

**COURT OF APPEAL**

**MUIR JA  
NORTH J  
FLANAGAN J**

**Appeal No 17 of 2014  
DC No 1527 of 2009**

**EDWARD AMOS**

**Appellant**

**v**

**CHRISTOPHER WILTSHIRE**

**Respondent**

**BRISBANE**

**TUESDAY, 12 AUGUST 2014**

**MUIR JA:** When this matter came on for hearing this morning, there was no appearance for the appellant. The matter was called three times. No one appeared in response. The court file reveals that, on 27 June 2014, the registry contacted the solicitors for the appellant and the solicitors for the respondent advising of the hearing date. A copy of the hard copy of the email of that date will be exhibit A.

**MUIR JA:** On the face of it, the appeal is out of time. There is no application for any extension of time. The appeal is effectively in respect of a costs order only. Solicitors for the respondent, or it may be counsel for the respondent, spoke to the solicitors for the appellant by telephone. The court was informed to the effect that those solicitors were making inquiries as to how they were, as it was claimed, unaware of the hearing this morning. The court has received no intimation that solicitors or counsel on behalf of the appellant are attempting to

appear, or even intend to appear this morning. In the circumstances, it is appropriate that the appeal be dismissed.

**MR BOULTON:** I ask for the costs, your Honour.

**MUIR JA:** The order of the court will be that the appeal be dismissed with costs.

**MR BOULTON:** Yes. Yes, thank you, your Honour.

**NORTH J:** I agree with the orders proposed and with the reasons.

**FLANAGAN J:** I agree with the reasons of the presiding judge and with the proposed orders.

**MUIR JA:** Adjourn the court.