

*VICTORIAN XRAY GROUP (DANDENONG) PTY LTD ACN 143 390 096 &  
ORS*

v

*MALOUF*

[2026] HCADisp 150  
S22/2026

- 1       The applicants require an extension of time within which to seek special leave to appeal from the whole of the judgment of the Court of Appeal of the Supreme Court of New South Wales (Stern, McHugh and Free JJA), which dismissed an appeal from two judgments of the Supreme Court of New South Wales (Cavanagh J), in which his Honour held that the applicants had not established that the respondent was professionally negligent, and dismissed the applicants' motion seeking a variation of the costs order made against them.
- 2       The proposed appeal does not raise any issue of principle or public importance, and has insufficient prospects of success to warrant a grant of special leave. It would therefore be futile to grant the extension of time that is sought.
- 3       Special leave to appeal is refused with costs.

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

11 June 2026