

CAO & ANOR
v
ISPT PTY LTD ACN 064 041 283 & ANOR
[2024] HCASL 321
S114/2024

- 1 The applicants seek special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of New South Wales (Meagher and Kirk JJA, Griffiths A-JA), dismissing the applicants' appeal from a decision of the Supreme Court of New South Wales (Nixon J). That decision, relevantly, rejected the applicants' claim that a commercial lease, in respect of which the applicants had been guarantors of the tenant's obligations, had been frustrated and that, as a result, the applicants were not liable for unpaid rent and other amounts under the lease.
- 2 The application does not raise a question of law of public importance sufficient to warrant the grant of special leave to appeal. Further, the proposed appeal has insufficient prospects of success to make it in the interests of the administration of justice to grant special leave.
- 3 Special leave to appeal is refused with costs.

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

5 December 2024