

**APPLICATION IN TERMS OF SECTION 142 A**

**IN THE DISPUTE RESOLUTION CENTRE**

**HELD AT RANDBURG**

CASE NO: \_\_\_\_\_

In the matter between:

\_\_\_\_\_  
*(Applicant(s))*

AND

\_\_\_\_\_  
*(Respondent(s))*

**NOTICE OF APPLICATION**

To:           The Director  
              Dispute Resolution Centre

And to:       \_\_\_\_\_  
              *(Respondent)*

\_\_\_\_\_ *(Address)*

\_\_\_\_\_ *(Address)*

Take notice that the above-named applicant(s) will make application on a date to be determined by the DRC for an order in the following terms:

1. That the annexed settlement agreement entered into between the above-mentioned parties be made an arbitration award in terms of Section 142 A.

Take further notice that the affidavit of the applicant, annexed hereto, will be used in support of this application.

Take further notice that if the respondent wishes to oppose the application, it must deliver an answering affidavit within 14 days from the day on which this application was served on the respondent, failing which the matter may be heard in the respondent's absence.

Take further notice that the applicant has appointed the address below at which notices and service of all documents and proceedings will be accepted.

Dated at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2009

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Address

**APPLICATION IN TERMS OF SECTION 142 A**

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
*(Applicant(s))*

AND

\_\_\_\_\_  
*(Respondent(s))*

**AFFIDAVIT**

I, \_\_\_\_\_ (undersigned)  
*(full name of applicant)*

Do hereby make oath and say:

**1. Background**

- 1.1 The settlement agreement annexed hereto and marked "A" was concluded between the parties on \_\_\_\_\_ (date).
- 1.2 The settlement agreement is in respect of a dispute that a party has the right to refer to arbitration or to the Labour Court, excluding a dispute that a party has the right to refer to arbitration in terms of Section 74 (4) or 75 (5).
- 1.3 The dispute in respect of which the settlement agreement was concluded was referred for conciliation on \_\_\_\_\_ (date) under case number \_\_\_\_\_
- 1.4 The parties have not agreed to the settlement agreement being made an arbitration award.

2. **Reasons** (Eg., one party failed to comply with its obligations in terms of the agreement).

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**APPLICANT'S SIGNATURE**

Signed before me on \_\_\_\_\_ at \_\_\_\_\_

by the deponent who acknowledges that he/she knows and understands the contents of the affidavit, has no objection to taking the oath/affirmation and considers it binding on his/her conscience.

Commissioner of Oaths: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Capacity: \_\_\_\_\_

