



HOMAYOUN NOBARANI
Appellant

and

TERESA ANNE MARICONTE
Respondent

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RESPONDENT'S SYNOPSIS OF ARGUMENT

Part I

1. This document may be placed on the internet.

Part II

2. Ward JA did not err in refusing a new trial.
- 10 3. Nor did Emmett AJA.
4. This Court should not order a new trial even if the CA majority erred in relation to the discretion to refuse a new trial.
5. On the notice of contention, seven of the eight grounds of procedural fairness put by Nobarani were not accepted by the CA.
6. Those eight grounds are:
 - 20 i. refusing to adjourn to allow Nobarani properly to prepare his case;
 - ii. dealing with admissibility issues without hearing from Nobarani;
 - iii. refusing to adjourn to allow Nobarani to obtain expert evidence in relation to two pages of Mr Bradstreet's diary;
 - iv. not permitting Ms Parseghian to be cross-examined by Mr Nobarani;
 - v. refusing to adjourn to allow Nobarani to obtain a signature expert in relation to
30 the testatrix's signature;
 - vi. refusing an adjournment to allow Lemesle to be called as a witness;
 - vii. not permitting the affidavit of Lemesle to be read;

viii. refusing to adjourn so that a subpoena could be issued to Dr Kearns.

7. Only (i) was accepted by a majority of the CA. But on that issue, no error was made by the trial judge. Nor was there any miscarriage of justice.
8. As to (ii) – (vii), none of these matters amounted to an error or breach of procedural fairness by the primary judge or warranted a new trial.

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G. O'L. Reynolds

Dated: 17 May 2018