

IN THE HIGH COURT OF AUSTRALIA

ASSOCIATED DOMINIONS ASSURANCE
SOCIETY PTY. LIMITED.

V.

BALMFORD

REASONS FOR JUDGMENT

Judgment delivered at Sydney

on Friday, 14th December, 1951.

ASSOCIATED DOMINIONS ASSURANCE SOCIETY
PTY. LTD.

v.

BALMFORD.

JUDGMENT.

DIXON J.
WILLIAMS J.
WEBB J.
FULLAGAR J.
KITTO J.

ASSOCIATED DOMINION ASSURANCE SOCIETY
PTY. LTD.

v.

BALMFORD.

JUDGMENT.

DIXON J.
WILLIAMS J.
WEBB J.
FULLAGAR J.
KITTO J.

We have considered this matter and have come to the conclusion that the statement of claim is unsatisfactory and that the order striking it out should stand. The order, however, should be varied by directing that the plaintiff deliver a fresh statement of claim. The order will be as follows:- Order appealed from varied by directing that on or before 15th January 1952 the plaintiff do deliver a fresh statement of claim and that the order for costs be discharged and in lieu thereof ordering that the costs of the summons be costs in the cause and that there be a certificate for counsel. Otherwise appeal dismissed. Costs of the appeal to be costs in the cause.
