

LABOUR COURT OF  
WINDHOEK



NAMIBIA MAIN DIVISION,

**REASONS**

Case no: LC 97/2011

In the matter between:

**NICOLAAS SWARTBOOI & MARIA GAES**

**APPLICANTS**

and

**MWANAWINA SONNYBOY MBENGELA NO**

**1<sup>ST</sup> RESPONDENT**

**THE LABOUR COMMISSIONER**

**2<sup>ND</sup> RESPONDENT**

**METHEALTH NAMIBIA ADMINISTRATORS**

**(PTY) LTD**

**3<sup>RD</sup> RESPONDENT**

**Neutral citation:** *Methealth Namibia Administrators (Pty) Ltd v Mbengela N.O.* (LC 97/2011) [2013] NALCMD 21 (24 June 2013)

**Coram:** MILLER AJ

**Heard:** 13 August 2012

**Delivered:** 23 August 2012

**Reasons delivered:** 24 June 2013

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**REASONS**

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MILLER AJ :

[1] In this matter and on 23 August 2012 I reviewed and set aside a ruling made by the first respondent in those proceedings in favour of the second and the third respondents.

[2] Thereafter the second and the third respondents sought leave to appeal to the Supreme Court which leave I refused to grant.

[3] I was requested to prove reasons. They are these:

- a) What was required of me was to re-visit the facts and the reasons for my conclusions and to consider whether there is a reasonable prospect that another Court may come to a different conclusion. Put differently whether there are prospects of success on appeal.
- b) The reasons for my decision to review and set aside the ruling were set out in a written judgment which I had prepared. I need not repeat them here.

[4] Having carefully considered the matter in the manner I indicated I remained unpersuaded that there are reasonable prospects of success and therefore I refused the application.

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P J MILLER  
Judge

APPEARANCES

APPLICANTS:

R M RUKORO

Of LorentzAngula Incorporated

SECOND & THIRD

RESPONDENTS:

P J DE BEER

Instructed by du Plessis, Cronje & Roux  
Incorporated