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BAH:CAT

THE SUPREME COURT
OF NEW SOUTH WALES
COMMON LAW DIVISION

PRICE J

WEDNESDAY 27 FEBRUARY 2008

20698/00 - DRAGAN MARKISIC V DEPARTMENT OF COMMUNITY SERVICES OF NSW & 4 ORS

JUDGMENT

HIS HONOUR: Mr Markisic, the dictates of justice require consideration of the interests of both parties. You have said to me that because you are self-represented and because of your health considerations, you could not commence an application in the Family Court within a period of 14 days. From my observations, both as to your health and as to your capabilities so far as legal proceedings are concerned, I am of the opinion that you could certainly make your application within the period which I will allow.

I propose to make the following orders:

1. That the notice of motion be stood over part-heard for further hearing before me on a date to be fixed.

2. That there will be no further submissions by the parties with the sole exception of submissions on the outcome of the proposed application in the Family Court referred to in the third order hereof, so far as the outcome is relevant to the defence of absolute privilege.

3. That the plaintiff files the proposed application in the Family Court to set aside the orders of the Family Court in file number SY 6727 of 1998, made on

9 September 1998, and the orders of the Full Court of the Family Court in file number SY 6727 of 1998, appeal number EA 76 of 1998, made on 29 September 1998, on or before 19 March 2008.

4. That the plaintiff prosecutes the application in the Family Court without delay.

5. That the notice of motion be stood over before me for mention on 20 March 2008 at 9.30am.

6. Liberty to apply to either party to me on 7 days notice.

7. Costs be reserved.

I also make this observation, Mr Markisic, that failure by you to comply with the orders which I have just made without reasonable cause will result in this Court proceeding to give judgment on the material presently before the Court.

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