

FULL COURT

BEFORE:

Mr. Justice Matthews

Mr. Justice Kelly

Mr. Justice Macrossan

BRISBANE, 19 AUGUST 1982

BETWEEN:

PETER RAYMOND HILL

(Plaintiff) Appellant

- and -

DAVID SHERMAN

(Defendant)

- and -

FIRE AND ALL RISKS INSURANCE
COMPANY LIMITED

(Defendant by Election)
Respondent

ORDER

MR. JUSTICE MATTHEWS: This will be the order of the Court by consent: Appeal allowed and so much of the judgment of the Honourable Mr. Justice Connolly delivered on 7 May 1980 as adjudged that the plaintiff recover from the defendant by election the sum of \$119,034 be set aside and in lieu thereof it be adjudged that the plaintiff recover from the defendant by election the sum of \$159,034.

Further order that the cross-appeal be dismissed.

Further order that the defendant by election pay the appellant's costs of the appeal and cross-appeal to be taxed.

Further order that the sums paid into Court by way of security be paid out to the solicitors for the parties who paid the respective sums into Court.