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Daily Construction

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Executive Summary (1 minute read)

Bodycorp Repairers Pty Ltd v Oakley Thompson & Co Pty Ltd (VSCA) - stay - security for costs - application for stay refused - application for security for costs granted

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Summaries With Link (Five Minute Read)

Bodycorp Repairers Pty Ltd v Oakley Thompson & Co Pty Ltd [2016] VSCA 19
Court of Appeal of Victoria
Tate & Osborne JJA
Stay - security for costs - applicant sought to stay orders pending determination of application for leave to appeal and proposed appeal - respondent sought that applicant provide security for costs of proposed appeal under r64.38(2) *Supreme Court (General Civil Procedure) Rules 2015* (Vic) or s1335(1) *Corporations Act 2001* (Cth) - prejudice - whether there were special circumstances due to applicant's lack of resources - held: stay application was premised on risk which was hypothetical and which Court did not accept had probable substance - there was risk of prejudice to respondent if stay granted - stay refused.
Bodycorp

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