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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)

Lazarus, Lazarus and Lazarus v Director of the Independent Commission Against Corruption (No 2) (NSWSC) - dismissal - delay - proceedings dismissed for want of due despatch

Barbon v Tessari (VSC) - Wills and estates - deceased knew and approved of Will - Will admitted to probate

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Summaries With Link (Five Minute Read)

Lazarus, Lazarus and Lazarus v Director of the Independent Commission Against Corruption (No 2) [2015] NSWSC 1390

Supreme Court of New South Wales

Bellew J

Dismissal - defendant sought that proceedings be dismissed pursuant to r12.7 *Uniform Civil Procedure Rules 2005* (NSW) for want of due despatch - delay - failure to comply with orders of Court to file amended statement of claim - s56 *Civil Procedure Act 2005* (NSW) - held: delay was catalyst for exercise of power under r12.7- delay should be assessed against entirety of circumstances of proceedings - plaintiffs' failure to comply with Court's most recent orders has resulted in delay sufficient to attract operation of r12.7 given proceedings' history - to allow proceedings to continue at odds with facilitation of just, quick and cheap resolution of issues - proceedings dismissed.

[Lazarus](#)

Barbon v Tessari [2015] VSC 490

Supreme Court of Victoria

McMillan J

Wills and estates - plaintiff sought grant of probate of deceased's Will - defendant objected to grant of probate on basis deceased did not know and approve of the contents of Will - defendant claimed deceased was not proficient in English, would not have understood technical language of Will and would not have known and approved of her Will - defendant claimed circumstances of making of Will excited suspicion that deceased was bullied or persuaded to sign Will that did not reflect her wishes - onus - deceased's proficiency in English language - whether solicitors who drew Will failed to act independently because they were also plaintiff's solicitors - held: Court satisfied deceased knew and approved of her Will - Will admitted to probate.

[Barbon](#)



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Voices of the Air

By Katherine Mansfield

But then there comes that moment rare
When, for no cause that I can find,
The little voices of the air
Sound above all the sea and wind.

The sea and wind do then obey
And sighing, sighing double notes
Of double basses, content to play
A droning chord for the little throats—

The little throats that sing and rise
Up into the light with lovely ease
And a kind of magical, sweet surprise
To hear and know themselves for these—

For these little voices: the bee, the fly,
The leaf that taps, the pod that breaks,
The breeze on the grass-tops bending by,
The shrill quick sound that the insect makes.

[KatherineMansfield](#)

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