

HARLOW
v
HARLOW (DECEASED) & ANOR
[2026] HCADisp 177
S60/2026

- 1 The applicant requires an extension of time within which to seek special leave to appeal from the judgment of the Full Court of the Federal Circuit and Family Court of Australia (Division 1) Appellate Jurisdiction, refusing leave to appeal, and dismissing an appeal, from a judgment of a single judge of the Federal Circuit and Family Court of Australia (Division 1) which dismissed the applicant's application for joinder to proceedings under s 79 of the *Family Law Act 1975* (Cth) between the estate of a husband (deceased) and the wife.
- 2 Leaving aside the applicant's challenge to the validity of s 55(3)(c) of the *Federal Circuit and Family Court of Australia Act 2021* (Cth), the proposed appeal has no prospects of success to warrant a grant of special leave to appeal. It follows that the proceedings are an unsuitable vehicle to consider any challenge to s 55(3)(c). It would accordingly be futile to grant the extension of time that is sought. Special leave to appeal is refused.
- 3 The applicant is to pay the respondents' costs assessed on an indemnity basis, to be paid from his interest as a residuary beneficiary of the estate administered by the first respondent.

Gageler CJ
Gordon J
Edelman J
Steward J
Jagot J

6 August 2026