

COURT OF APPEAL

McMURDO P

Appeal No 7501 of 2005

LEDA HOLDINGS PTY LTD
(ACN 001 404 557)

Applicant/Appellant

and

CABOOLTURE SHIRE COUNCIL

First Respondent/Respondent

and

JEANFERN PTY LTD
(ACN 068 435 941)

Second Respondent/Respondent

and

STATE OF QUEENSLAND

Third Respondent/Respondent

BRISBANE

..DATE 09/12/2005

ORDER

THE PRESIDENT: The application for leave to appeal was filed on the 6th of September 2005 against an order made on the 26th of July 2005. A timetable was issued in respect of the application on the 15th of September.

The respondent, Jeanfern Pty Ltd, has not provided an outline. It was due on the 21st of November. The other respondents have either provided an outline or indicated that they will not be taking part in the appeal.

The respondent, Jeanfern Pty Ltd, has advised the Registry that because of the sale of the property, it could not provide an outline and they told the Registry that that was the reason for the delay. However, the sale occurred, as I understand it, in 2004. So that, in itself, was not sufficient reason for them, whilst they remained an active party to the application, not to file and comply with the outline.

Now, Mr Byrom has placed on record his position and has indicated that he intends to file an application to be joined as a party to the appeal. The applicant has indicated that it will be opposing that application and, for that reason, Mr Byrom should ensure his client's application is filed and served as soon as possible, and that application will be heard in the New Year.

...

THE PRESIDENT: The matter will continue but in the manner I have said. It will be listed for hearing probably in late March. The parties are to follow the directions of the Senior Deputy Registrar (Appeals), and the respondent, Jeanfern Pty Ltd, is to pay the costs of today's hearing.
