

SPECIAL TRIBUNAL OF SOUTH AFRICA
Judgment summary

<i>Special Investigating Unit v Zeelwa Trading Pty (Ltd) and Another</i>	
URL	https://lawlibrary.org.za/za/judgment/special-tribunal-south-africa/2022/33
Citations	(MP 3 of 2021) [2022] ZAST 33
Date of judgment	15 June 2022
Keyword(s): ¹	Application for postponement of trial, reasons for postponement, prejudice, balance of convenience
Case type ²	Application
Result	Granted with costs reserved
Flynote ³	Court procedure – application for a postponement of trial – reasons for postponement and consideration of prejudice
Legislation and International Instruments ⁴	N/a
Cases cited as authority ⁵	<ul style="list-style-type: none"> ● <i>State Information Technology Agency SOC Ltd v Gijima Holdings (Pty) Ltd</i> 2018 (2) SA 23 (CC) ● <i>Department of Transport and Others v Tasima (Pty) Ltd</i> 2017 (2) SA 622 (CC) (2017 (1) BCLR 1; [2016] ZACC 39)
Facts ⁶	<p>The applicant sought a postponement of a trial relating to the review of a contract awarded to the respondent for the supply of personal protective equipment. The applicant submitted that a postponement was necessary in order to secure necessary witness statements and the attendance of witnesses at trial. The respondent opposed the application and submitted that the applicant had not met all the requirements for a postponement, and also contended that it would be prejudiced by a postponement order.</p> <p>The applicant had failed to file its witness statements within the time period prescribed by the Tribunal's directive and did not provide the tribunal with a full explanation for this delay. The respondent, in turn, had failed to bring an application to compel the applicant to file its witness statements when the applicant had failed</p>

¹ Clarify the type of issues that come up in the case.

² Whether Trial, Application or Appeal.

³ **Area of law** - topic – subtopic.

⁴ Legislation/ International instrument title and section numbers.

⁵ List of cases considered to be important precedent (case name and citation).

⁶ Brief facts about the case (max 150 words).

	to do so.
Summary ⁷	The tribunal considered whether the applicant had met all the requirements for a postponement and whether the applicant was able to show that its application was <i>bona fide</i> . The tribunal also considered whether either party would suffer prejudice if an order for postponement was granted.
Decision/ Judgment ⁸	The tribunal granted the application for postponement of trial, and the issue of costs was reserved for determination at the trial.
Basis of the decision ⁹	Although the tribunal found that the applicant had failed to provide a full explanation for not filing its witness statements timeously, its application for postponement was found to be <i>bona fide</i> because the applicant had displayed an undisputed intention to proceed with the action throughout the proceedings. However, the tribunal found that the respondent had been complacent when it failed to compel the applicant to file its witness statements timeously, and therefore the prejudice that the respondent complained of could not be sustained.
Reported by Date	African Legal Information Institute (AfricanLII) 15 June 2022

⁷ Summary of the determination of legal questions and/or grounds of appeal (between 150-250 words).

⁸ A brief summary of the ruling/judgment of the court (max 100 words).

⁹ A 1-2 sentence summary of the basis of the decision (i.e. which legal rules were relied on).