

I certify that the Appellant's Notice of Appeal with Appeal Grounds contained herein are suitable for publication in accordance with paragraph 27 of the Practice Note SC CA 01.


Tihomir Novakovic of Novakovic Lawyers, solicitors for the Appellant
Form 105 (version 7)
UCPR 51.16, 51.18, 51.20

This document was eFiled
on 25 Jun 2025 . Final
acceptance has been
given.

R.H Kenna (L.S.)
Principal Registrar &
Chief Executive Officer



NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00153997

TITLE OF PROCEEDINGS

Appellant	Branka JAKSIC-REPAC
Respondent	Dusko DUNDJERSKI
Additional Information	In the estate of the late Mimi Milka Jaksic ("the deceased")

PROCEEDINGS IN THE COURT BELOW

Title below	Dusko DUNDJERSKI -v- Radmila MILANOVIC & Others
Court below	Supreme Court of New South Wales
Case number below	2022/00366795
Dates of hearing	17 March 2025 and 18 March 2025
Material date	25 March 2025
Decision of	Hammerschlag CJ in Eq

FILING DETAILS

Filed for	Branka JAKSIC-REPAC , appellant
Filed in relation to	Whole of the decision below
Legal representative	Tihomir Novakovic, NOVAKOVIC LAWYERS
Legal representative reference	TN: Jaksic/Appeal
Contact name and telephone	Tihomir Novakovic, (02) 9826-5029
Contact email	tihomir@novakoviclawyers.com

HEARING DETAILS

This notice of appeal is listed for directions at **23 Jul 2025 09:00 AM - Directions**

TYPE OF APPEAL

Wills - Probate – Succession



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DETAILS OF APPEAL

- 1 This appeal is brought under section 101 of the *Supreme Court Act 1970* (NSW).
- 2 The appellant has filed and served a notice of intention to appeal, which was served on the prospective respondent on 22 April 2025.
- 3 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

- 1 The Court at first instance erred [at 30, 41, 54 and 55] in failing to find that the deceased had revoked her will of 22 May 2015 ("**Will**") where:
 - (a) there was insufficient evidence to rebut the presumption of revocation;
 - (b) there was evidence in support of the presumption of revocation that was not taken into account;
- 2 The Court erred [at 60 and 61] in finding that even if the Will had been revoked, a document entitled "codicil" dated 14 June 2022 revived the Will where:
 - (a) as a matter of law, if the Will had been revoked, the Codicil did not have the effect of reviving the Will; and
 - (b) the Codicil did not reflect the testamentary intentions of the deceased within the meaning of section 8 of the *Success Act 2006* (NSW) where the deceased's signature on the Codicil was not witnessed.
- 3 The Court erred in finding [at 31] that Srdja and Gordana Jankovic were credible witnesses. Their evidence was, in material respects, glaringly improbable and directly contradicted by the evidence of other witnesses whom the Court accepted as credible.

ORDERS SOUGHT

- 1 Orders 1 – 3 made on 25 March 2025 be set aside.
- 2 Orders 1 – 8 made on 7 April 2025 be set aside.
- 3 Orders in terms of prayers 1 – 4 of Further Amended Statement of Cross-claim filed on 3 November 2023.
- 4 A declaration that the deceased died intestate.
- 5 Order that the respondent pay the appellant's costs in the Court below and of the appeal.

- 6 In the alternative, an order that appellant's costs in the Court below and of the appeal be paid out of the estate.
- 7 Such further or other order as the Court thinks fit.

UCPR 51.22 CERTIFICATE

The right of appeal is not limited by a monetary sum.

SIGNATURE OF LEGAL REPRESENTATIVE

This notice of appeal does not require a certificate under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#).

I have advised the appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on record

Date of signature

25 June 2025

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

FURTHER DETAILS ABOUT APPELLANT**Appellant**

Name	Branka JAKSIC-REPAC
Address	C/- 40 Colenso Circuit Edmondson Park NSW 2174

Legal representative for appellant

Name	Tihomir NOVAKOVIC
Practising certificate number	38792 (Law Society No)
Firm	NOVAKOVIC LAWYERS
Contact solicitor	Tihomir Novakovic
Address	40 Colenso Circuit Edmondson Park NSW 2174
Telephone	02/9826-5029
Email	tihomir@novakoviclawyers.com
Electronic service address	Not applicable

DETAILS ABOUT RESPONDENT**Respondent**

Name	Dusko DUNDJERSKI
Address	C/- H+H Legal Level 14 70 Pitt Street, Sydney NSW 2000