



Thursday, 1 October 2015

Daily Banking A Daily Bulletin listing Decisions of Superior Courts of Australia

 Follow @Benchmark_Legal

Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

Executive Summary (1 minute read)

Bitupave Ltd t/as Boral Asphalt v Pillinger (NSWCA) - negligence - motorcyclist injured on public road - Boral and Council liable - primary judge erred in finding motorcyclist contributorily negligent - motorcyclist's cross-appeal allowed - Boral's appeal dismissed - Council's cross-appeal dismissed

Haskakis v Hatzopoulos (NSWSC) - succession - family provision order in favour of daughter of deceased - pecuniary legacy

Benchmark

Summaries With Link (Five Minute Read)

Bitupave Ltd t/as Boral Asphalt v Pillinger [2015] NSWCA 298

Court of Appeal of New South Wales

Ward, Emmett & Gleeson JJA

Negligence - first respondent injured when he lost control of motorcycle on public road - first respondent sued second respondent Council and appellant (Boral) - primary judge found Boral and Council liable- primary judge found first respondent was 10% contributorily negligent - primary judge apportioned responsibility to Boral at 60% and Council at 40% - primary judge also found Boral breached contractual obligation to Council to take out insurance in respect of Council's liability - primary judge awarded damages to Council against Boral in amount of judgment against Council - Boral appealed - Council cross-appealed and filed notice of contention that Boral breached different contractual obligation to it - first respondent cross-appealed against finding of contributory negligence - held: no error in decision of primary judge in relation to Boral's appeal or Council's cross-appeal - Boral's appeal dismissed - Council's cross-appeal dismissed - primary judge erred in finding first respondent contributorily negligent - first respondent's cross-appeal allowed.

[Bitupave](#)

Haskakis v Hatzopoulos [2015] NSWSC 1408

Supreme Court of New South Wales

White J

Succession - daughter of deceased sought provision out of deceased mother's estate - plaintiff's financial position and disabilities - plaintiff's conduct towards deceased - plaintiff's strained relationship with deceased - obligations or responsibilities owed by deceased to plaintiff or beneficiaries - ss59 & 60 *Succession Act 2006* (NSW) - held: Court satisfied Will did not make adequate provision for plaintiff's proper maintenance and advancement in life - order for provision made from estate by way of pecuniary legacy -

[Haskakis](#)

[Click Here to access our Benchmark Search Engine](#)