

**ORIGINAL**

IN THE HIGH COURT OF AUSTRALIA

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IVKOVIC

V.

AUSTRALIAN IRON & STEEL LIMITED

**ORIGINAL**

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**REASONS FOR JUDGMENT**

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Oral Judgment delivered at SYDNEY

on Monday, 23rd March 1964

A. C. Brooks, Government Printer, Melbourne

G.7639/60

IVKOVIC

v.

AUSTRALIAN IRON & STEEL LIMITED

JUDGMENT  
(ORAL)

JUDGMENT OF THE COURT  
DELIVERED BY McTIERNAN J.

CORAM: McTIERNAN J.  
KITTO J.  
MENZIES J.  
WINDEYER J.  
OWEN J.

IVKOVIC

v.

AUSTRALIAN IRON & STEEL LIMITED

It does not appear to us, from the materials before the Court, that there is an appeal as of right in this case. Further, we do not think that it is a case in which we should give special leave to appeal, and the application for that order is therefore dismissed.

We are not to be taken as giving general approval to the terms in which the learned trial Judge expressed himself in directing the jury on the question of future economic loss.

The respondent here did not file any objection to the competency of the appeal and that brings into play Order 70, rule 8(2). That provides: "If notice of objection has not been so given but nevertheless the appeal is afterwards dismissed by the Court, as incompetent, the respondent shall not, unless upon special grounds the Court otherwise orders, receive any costs of the appeal, and the Court may order that he pay to the appellant any costs of the appeal proving useless or unnecessary".

In this case Mr. Sullivan has made application for special leave to appeal, which has been dismissed and normally the application would be dismissed with costs, which would be the burden imposed upon the applicant. In the circumstances of the case the Court is of the opinion that no order for costs should be made at all.

The order of the Court is that this appeal is dismissed as incompetent and the application for special leave to appeal is dismissed. No order as to costs.