



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: J1140/23

In the matter between:

MAPANE TSHEPO AND OTHERS

Applicant

and

CLEAR CREEK TRADING 167 (PTY) LTD T/A WIREFORCE

First Respondent

MOMENTUM METROPOLITAN LIFE LIMITED

Second Respondent

Heard: 30 July 2025

Delivered: 30 September 2025

JUDGMENT

SASS AJ

Introduction

- [1] This is an application to join the Second Respondent, Momentum Metropolitan Life Limited, as a party to this matter.

Relevant background facts

- [2] The First Respondent and the Second Respondent did not oppose the application. Both filed a Notice of Intention to Abide.
- [3] The Second Respondent filed an Affidavit along with its Notice of Intention to Abide, deposed to on its behalf by Gregory Wyne Peck, an employee of MMH Holdings Limited ('the Peck Affidavit').

Analysis

- [4] The Second Respondent's Notice of Intention to Abide indicates that, *inter alia*, it does not oppose the joinder application. Although the Second Respondent contends in the Peck Affidavit that the joinder application is ill-conceived and that there is no plausible reason to join the Second Respondent, it goes on to state that as the Applicant is not seeking any relief against the Second Respondent in the main application, no reason exists why the Second Respondent should oppose the joinder application.
- [5] It is debatable whether the Applicant has made out a proper case for joinder of the Second Respondent, having regard to the applicable legal principles in relation to joinder.
- [6] As regards the legal principles, I can do no better than to quote the relevant paragraph of this Court's judgment (per Prinsloo J) in *Nehawu obo Phuthi Seloba v The Office of the Premier: Limpopo* -

[49] *It is trite that for parties to be joined to particular proceedings, they must have a direct and substantial legal interest in the matter such as to make them necessary parties to the proceedings. Only parties that would be directly affected by the Court's order or where the order cannot be sustained or carried into effect without prejudicing such a party are necessary parties to the proceedings.*

- [7] The First Respondent, in its Statement of Response in the main application, raised a number of Special Pleas, the third of which was a Non-Joinder Special Plea in relation to the non-joinder of, *inter alia*, the Second Respondent, being a party to which the First Respondent paid a portion of the

amounts deducted from Tshepo Mapane and Others (the Applicant/s in this matter), which is the deductions to which the main application relates.

- [8] The First Respondent contends in paragraph 3.3 of its Statement of Response that, *inter alia*, the Second Respondent has a substantial interest in the subject matter of the proceedings (the main application) and its absence constitutes a material non-joinder.
- [9] It does therefore appear that the Applicant has been left with no alternative but to apply for the joinder of the Second Respondent. Any semblance of an opposition to its joinder by the Second Respondent may possibly have resulted in this Court potentially not joining it as a party.
- [10] The expeditious resolution of labour disputes is a fundamental principle, and the joinder application should be considered against that backdrop. This Court has emphasized the need for expeditious dispute resolution to uphold the Labour Relations Act's purpose of promoting fairness for employees and employers by avoiding delays.
- [11] The interests of justice and the need to bring the main application to finality as expeditiously as possible militates in favour of the joinder of the Second Respondent.

Costs

- [12] The joinder application was not opposed, and a costs order is accordingly not appropriate in the circumstances.
- [13] In the circumstances, the Court makes the following order:

Order

- [14] Momentum Metropolitan Life Limited is joined as a party to this matter as the Second Respondent.
- [15] No order is made as to costs.

M Sass

Acting Judge of the Labour
Court of South Africa

Appearances

For the Applicant: Phumulani Nyembe (Attorney)

For the First Respondent: Magdeline Modiba (Attorney – Anton Bakker
Attorneys) holding a watching brief.

For the Second Respondent: No appearance.