

***Jones v Western Australia* [2010] FCA 1038**

Siopis J, 16 September 2010

Issue

The issues before the Federal Court were whether to reinstate Monlor Pty Ltd (Monlor) as a respondent party to a claimant application and whether to join Geoffrey Miller, a director and shareholder of Monlor, as a respondent party to that application.

Background

Monlor Pty Ltd ceased to be a party to the proceeding on 1 April 2010 because it did not to respond to orders made on 2 March 2010 that any party that did not respond within 21 days of service would cease to be a party. Liberty to apply to be reinstated was granted. Mr Miller's evidence was that he misunderstood the orders and that:

- he held a lease over a property next door to Monlor's property;
- he delayed his application to become a respondent because he mistakenly believed his interest was sufficiently congruent with Monlor's in respect of the adjacent parcels to warrant him not becoming a party in his own right.

Interest in the proceeding

Justice Siopis considered that it was clear on the evidence that Mr Miller had a personal interest in the land subject to the application and that this interest qualified him to be a party to the proceeding. It was noted that none of the represented parties opposed the orders – at [5] to [7].

Decision

Monlor Pty Ltd was reinstated as a party and Mr Miller was joined as a party.