

IN THE HIGH COURT OF AUSTRALIA

CREST INVESTMENTS PTY. LIMITED

V.

STOSSEL

ORAL

REASONS FOR JUDGMENT

Judgment delivered at Sydney

on Tuesday, 6th August, 1968

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

ORDER

Appeal dismissed with costs.

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

JUDGMENT

BARWICK C.J.

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

In this matter the appellant appeals against a judgment given by his Honour, Mr. Justice Macfarlan, in the Commercial Causes court of New South Wales by which his Honour found that an agreement by the defendant to pay certain fees to the plaintiff had been made out to his satisfaction.

The sole ground on which the appellant seeks to challenge his Honour's verdict and judgment is that there was no material before his Honour on which his Honour could find the agreement pleaded by the plaintiff to have been made out.

The materiality of the success of this challenge to the appellant has been explained to us by Mr. Barbour very fully and, for my part, I quite understand what he has said.

However, notwithstanding his very capable efforts, I have formed the clear opinion that there was ample material before his Honour on which his Honour could have properly found the contract pleaded by the plaintiff to have been made out. Accordingly, in my opinion, this appeal should be dismissed.

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

JUDGMENT

MENZIES J.

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

I agree.

CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

JUDGMENT

OWEN J.

- CREST INVESTMENTS PTY. LIMITED

v.

STOSSEL

I agree.

