

**ORIGINAL**  
**IN THE HIGH COURT OF AUSTRALIA**

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**FILIOS**

---

**V.**

**MORLAND**

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**ORIGINAL**

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**REASONS FOR JUDGMENT**

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*Judgment delivered at* **SYDNEY**

*on* **FRIDAY, 28th AUGUST 1964**

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FILIOS

v.

MORLAND

ORDER

Appeal dismissed with costs.

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FILIOS

v.

MORLAND

JUDGMENT  
(ORAL)

JUDGMENT OF THE COURT  
DELIVERED BY BARWICK C.J.

CORAM: BARWICK C.J.  
KITTO J.  
TAYLOR J.  
MENZIES J.  
WINDEYER J.

FILIOS

v.

MORLAND

In the reported case of Dairy Farmers Co-operative Milk Company v. Aquilina in 37 A.L.J. Reports p.308 at p.310 this Court has already passed upon the sole ground of appeal now pressed in this case. The Court there expressed its agreement with the decision of the Full Court of the Supreme Court of New South Wales in that case on the ground now raised. The Court sees no reason to depart from the decision it formerly gave. It is satisfied to dismiss this appeal and to affirm the judgment below in respect of the only ground of appeal now supported by the appellant, and to do so for the reasons which were given on that point in the Supreme Court.

The appeal will be dismissed with costs.