

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

Case Number: **2022-046427**

- | | |
|-----|-------------------------------------|
| (1) | REPORTABLE: YES / NO |
| (2) | OF INTEREST TO OTHER JUDGES: YES/NO |
| (3) | REVISED: YES/NO |

12 March 2026

DATE

JRG

SIGNATURE

In the matter between:

**ASSOCIATION OF MINEWORKERS AND
CONSTRUCTION UNION**

APPLICANT

And

**SAMANCOR CHROME LIMITED
(REG:1926/08883/06)**

RESPONDENT

JUDGMENT

APPLICATION FOR LEAVE TO APPEAL

JOHANN GAUTSCHI AJ

- [1] The applicant (AMCU) seeks leave to appeal against the dismissal of its application.
- [2] AMCU's first ground of appeal is that I erred in distinguishing the judgments in Caxton, Industrial Health Resources Group and Baleni. My judgment gave reasons for finding that AMCU's reliance on those judgments does not support its case. This ground of appeal raises nothing new which was not already considered in my judgment and has not, in my view, provided any sound reason for a departure from those reasons.
- [3] The second and related third grounds of appeal are that I erred in finding that the requirements for mandatory interdict were not met because AMCU has an appropriate alternative remedy provided by PAIA and that, in the circumstances, given the third-party interests involved, it was mandatory for AMCU to use the remedies provided by PAIA. Here again, this was all dealt with in my judgment and, in my view, AMCU has provided no sound reason to depart from those findings.
- [4] In the circumstances I am of the view that there are no reasonable prospects of success on appeal and consequently the application for leave to appeal must be dismissed with costs.

ORDER:

- [1] The Applicant's application for leave to appeal is dismissed.
- [2] The Applicant is to pay the costs of the Respondent including the costs of two counsel, costs to be taxed on scale C.

Johann Gautschi AJ

**ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG**

For Applicant: ADV M MBIKWA

ADV N SOEKOE

Instructed by: RICHARD SPOOR ATTORNEYS

(011482 6081)

For Respondent: ADV B ROUX SC

ADV E KROMHOUT

Instructed by: CLIFFE DEKKER HOFMEYER INC

(011 562 1042)

Hearing date: 4 August 2025

Judgment date: 12 March 2026