

DONCHIOD PTY LTD (IN LIQUIDATION) (ACN 601 212 300)

v

MERRION B PTY LTD (ACN 624 885 598)

[2024] HCASL 183

M35/2024

- 1 The applicant seeks special leave to appeal from the judgment of the Court of Appeal of the Supreme Court of Victoria (Kennedy, Macaulay and Lyons JJA) which granted the applicant leave to appeal but dismissed the applicant's appeal from a decision of the Supreme Court of Victoria (Hargrave JA) which, in turn, had dismissed the applicant's application to extend the time to appeal against two orders made by an Associate Judge: an order extending time under the slip rule in r 36.07 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) and an order winding up the applicant in insolvency.
- 2 The liquidator of the applicant has applied for leave to be heard as amicus curiae on this special leave application, which should be granted.
- 3 It would not be in the interests of justice generally or in the particular circumstances of this case to grant special leave.
- 4 Special leave to appeal is refused with costs.

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

8 August 2024