

CAPPELLERI & ANOR

v

CAPPELLERI & ORS

[2024] HCASL 325

M78/2024

1 The first applicant seeks special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of Victoria (Emerton P, McLeish and Macaulay JJA) which dismissed an appeal from a judgment of the Supreme Court of Victoria (Moore J).

2 The application for special leave to appeal does not sufficiently expose any legal issue suitable for determination by this Court and there is no reason to doubt the correctness of the Court of Appeal's decision. The application is therefore an unsuitable vehicle to consider the relationship between proceedings for a declaration and limitation provisions.

3 Special leave to appeal is refused with the first applicant to pay the costs of the respondents.

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

5 December 2024