



Monday, 20 April 2015

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

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Executive Summary (1 minute read)

Golden Mile Property Investments Pty Ltd (in liq) v Cudgegong Australia Pty Ltd (NSWCA) - real property - equity - mortgages - entitlement to compensation for resumed land - appeal allowed - matter remitted to Land and Environment Court

Gekko Developments Pty Ltd v Centa Company Pty Ltd (QSC) - contract - no agreement for conditional or unconditional payment of amount to plaintiff

Summaries With Link (Five Minute Read)

Golden Mile Property Investments Pty Ltd (in liq) v Cudgegong Australia Pty Ltd [2015] NSWCA 100

Court of Appeal of New South Wales

Macfarlan, Emmett & Gleeson JJA

Real property - equity - corporations - mortgages - applicant was registered proprietor of land resumed by second respondent (Transport NSW) - proceeding concerned entitlement to compensation under *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) (JTA) - at time of acquisition applicant had been deregistered under s601AB(2) *Corporations Act 2001* (Cth) - prior to acquisition first respondent contracted to buy resumed land from company (Stacks) which was exercising power of sale under registered mortgage over resumed land granted by applicant (first mortgage) - dispute between applicant and first respondent concerned which of them was entitled to compensation under JTA - part of compensation had been paid by Transport NSW to Stacks and to another company (RTS), which was mortgagee under a second registered mortgage over resumed land granted by applicant - held: trial judge erred in dealing with question whether Stacks breached duty to applicant in exercising power of sale under first mortgage - leave to appeal granted - appeal allowed - matter remitted to Land and Environment Court to determine respective interests that applicant and first respondent had in resumed land.

[Golden](#)

Gekko Developments Pty Ltd v Centa Company Pty Ltd [2015] QSC 87

Supreme Court of Queensland

P McMurdo J

Contract - defendant owner of shopping centre signed option to purchase granted to plaintiff company - dealings between parties to end of shopping centre being sold - plaintiff claimed parties agreed that in consideration of plaintiff giving up claim to contractual entitlement to property, defendant would pay amount to plaintiff - defendant denied contract made - whether amount was promised to be paid - whether consideration for a promise to pay - held: defendant did not contractually promise to pay amount to plaintiff, conditionally or unconditionally - option agreement had been terminated - plaintiff failed to prove alleged agreement - judgment for defendant.

[Gekko](#)

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