

Sneller Verbatim/MLS

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J 4195/01

2002-08-01

In the matter between

BERNARD MOEKETSI

Applicant

and

JULES SAUCE

Respondent

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J U D G M E N T

EX TEMPORE

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REVELAS J:

1. On 2 August 2001 an arbitration award was made in favour of the applicant in that the first respondent, Jules Sauce, was ordered to pay the applicant an amount equivalent to 12 months' wages as compensation which total R20 799,98. This was calculated on the applicant's weekly wages of R400 which he received at the time of his dismissal.

1. 2. The award was made an order of court and when the applicant attempted to satisfy the court order it was established that execution of it could not take place against Mr Sauce as it was not established that he dismissed the applicant in the first place.
1. 3. The party sought to be joined in this matter was not once mentioned during the arbitration proceedings, nor was it referred to in any of the documentation. After judgment had been given, such a party should not, in my view, be joined as a party to proceedings.
4. I may make a declarator, for instance, to the effect that Mr Sauce was also trading as the party sought to be joined or that he was at least a director but unfortunately the applicant has put forward no such facts before me.
5. In the circumstances the application for a joinder must fail.

There is no order as to costs.

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E. Revelas