

COURT OF APPEAL

**McMURDO P
DAVIES JA
CHESTERMAN J**

Appeal No 9831 of 1998

PETARD PTY LTD

Appellant (Defendant)

v

**ESR MANAGEMENT PTY LTD
HALAJIL PTY LTD**

Respondents (Plaintiffs)

BRISBANE

DATE 20/05/99

JUDGMENT

THE PRESIDENT: I note that this order has been consented to by both parties.

The order is that the appeal is allowed, and the whole of the judgment below is set aside.

There is no order as to costs.