



Family Law team succeeds in having Supreme Court Appeal dismissed

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On 4 April 2014 District Court Judge Stretton handed down judgment in our client's de facto property settlement case. After representing our client over a 4 year period and for a 14 day trial I was very pleased when the Judge determined the matter in his favour finding that his former partner was not entitled to any of his assets. The client was also happy to learn that we had assisted him to successfully defend himself against the claim.

We first wrote about this case in our article "[Anderson's Family Law Team Success in De Facto Property Settlement matter](#)"

In our legal system however parties are able to appeal a Judge's decision by filing an Appeal with a higher court. In this case the former partner filed an Appeal against the District Court Judge's decision with the Supreme Court of South Australia. The Appeal was filed with the court and served on our offices on 24 April 2014.

We were then instructed by our client to fight that Appeal and we engaged experienced Senior and Junior Counsel to assist us with that. We filed an Application seeking to protect our client's ability to recover costs from his former partner upon defending the Appeal and striking out certain aspects of the Appeal.

We were successful in that Application, [obtaining a Judgment](#) requiring his former partner to pay money into the court towards our client's costs in the event that her Appeal was unsuccessful and striking out a number of paragraphs of her Notice of Appeal.

Our aim was then to make sure that his former partner paid the required money into the court and actioned her Appeal so that we could get a result for our client who was eager to see the end of the matter.

His former partner failed to do so.

On that basis we then prepared and filed an Application for our client seeking to have the Appeal dismissed. We took extensive instructions from him for this purpose and worked with our Counsel to ensure that the Affidavit filed in support of the Application had the content required to see that Application succeed.

Through diligently applying our knowledge and experience to this matter we were able to cause his former partner to review her decision to proceed with the Appeal and to pursue our client for her claim. Instead she agreed to discontinue her action.

On 16 October 2014 Her Honour Justice Bampton of the Supreme Court of South Australia made Orders, by the consent of the parties, dismissing the Appeal. We were pleased again to be able to help this client to successfully defend the Appeal and to finally bring an end to the claim made against him by his former partner for a division of property following the breakdown of their relationship.

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