



Transcript of Proceedings

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State Reporting Bureau
Date: 13 August, 2004

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

WHITE J

NQPL NOMINEES PTY LTD

Applicant

and

KINGSWAY INVESTMENTS PTY LTD

Respondent

BRISBANE

..DATE 12/08/2004

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HER HONOUR: This morning at 7.45 a.m., Security forwarded a telephone call to my Chambers with respect to an urgent injunction. Mr Joe Ganim of Hopgood Ganim, Solicitors, informed me that he acted for NQPL Nominees Pty Ltd, the owner of a building complex on Tedder Avenue, Southport, which includes a restaurant, Domani's Restaurant.

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The tenants of that restaurant have been undertaking extensive structural works to the restaurant premises which may have or may potentially compromise the integrity of the building including white-ant treatment. Planning permission may have been obtained improperly. The agent of the owner may have exceeded his authority in giving permission to the tenants to undertake the relevant works.

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The urgency was because a concrete pour was to commence at 8.00 a.m. this morning which will cover works which would have allowed the engineers to inspect matters of concern with respect to the building. The tenant is Kingsway Investments Pty Ltd. Mr Ganim indicated that his client through him gave the usual undertaking as to damages. He informed me that his client was a company of significant means and would be able to meet any undertaking in relation to this matter. Mr Ganim also informed me that he had spoken to the solicitor for the tenant that morning, Mr Joe Hiscock of Primrose Couper.

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In the circumstances of extreme urgency, I granted orally by telephone an interim injunction restraining the tenant, its

employees or agents including its builders, from proceeding
with further works at Domani's Restaurant until further order.

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At 8.10 a.m. this morning, Mr Ganim again telephoned me and
indicated that he had conveyed my order to the builder who had
ceased any further work on the site. He also indicated that
the tenant's solicitor had subsequently been in contact with
him and had undertaken not to proceed with the works further
while the parties talked through the issues. Mr Ganim, at my
request, indicated that he would revert to my associate if and
when he was able to indicate what the next step might be. I
might add that at the time when I first took Mr Ganim's call
there were no available associates or secretaries in the
Court.

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At lunch time today, Mr Ganim contacted my associate to
indicate that the parties would seek to mediate their
differences tomorrow, Friday 13 August 2004. My associate has
notified Mr Ganim by telephone that his client will need to
file an originating process in the Registry to support the
order made orally earlier this morning.

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