

IN THE NATIONAL CONSUMER TRIBUNAL
HELD IN CENTURION

Case number: **NCT/101328/2018/75(1)(b)**

In the matter between:

LEGOBELA JOHN MAAKE

APPLICANT

and

DIESEL PERFORMANCE TRUCKS AND BUS (PTY) LTD

RESPONDENT

Coram:

Prof. B. Dumisa	-	Presiding Member
Ms. H. Devraj	-	Tribunal Member
Adv. J. Simpson	-	Tribunal Member

Date of Hearing	-	14 June 2018 (Polokwane)
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POSTPONEMENT ORDER

1. The Applicant appeared in person.
2. The Respondent was represented by one of its directors, Mr Shane Fitzgerald.
3. The Respondent failed to file any answering affidavit in the matter. The matter had therefore been set down for a default hearing on the main merits. Mr Fitzgerald appeared on behalf of the Respondent via Skype and requested a postponement of the matter to try and settle the dispute with the Applicant. He further undertook to file an answering affidavit and application for condonation for the late filing if the matter could not be settled.

4. The Applicant opposed the application for a postponement of the matter. He submitted that the Respondent had squandered numerous opportunities to resolve the matter and had failed to file any papers with the Tribunal.
5. After due consideration of the arguments submitted, the Tribunal granted the application for postponement. This is a first application for postponement. The Respondent appears to be willing to settle the dispute amicably. If the matter is not settled the Respondent will be severely prejudiced if it cannot provide a response to the allegations made by the Applicant. The Applicant's version is unclear; a response by the Respondent will assist to clarify the facts.

ORDER

6. The matter is postponed *sine die*.
7. The Respondent is to file a signed settlement agreement, duly signed by both parties, by 5 July 2018. In the event that the matter is not settled the Respondent must file and serve an answering affidavit and application to condone the late filing by 5 July 2018.
8. If the settlement agreement or answering affidavit and condonation application is not filed by the due date then the matter will once again be set down for hearing on a default basis. No further postponement will be considered.
9. No order is made as to costs.

DATED 14 JUNE 2018

(signed)

Adv. J Simpson

Tribunal Member

Authorised for Issue by National Consumer Tribunal

Case Number: NCT/101328/2018/75(1)(b)

Date: 14 June 2018

National Consumer Tribunal
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Ms H Devraj (Tribunal member) and Prof. B Dumisa (Presiding Tribunal member) concurring.