

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Claim No 258 of 2007

ELLUM PTY LTD and  
GOTLAND PTY LTD

Plaintiffs

and

PLACE PROPERTY MANAGEMENT PTY LTD

Defendant

CAIRNS

..DATE 07/09/2007

JUDGMENT

HIS HONOUR: This is an application for the joinder of further defendants in the action which was commenced by the plaintiffs on the 7th of June 2007. The plaintiffs are seeking declarations and an order for specific performance of a contract which they assert was entered into on the 2nd of May 2007 for the purchase of a residence and a shopping complex. The defendant has failed to complete that contract.

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The defendant asserts that there was no valid binding offer accepted by the defendants. The plaintiff lodged caveats on the 17th of May 2007 to protect their interest and, as I mentioned, commenced proceedings to support that assertion of interest.

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On or about the 8th of May, other parties, namely, Sarah Pregl and Derek Pregl, Errol Copley and Judith Copley, assert that they entered into an unconditional contract of sale for the same property. Those persons lodged caveat on the 15th of June 2007.

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As a consequence it seems there is conflicts involving those further named persons which touch upon the issues being litigated in this action. It seems to me in accordance with the aims of rule 69(1)(b) of the Uniform Civil Procedure Rules that they should be made parties to the action so that all relevant interests can be determined in the one action.

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Accordingly I will make orders by consent in terms of the  
draft initialled by me and placed with the papers.

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