

Case No: \_\_\_\_\_

**IN THE MATTER BETWEEN**

\_\_\_\_\_ Applicant

And

\_\_\_\_\_ Respondent

**RESPONDENT OPPOSING APPLICATION IN RESPECT OF  
RESCISSION OF AWARD / RULING**

1. **Kindly take note that :**

- 1.1 The respondent herewith files its opposing application, in respect of the applicant's application for Rescission.

Thus done and signed on this \_\_\_\_\_ day of \_\_\_\_\_ 2009 at  
Randburg.

\_\_\_\_\_  
DEPONENT SIGNATURE AND NAME

TO: The Applicant

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Service per hand \_\_\_\_\_

Or

Per Fax \_\_\_\_\_

Or

By Reg Post \_\_\_\_\_

And to the DRC  
(Dispute Resolution Centre)  
P O Box 3717  
Randburg  
2125

276 Oak Avenue  
Randburg  
2125  
Tel: (011) 787-9713  
Fax: (011) 787-9736

Case No: \_\_\_\_\_

**IN THE MATTER BETWEEN**

\_\_\_\_\_ Applicant

And

\_\_\_\_\_ Respondent

**AFFIDAVIT**

I, the undersigned \_\_\_\_\_  
*(Name in full of person making the affidavit)*

Do hereby make oath and say:

1. I am the respondent in this matter / I am duly authorized to depose to this affidavit because

\_\_\_\_\_

*(Explain your relationship to the case ie., dismissed employee, trade union official. Manager at the employer. Human resources officer, etc).*

2. That I will accept service of any documentation/notice's etc., in this matter at the following address:

\_\_\_\_\_

*(Full address / P O Box)*

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

3. The applicant is my \_\_\_\_\_  
*(Explain who the other party is in relation to the matter. ie., Former employee, employer as well describe whether the employer is a close corporation, company, partnership, etc.)*

4. That the applicant's address is:

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5. **Background on Facts on which the applicant relies.**

5.1 The Ruling / Arbitration Award came to my attention on \_\_\_\_\_ day of \_\_\_\_\_ 2009, and I immediately did the following:

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*(Explain what you did when the award / ruling came to your attention)*

5.2 I accordingly submit that the Applicant was in willful in default at the proceedings because:

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*(Fully explain why do you believe the Applicant was in default / did not attend the proceedings).*

5.3 I believe that the Commissioner should refuse / not grant the Rescission application because I have ground prospect at succeeding in my claim against the Applicant because:

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*(Fully explain and provide as much as possible detail why you will succeed in the matter. Do not just say the dismissal / Unfair Labour Practice dispute was fair, you must indicate why and provide as much detail as possible)*

5.4 As a result of the above I respectfully submit that the Commissioner did not issue the ruling / award erroneously and in the absence at the Applicant party because:

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5.5 I further wish to state that:

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*(Any other information you want the Commissioner to take into account, that's relevant to the Rescission Application)*

5.6 In the light of the above I request that the Commissioner refuse the Applicant's Application for Rescission.

**I HEREBY CERTIFY** that the deponent has acknowledged that he/she knows and understands the contents of the affidavit, which was signed and sworn to before me.

At: \_\_\_\_\_

On Date: \_\_\_\_\_

The regulations contained in the Government Gazette Notices R 1258 and R1 658 having been compiled with.

\_\_\_\_\_  
DEPONENT NAME IN FULL

\_\_\_\_\_  
DEPONENT SIGNATURE

\_\_\_\_\_  
COMMISSIONER OF OATHS

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