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IN THE SUPREME COURT  
OF THE NORTHERN TERRITORY  
OF AUSTRALIA

SC No. 273 of 1987

BETWEEN:

WILHELM FERSCH  
Plaintiff

AND:

POWER AND WATER AUTHORITY  
First Defendant

FLOREAT PLUMBING PTY LTD (In  
Liquidation)  
Second Defendant

and

FLOREAT PLUMBING (N.T.) PTY  
LTD  
Third Defendant

SC No. 141 of 1992

BETWEEN

WILHELM FERSCH  
Plaintiff

AND

FLOREAT PLUMBING PTY LTD (In  
Liquidation)  
Defendant

CORAM: KEARNEY J

REASONS FOR JUDGMENT

(Delivered 29 July 1992)

On 23 July I ruled in favour of the plaintiff/applicant in relation to his applications of 1 June 1992 in each of these actions. The applications, to obtain leave under s471(2) of the Corporations Law to proceed against the second defendant Floreat Plumbing Pty. Ltd. (in liquidation) in action No. 273 of 1987, and to institute workers compensation proceedings against that company, were heard together. Mr Trigg of counsel for the plaintiff then asked for costs.

Mr Southwood of counsel for the defendant, which had opposed the grants of leave sought by the plaintiff, submitted that there should be no order as to costs. I reserved on the question.

On reflection, I see no reason why the usual approach as to the award of costs to a party who succeeds on a contested issue, should not prevail on these applications. Accordingly, the plaintiff should have the costs of his applications of 1 June 1992 in both proceedings, as against the defendant. I certify for counsel for the purposes of r63.72(9) (a), in relation to those applications. The major part of the time taken by the argument involved the grant of the leave sought in proceedings No. 141 of 1992 to institute workers compensation proceedings; the grant of leave in fact wholly disposes of that action. Accordingly, for the

purposes of r63.04(4), I think it right that the costs of both applications be taxed immediately; and I so order.

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