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

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Executive Summary (1 minute read)

Colin Joss & Co Pty Ltd v Cube Furniture Pty Ltd (NSWSC) - commercial arbitration - arbitrator's award enforced as judgment of Court

De Saram v Brown (VSCA) - summary judgment - strike-out of counter-claim - appeal allowed in part

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Summaries With Link (Five Minute Read)

Colin Joss & Co Pty Ltd v Cube Furniture Pty Ltd [2015] NSWSC 735

Supreme Court of New South Wales

Hammerschlag J

Commercial arbitration - plaintiff challenged arbitral award against it - defendant sought enforcement of award as judgment of Court - plaintiff argued award in conflict with public policy of State as provided in s34(2)(b) *Commercial Arbitration Act 2010* (NSW) - defendant sought recognition and enforcement of award pursuant to s35(1) - held: plaintiff's challenges not made out - no basis established upon which statutory discretion under s34(2)(b) should be exercised - no basis on which Court should refuse to enforce Interim Award and Final Award.

[Colin](#)

De Saram v Brown [2015] VSCA 142

Court of Appeal of Victoria

Ashley & Tate JJA; Digby AJA

Summary judgment - County Court entered judgment for respondents and struck out counterclaim brought by appellants - whether judge erred in giving judgment on claim on basis defence had no prospect of success - whether judge justified in striking out counterclaim - held: no error in decision that appellant failed to establish real prospect of success in defending claim in relation to loan and associated sums - judge below correct to conclude matters raised by appellant as set-offs did not give rise to reasonable prospect of defending claims in relation to judgment on loan - no error as result of failure to consider discretion in s64 *Civil Procedure Act 2010* when his Honour gave summary judgment on claim - appeal allowed in relation to strike-out of counter-claim - appeal allowed in part.

[DeSaram](#)

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