

# SUPREME COURT OF QUEENSLAND

CITATION: *Denning v Jet Development Pty Ltd & Anor* [2006] QCA 536

PARTIES: **ROYALIN MARGARET DENNING**  
(respondent/applicant)  
v  
**JET DEVELOPMENT PTY LTD** ACN 107 913 762  
(first applicant/first respondent)  
**FERVALE PROJECT PTY LTD** ACN 119 408 767  
(second applicant/second respondent)

FILE NO/S: Appeal No 10779 of 2006  
SC No 4879 of 2006

DIVISION: Court of Appeal

PROCEEDING: Application for Stay of Execution

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED EX TEMPORE ON: 12 December 2006

DELIVERED AT: Brisbane

HEARING DATE: 12 December 2006

JUDGE: Keane JA

ORDER: **Upon the applicant giving the usual undertaking as to damages, the hearing of the application for stay is adjourned until 9.30am on Friday 15 December 2006.**

**The Court stays the orders of Justice Chesterman of 5 December 2006, including the order that the contract be completed on 12 December 2006, until 1 pm on Friday 15 December 2006 or further earlier order.**

**The Court directs that any further affidavits from the Second Respondents be filed and served on or before 1pm Thursday 14 December.**

**Costs of today's appearance are reserved.**

CATCHWORDS: APPEAL AND NEW TRIAL - APPEAL - PRACTICE AND PROCEDURE - QUEENSLAND - STAY OF PROCEEDINGS - stay of execution sought - respondents sought to advance submissions which necessitated gathering of further evidence - adjournment in order that that evidence might be gathered

COUNSEL: P J Favell for the applicant  
J W Peden for the respondents

SOLICITORS: Morgan Conley for the applicant  
Flower & Hart for the respondents

KEANE JA: The orders of the Court will be that upon the applicant giving the usual undertaking as to damages, the application for a stay be adjourned until 9.30 a.m. on Friday the 15th of December.

Until 1 p.m. on Friday the 15th of December or further earlier order, the order of Justice Chesterman of 5 December 2006, including in particular the order that the contract be completed on the 12th of December 2006 be stayed. Any further affidavit by the second respondent be filed and served on or before 1 p.m. on 14 December 2006. The costs of today's appearance be reserved.

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