



**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

Not Reportable  
Case No: JR1236-22

In the matter between:

**PRECIOUS SAAMLEK FLEMING NYIRENDA**

**Applicant**

and

**DISPUTE RESOLUTION CENTRE (MIBCO)**

**First Respondent**

**SENIOR COMMISSIONER M TSATSIMPE N.O.**

**Second Respondent**

**DOTCOM TRADING (ENGEN EDENBURG)**

**Third Respondent**

**Heard: 29 July 2025**

**Delivered: 3 September 2025**

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**JUDGMENT**

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**SASS AJ**

Background

1 This matter was postponed from 22 May 2025 to 29 July 2025 in terms of the Order of the Honourable Acting Justice Cithi to allow the Applicant the opportunity to serve the Order of this Court dated 11 March 2025 on the Third Respondent.

2 Between the Order of this Court dated 11 March 2025 and 22 May 2025, and before the Order dated 11 March 2025 was served on the Third Respondent, the Applicant instituted a Contempt of Court application against the Third Respondent relating to non-compliance with the Order dated 25 March 2025.

3 The Applicant's Contempt of Court application, which was launched on or about 17 April 2025, was opposed by the Third Respondent.

4 Prior to the Third Respondent receiving the Applicant's Contempt of Court Application on or after 17 April 2025, and on or about 16 April 2025, the Third Respondent instituted a Rescission Application on or about 16 April 2025 in respect of the Order dated 25 March 2025.

5 The Third Respondent's Rescission Application preceded the Applicant's Contempt of Court application.

6 The Third Respondent's Rescission Application does, at least *prima facie*, point towards it not being in wilful non-compliance with and contempt of the Order dated 11 March 2025 which it is seeking to rescind.

7 The Third Respondent's Rescission Application has to be heard before the Applicant's Contempt of Court application may be considered.

8 In the circumstances, the Court makes the following Order:

#### Order

9 The Applicant is to file her Answering Affidavit opposing the Rescission Application as soon as possible after 29 July 2025 and in any event by no later than within 10 (ten) days of the date of this Order.

10 The Third Respondent is to file its Replying Affidavit in the Rescission Application in response to the Answering Affidavit of the Applicant, if any, within 5 (five) days of receiving the Answering Affidavit and in any event by no later than within 15 (fifteen) days of the date of this Order

11 The Registrar is to enrol the Third Respondent's Rescission Application on an expedited basis on the opposed motion roll after the abovementioned Answering Affidavit and Replying Affidavit has been filed.

12 No order is made as to costs.

M Sass

Acting Judge of the Labour Court of South Africa

Appearances

For the Applicant: In person

For the Respondent: Advocate R Orr

Instructed by : Bailie Janke Snyman Attorneys