



**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

Not Reportable

Case no: J285/20

In the matter between:

**PANEL WORLD CC**

**Applicant**

and

**MOEPA RETSELISITWE**

**First Responden**

**TSILISO SHASHA N O**

**Second Respondent**

**CCMA**

**Third Respondent**

**SHERIFF OF THE COURT - FRNAKFORT**

**Fourth Respondent**

**Heard: 11 August 2020**

**Delivered:** This judgment was handed down electronically by circulation to the parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 10h00 on 12 August 2020.

**Summary:** Application to stay a writ pending a review – order granted

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## JUDGMENT

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**COETZEE AJ**

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- [1] The applicant approaches this Court on an urgent basis for an order staying a writ of execution pending the finalisation of a review application.
- [2] The first respondent submitted a notice to oppose and today filed an answering affidavit. The application was dealt with on the Zoom platform.
- [3] The applicant applied to this Court for an order to review and set aside an arbitration award issued during 2019 in favour of the first respondent. The case number for the review is JR 2065/2019. The award has been issued under case FSBF 27850-2019.
- [4] On the face of the application the applicant is entitled to the relief.
- [5] The answering affidavit refers to the merits of the review application and in broad strokes deny the background facts. No reason is advanced why the award should not be stayed. The first respondent was assisted by a government official without the right of appearance. He was allowed to make submissions on behalf of the first respondent.
- [6] The sheriff in execution of the award wished to attach the tools of trade of the applicant that would make it impossible to trade.

### Order

- [7] I make the following order:

- [7.1] The application is heard on an urgent basis in accordance with the provisions of Rule 8.

[7.2] The writ of execution issued on 11 February 2020 and executed by the fourth respondent on 28 February 2020 is hereby stayed pending the finalisation of the applicant's review in case number JR 2065/2019 of the award FSBF 27850-2019.

[7.3] Execution of the arbitration award is stayed pending the finalisation of the applicant's review in the case number JR 2065/2019.

[7.4] There is no order as to costs.

F. Coetzee

Acting Judge of the Labour Court of South Africa

#### Appearances

For the applicant: No appearance as the matter has been dealt with on paper.

Instructed by: Corne Boshoff Attorneys  
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