

*SAMBUCCO & ANOR*

v

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[2024] HCASL 150

M72/2023

1        Following the death of the first applicant, and the appointment of a representative of the estate of the first applicant, the title of this application is amended to describe the first applicant as "The estate of Odilla Sambucco, Deceased" in accordance with proposed order 2 of the application dated 29 February 2024.

2        This application for special leave to appeal from a decision of the Court of Appeal of the Supreme Court of Victoria (McLeish and Walker JJA, Gorton A-JA) dismissing an appeal from the Supreme Court of Victoria (Moore J) requires an extension of time. The applicants have insufficient prospects of successfully establishing that there was no "real consent" to the marriage under s 23B(1)(d)(iii) of the *Marriage Act 1961* (Cth) on the basis that a party "did not understand the nature and effect of the marriage ceremony" due to a misunderstanding of the legal operation of provisions of the *Marriage Act*. Accordingly, it would be futile to grant an extension of time.

3        Special leave to appeal is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

9 May 2024