises, the following order is made:

Order

1. The application for leave to appeal is dismissed.
2. There is no order as to costs.

M. Makhura

Judge of the Labour Court of South Africa