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## Construction A Daily Bulletin listing Decisions of Superior Courts of Australia

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### Executive Summary (1 minute read)

**Built NSW Pty Ltd v Politic Pty Ltd (NSWSC)**-pleadings-contract-leave to file amended statement of cross-claim



# Benchmark

## Summaries with links (5 Minute Read)

### **Built NSW Pty Ltd v Politic Pty Ltd [2015] NSWSC 380**

Supreme Court of New South Wales

Ball J

Pleadings - plaintiff claimed amounts allegedly due under contract by which it agreed to carry out refurbishment works for defendant - defendant sought to amend its cross-claim and its reply to defence to cross-claim, and to file additional evidence out of time-strength of claims - explanation for delay - whether allowing amendments would necessitate adjournment-prejudice - held: defendant permitted to file amended statement of cross-claim insofar as it pleaded floor space area term was express or implied term of the contract and rectification claim - plaintiff granted leave to make application to revoke leave to file amended statement of cross-claim insofar as it pleaded rectification claim on 48 hours' notice.

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