

IN THE SUPREME COURT OF NEW ZEALAND

**SC 51/2013
[2013] NZSC 102**

BETWEEN ALLIED CONCRETE LIMITED
Applicant

AND JEFFREY PHILIP MELTZER AND
LLOYD JAMES HAYWARD AS
LIQUIDATORS OF WINDOW
HOLDINGS LIMITED (IN
LIQUIDATION)
Respondents

SC 80/2013

BETWEEN FENCES AND KERBS LIMITED
Applicant

AND PETER ESMOND FARRELL AND
SIMON PAUL ROGAN AS
LIQUIDATORS OF CONTRACTING
ENGINEERING LIMITED (IN
LIQUIDATION)
Respondents

SC 81/2013

BETWEEN HIWAY STABILIZERS NEW ZEALAND
LIMITED
Applicant

AND JEFFREY PHILIP MELTZER AND
LLOYD JAMES HAYWARD AS
LIQUIDATORS OF WINDOW
HOLDINGS LIMITED (IN
LIQUIDATION)
Respondents

Court: McGrath, William Young and Arnold JJ

Counsel: J V Ormsby for Applicant SC51/2013
J P Temm for Applicant SC80/2013
G M Harrison for Applicant SC81/2013
B P Keene QC for Respondents SC51/2013 and SC81/2013
M D Branch for Respondents SC80/2013

Judgment: 24 October 2013

JUDGMENT OF THE COURT

Leave to appeal is granted in respect of all applications.

The approved question is whether the Associate Judge and Court of Appeal (as the case may be) was correct to conclude that the payments made to Allied Concrete Ltd, Hiway Stabilizers New Zealand Ltd and Fences and Kerbs Ltd should be set-aside and that judgment should be entered against them accordingly.

Solicitors:

Wynn Williams, Christchurch for Applicant SC51/2013

Cargill Stent Law, Taupo for Applicant SC80/2013

NorthHarbour Law, Orewa for Applicant SC81/2013

Hucker & Associates, Auckland for Respondents SC51/2013 and SC81/2013

Harkness Henry, Hamilton for Respondents SC80/2013