

[2003] QCA 63

COURT OF APPEAL

McMURDO P

No 9018 of 2002

JOHN EDMOND WALKER

Appellant/Plaintiff

and

PRIMAC ELDERS LIMITED

Respondent/Defendant

BRISBANE

..DATE 21/02/2003

ORDER

THE PRESIDENT: This matter is now becoming an old appeal. It was filed on 30 September last year. It is listed for hearing on 13 March. Again, the appellant has been slow in progressing the appeal. The undertaking about the record book was filed late. The appellant's outline was filed late and only after several extensions were granted. The settled index was due on 9 December 2002 but has not been received despite being contacted by a Registry staff member. So, both the settled index and of course the record are therefore overdue.

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THE PRESIDENT: The orders are the settled index is to be filed and served within four days of today's date. The record book is to be filed and served within eight days of receipt of the settled index. In the event of noncompliance with these orders, the matter is to be listed before me at a date to be fixed by the Registrar to show cause why the appeal should not be struck out for want of prosecution.

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The necessity for this mention has been the dilatoriness of the appellant. The appellant should pay the respondent's costs of and incidental to this mention, to be assessed. They are the orders, thank you.

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