



(1) Reportable: Yes/~~No~~
(2) Of interest to other Judges: Yes/~~No~~

Signature

07-04-2026
Date

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: JR 590/23

In the matter between:

JOHANNA MABONA

Applicant

and

EXARRO FERROALLOYS (PTY) LTD

First Respondent

LERATO SIKWANE

Second Respondent

**COMMISSION FOR CONCILIATION, MEDIATION
& ARBITRATION**

Third Respondent

Delivered: 7 April 2026

JUDGMENT

LENNOX, AJ

- [1] The First Respondent seeks leave to appeal against the whole of the judgment of the Court delivered on 30 July 2025.
- [2] The Court has been favoured with detailed submissions from both the First Respondent and the Applicant, who opposes the application for leave to appeal.
- [3] The findings herein have been delayed, which the Court regrets and apologises for.
- [4] Having considered the submissions, detailed as they are, the Court must consider whether the requirements of section 17(1) of the Superior Court Act No 10 of 2023 have been met or not.
- [5] In *Seatlholo and others v Chemical Energy Paper Printing Wood and Allied Workers Union and others*,^[3] this Court confirmed that the test applicable in applications for leave to appeal is stringent and held as follows:

*'The traditional formulation of the test that is applicable in an application such as the present requires the court to determine whether there is a reasonable prospect that another court may come to a different conclusion to that reached in the judgment that is sought to be taken on appeal. As the respondents observe, the use of the word "would" in s17(1)(a)(i) is indicative of a raising of the threshold since previously, all that was required for the applicant to demonstrate was that there was a reasonable prospect that another court might come to a different conclusion (see *Daantjie Community and others v Crocodile Valley Citrus Company (Pty) Ltd and another* (75/2008) [2015] ZALCC 7 (28 July 2015). Further, this is not a test to be applied lightly – the Labour Appeal Court has recently had occasion to observe that this court ought to be cautious when leave to appeal is granted, as should the Labour Appeal Court when petitions are granted. The statutory imperative of the expeditious resolution of labour disputes necessarily requires that appeals be limited to those matters in which there is a reasonable*

prospect that the factual matrix could receive a different treatment or where there is some legitimate dispute on the law (See the judgment by Davis JA in Martin and East (Pty) Ltd v NUM (2014) 35 ILJ 2399 (LAC), and also Kruger v S 2014 (1) SACR 369 (SCA) and the ruling by Steenkamp J in Oasys Innovations (Pty) Ltd v Henning and another (C 536/15, 6 November 2015).'

[6] In deciding this application for leave to appeal, the Court is also guided by the *dicta* of the Supreme Court of Appeal where it held in *Dexgroup (Pty) Ltd v Trustco Group International (Pty) Ltd*¹ and others at paragraph 24 that:

'...The need to obtain leave to appeal is a valuable tool in ensuring that scarce judicial resources are not spent on appeals that lack merit.'

[7] The Court is not of the view that there are compelling interests which require the appeal to be heard in the interests of justice².

[8] Having considered the submissions the Court is of the view that there is no possibility that another Court would come to a different conclusion.

[9] The Court is satisfied that the Second Respondent erred in the manner in which the arbitration was concluded and that this required the intervention of the Court.

[10] In the judgment no order was made as to costs. There is no reason to grant them now.

[11] The application for leave to appeal is accordingly dismissed with no order as to costs.

¹ 2013 (6) SA 520 (SCA)

² *Ramakatsa v African National Congress* [2021] ZASCA 31

M.A. Lennox

Acting Judge of the Labour Court of South Africa