

NOTE: PURSUANT TO S 35A OF THE PROPERTY (RELATIONSHIPS) ACT 1976, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURTS ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE [HTTP://WWW.JUSTICE.GOV.T.NZ/COURTS/FAMILY-COURT/LEGISLATION/RESTRICTIONS-ON-PUBLICATIONS](http://www.justice.govt.nz/courts/family-court/legislation/restrictions-on-publications).

IN THE SUPREME COURT OF NEW ZEALAND

**SC 67/2013
[2013] NZSC 84**

BETWEEN GPM
 Applicant

AND JHM
 Respondent

Court: Elias CJ, McGrath and William Young JJ

Counsel: Applicant in Person
 E J Hudson for Respondent

Judgment: 27 August 2013

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$2,500 payable to the respondent.

REASONS

[1] The applicant seeks leave to appeal to this Court against a judgment of the Court of Appeal in a relationship property dispute.¹ In 2009 the Family Court determined issues between the applicant and the respondent, ordering that the applicant, and a trust she had formed, pay to the respondent \$326,192.57.²

¹ *GPM v JHM* [2013] NZCA 166.

² *JHM v GPM* FC Timaru FAM-2006-019-001475, 5 August 2009.

[2] The respondent appealed to the High Court which, in March 2010, dismissed the appeal.³ In response to submissions for the applicant, however, the High Court referred back to the Family Court for further consideration two matters concerning possible off-shore bank accounts and overseas pension entitlements of the respondent. The High Court Judge ordered that the Family Court's judgment should be enforced, save for a retention of \$20,000 pending final resolution of the pension fund matter.⁴

[3] The applicant had not cross-appealed, but in June 2011, when she was acting for herself, she applied for judicial review of the Family Court judgment. The application was withdrawn in September 2011. In December of that year she applied to the High Court for leave to appeal out of time against the Family Court judgment. That application was dismissed by Chisholm J in July 2012.⁵ The applicant appealed to the Court of Appeal. In May 2013, that Court dismissed her appeal, observing that there was no explanation for her lengthy delay in bringing the application for leave, nor for why the applicant had not cross-appealed when the respondent's appeal was before the High Court.⁶

[4] In support of her application for leave to appeal against the Court of Appeal's judgment, the applicant raises two grounds. First she alleges deceit by the respondent in relation to the Family Court proceedings and continuing bankruptcy proceedings brought against her. We are not concerned with the latter. In relation to the former, the applicant's concerns appear principally to relate to the pension fund and overseas bank accounts which have been referred back to the Family Court for determination. This Court is not the appropriate forum for addressing that dispute. We are satisfied that the interests of justice do not require a further appeal on this ground.

[5] The second ground raised by the applicant is the disadvantage she has suffered as a result of dyslexia. She was, however, assisted by counsel at the relevant times in this litigation: the proceedings in the Family Court, the appeal to

³ *JHM v GPM* HC Timaru CIV-2009-476-000428, 5 March 2010.

⁴ *JHM v GPM* HC Timaru CIV-2009-476-000428, 19 July 2010.

⁵ *GPM v JHM* [2012] NZHC 1776.

⁶ *GPM v JHM*, above n 1.

the High Court and the referral of the two matters back to the Family Court.⁷ We are satisfied that nothing before us in relation to this ground suggests there is a possible miscarriage of justice arising from the judgment she seeks to challenge. She is still, of course, able to raise in the Family Court the matters referred back for further determination.

[6] For these reasons we are satisfied that the interests of justice do not require a further appeal to this Court in this matter. The application is dismissed.

Solicitors:
Nielsen Law, Hamilton for Respondent

⁷ We do not agree with the applicant's view that this referral is ineffective.