

1/1947

TOOWOOMBA FOUNDRY PTY. LTD.

v.

METCALFE

REASONS FOR JUDGMENT.

LATHAM C.J.

Delivered 17 Jun 1947

TCOWCOMBA FOUNDRY PTY. LTD.

v.

METCALFE

REASONS FOR JUDGMENT.

LATHAM C.J.

The present case is not a case in which an appeal lies from the Industrial Court to the Supreme Court. Accordingly, there is no appeal as of right under sec. 39(2)(b) of the Judiciary Act. The question arises whether special leave to appeal should be granted.

At first sight it would appear that the case raises an important question, the decision upon which might have a far-reaching effect. But the full statement of the facts of this and other cases shows that the issue is a dead one and that only a small amount is involved. The appeal should be struck out as incompetent, and special leave should be refused. The company should pay Metcalfe's costs.

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