

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: JS 575/24

In the matter between:

WILLIAM AMOS NOKANA & 5 OTHERS

Plaintiff

and

SOUTH AFRICAN BREWERIES (PTY) LTD

Defendant

Considered: In chambers

Delivered: 20 October 2025

JUDGMENT – APPLICATION FOR LEAVE TO APPEAL

EDWARDS, AJ

- [1] The applicants have applied for leave to appeal against the whole of the judgment of this Court dated 22 August 2025.
- [2] What was before this Court was the applicants' application for the condonation of the late filing of their statement of claim, which on their calculation, was filed 771 days out of time.
- [3] This Court ultimately refused condonation. It found that, although the applicants had furnished a reasonable explanation which covered the first period of the delay (460 days), the explanation furnished for the second period of delay (351 days), was unsatisfactory and incomplete. This Court, when considering the applicants' prospects of success, found that the prospects of success as set out in the condonation application were not enough to overcome the poor explanation for the second period of delay, which was excessive.

- [4] On this basis, this Court found that it would not be in the interests of justice to grant condonation.
- [5] The applicants seek leave to appeal on the basis that this Court erred in arriving at the above findings. The respondent opposes the application for leave to appeal.
- [6] The grounds upon which leave to appeal is sought as well as the content of the written submissions filed in support of the application for leave to appeal have, in my view, already been comprehensively addressed in this Court's judgment in this matter.
- [7] In considering this application, I have had regard for the test for applications for leave to appeal which is set out in section 17(1)(a) of the Superior Courts Act¹, that is, that leave to appeal may only be given where the judge concerned is of the opinion that the appeal would have a reasonable prospect of success; or there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.
- [8] I have also taken cognisance of the comment of Davis JA in *Martin & East (Pty) Ltd v National Union of Mineworkers & others*,² that, because the Labour Relations Act, 66 of 1995 ("the LRA") was designed to ensure an expeditious resolution of industrial disputes, courts, and particularly courts in the position of this court, need to be cautious when leave to appeal is granted and must take great care to ensure a balance between the expeditious resolution of a dispute and the rights of the party which has lost.

¹ No. 10 of 2013.

² (2014) 35 ILJ 2399 (LAC) at 2405J - F.

[9] Having considered the application for leave to appeal, as well as the written submissions of both the applicants and the respondent, and having reflected on this Court's judgment in this matter, I am not persuaded that the appeal would have a reasonable prospect of success, nor am I persuaded that there are any compelling reasons for the matter to be heard by the Labour Appeal Court.

[10] Accordingly, the application for leave to appeal falls to be dismissed.

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

Order

1. The application for leave to appeal is dismissed.

M. Edwards

Acting Judge of the Labour Court of South Africa