OF 1931.(10

IN THE HIGH COURT OF AUSTRALIA

SOUTH AUSTRALIAN REGISTRY

No. 11 of 1931.

On Appeal from the Supreme Court of South Australia.

BETWEEN HOLDEN'S MOTOR BODY BUILDERS LIMITED

Appellant

- and -

PASCOE & CO. LIMITED

Respondent.

JUDGMENT

on Appeal.

Fees
£1

N. J. Hargrave,

Adelaide,

Solicitor for the Respondent.

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Appellant

- and -

PASCOE & CO. LIMITED

Respondent.

Before Their Honours The Chief Justice and Justices Starke Dixon, Evatt and McTiernan.

Thursday the 8th day of October, 1931.

This appeal coming on for hearing on the 7th day of October 1931 and this day pursuant to notice of appeal dated the 24th day of July 1931 UPON HEARING Mr. Thomson K.C. and Dr. Browne of counsel for the abovenamed appellant and Mr. C. T. Hargrave and Mr. L. M. S. Hargrave of counsel for the abovenamed respondent And the appellant and respondent by their respective counsel agreeing that in compromise of the ground of appeal set out in Paragraph 2(b) of the said Notice of Appeal namely that the judgment of the Supreme Court of South Australia dated the 7th day of July 1931 was erroneous in point of law in that the learned Chief Justice misdirected himself in holding that the agreement referred to in Paragraph 2 of the Statement of Claim could not be terminated under Paragraph 14 of the said agreement before the 16th day of July 1931 and in calculating damages on such basis the said judgment be varied by reducing the amount of the said judgment from the sum of £2887:10:0 to the sum of £2406:5:0 THIS COURT DOTH ORDER that the said judgment be pursuant to the said agreement varied accordingly AND THIS COURT DOTH FURTHER ORDER that the said appeal be

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otherwise dismissed and that the appellant do pay to the respondent the respondent's costs of the said appeal to be taxed.

BY THE COURT

DISTRICT REGISTRAR.

This Judgment was obtained by Nathaniel John Hargrave of Ware Chambers 112 King William Street Adelaide Solicitor for the Respondent.