



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not reportable
Case No: JS559/24

In the matter between:

OUPA J. KUTUMELA

Plaintiff

and

CSG RESOURCING (PTY) LTD

First Defendant

ROUCHE KLEYNHANS

Second Defendant

TEBOGO MOALUSI

Third Defendant

Considered : In Chambers

Delivered: 7 May 2025 (This judgment was handed down electronically by circulation to the parties' legal representatives by email, publication on the Labour Court website and release to SAFLII. The date and time for handing-down is deemed to be 10h00 on 7 May 2025.)

JUDGMENT

PHEHANE, J

[1] This is a default judgment application in which the plaintiff seeks reinstatement, alternatively, compensation for his dismissal from the first defendant for operational requirements.

[2] The first defendant filed a statement of response together with a condonation application for its late filing on 25 February 2025. The condonation application appears not to be opposed. I am satisfied that the first defendant took all reasonable attempts to serve the condonation application and statement of response of the plaintiff and that the plaintiff is aware of these processes.¹

[3] The plaintiff filed an incomplete index of the pleadings bundle on 3 March 2025, together with a notice in terms of Rule 40(1) of the Rules Regulating the Conduct of Proceedings of the Labour Court² (the Rules) requesting the Registrar to set the default judgment application on the unopposed motion roll. In terms of Rule 21 of the Rules, default judgment applications are ordinarily dealt with by a judge in chambers.

[4] I have considered the condonation application and find that good cause is shown for the delay.

[5] I have also considered the averment made by the first defendant that a referral was made to this Court by a different former employee relating to the same facts as this present case, although under a different case number, that is, JS702/24 and in which matter, the first defendant has filed a statement of response. The first defendant accordingly submits that these two cases should be consolidated.³

[6] In view of the afore-going, the default judgement cannot succeed.

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

¹ See: service affidavit by the first respondent at paras 2 to 4.

² Published under GN 4775a in GN 50608 dated 3 May 2024.

³ See: paras 7.3 and 11.5 of the founding affidavit in the condonation application.

Order:

1. The default judgment application is dismissed.
2. The first defendant's condonation application for the late filing of its statement of response is condoned.
3. The first defendant is to file an application to consolidate case numbers JS559/24 and JS702/24 within 30 days of this order.
4. The costs are reserved.

M. T. M. Pehane

Judge of the Labour Court of South Africa