

COURT OF APPEAL

WILLIAMS JA

Appeal No 2524 of 2006

KECHENG ZHANG

Applicant

and

YUBIN XIONG

Respondent

BRISBANE

..DATE 05/04/2006

ORDER

MR S NGUYEN (instructed by Davellin Lawyers) for the applicant
MR L NEVISON (instructed by Quinn & Scattini) for the
respondent

WILLIAMS JA: Summary judgment was given against the applicant in the total sum of \$277,000. A \$185,000 of that was always admitted to be owing. The applicant then applied for a stay of execution pending the hearing of the appeal. The hearing of the appeal has now been set down for the 19th of April this year.

When the matter came before me on 29 March, I intimated to counsel for the applicant that he had serious difficulties to overcome in order to obtain a stay and that resulted in an indication that the applicant could pay to the respondent the sum of \$185,000 and the balance into Court and, on that basis, I granted a stay. The monies have not been paid. That is neither the amount ordered to be paid to the respondent nor the amount to be paid into Court.

The matter has been re listed today but I am not satisfied that the applicant has discharged the onus of establishing that this is an appropriate case in which to grant a stay. Therefore the application is dismissed with costs on the standard basis.

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