

COURT OF APPEAL

McMURDO P

Appeal No 5666 of 2005

COMMONWEALTH BANK OF AUSTRALIA
(ACN 123 123 124)

Respondent (Plaintiff)

and

GREGORY JOHN TUDEHOPE

Appellant (First Defendant)

and

SHANE MICHAEL TUDEHOPE

Not party to appeal
(Second Defendant)

and

DESMOND GREY TUDEHOPE

Not party to appeal
(Third Defendant)

and

NICHOLE ANNE KENNEDY

Not party to appeal
(Fourth Defendant)

and

ELSPETH ANN YOUNG

Not party to appeal
(Fifth Defendant)

BRISBANE

..DATE 26/08/2005

ORDER

THE PRESIDENT: The notice of appeal in this matter was filed on 12 July 2005 by Gregory John Tudehope who is the only appellant. It concerns an appeal from an order of Judge White made on 15 June 2005.

The appeal has been listed for mention today because the appellant has not complied with the Practice Direction. The appellant's outline was due on 2 August 2005. On 12 August 2005 the Registry sent a letter to him reminding him of his obligation to provide the outline and that he was to do so within four days of the receipt of that letter. No outline has been received.

A further letter was sent on 19 August 2005 from the Registry advising the appellant that if the outline was not received by 1 pm on 25 August 2005, the appeal would be listed for mention today at 9.30 am.

The letter also informed him that when and if the matter was listed for mention, the Court may strike out the appeal and he could also have a costs order against him for non-compliance with the Practice Direction.

The respondent has notified the appellant that it intends to ask for an order striking out the appeal for non-compliance with the Practice Direction at the mention today.

Now, I understand from the Registry that Mr Tudehope has, on prior occasions, appeared from the Cairns Courthouse by the use of telephone links on at least one other occasion.

...

THE PRESIDENT: Well, in the circumstances, for the reasons that I have just stated, I strike out the appeal with costs to be assessed because of the appellant's failure to prosecute the appeal and to comply with the Practice Direction.
