

COURT OF APPEAL

McMURDO P

Appeal No 5991 of 1998

EDWARD AMOS

Appellant (Plaintiff)

v

ALTHEA HARDING SILVA

Respondent (Defendant)

IAN DUNCAN

Respondent (Third Party)

LINDA ROBERTA SWANSTON

Respondent (Third Party)

BRISBANE

DATE 09/07/99

JUDGMENT

THE PRESIDENT: The necessity for these mentions was undoubtedly caused, in my view, by the tardiness of the applicant initially in responding to the request for the appeal index from the respondent and then in delaying to commence the proceeding before the trial Judge in the District Court for an order to set aside the judgment until 5 July 1999, long after this appeal was instituted.

I therefore propose to make the following orders: the costs of and incidental to this mention and of the mention on Tuesday 6 July 1999 are the respondent's costs in the cause of the appeal.