BATA
v
PATHIK & ORS
[2026] HCADisp 251
M73/2026

1 The applicant seeks special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of Victoria (Walker, Whelan JJA, Hay A-JA) which granted the applicant leave to appeal on grounds 1 and 3 (with leave otherwise refused), and allowed the appeal on ground 3 (and the appeal otherwise dismissed) from a judgment of the County Court of Victoria (Burchell J), which in turn made an award of damages against the applicant in respect of breaches of various contractual and statutory warranties under a building contract.

2 The proposed grounds of appeal do not raise a question of law of public importance and primarily involve challenges to factual findings based upon the demeanour and credibility of the witnesses. The proposed appeal would enjoy insufficient prospects of success to warrant a grant of special leave to appeal.

3 Special leave to appeal is refused.

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

8 October 2026