

IN THE SUPREME COURT OF NEW ZEALAND

SC 125/2013
[2014] NZSC 1

BETWEEN RUJING JIN
 Applicant

AND NORTH SHORE DISTRICT COURT
 First Respondent

 YASUKI KONISHI AND MAKIKO
 KONISHI
 Second Respondents

Court: Elias CJ, Glazebrook and Arnold JJ

Counsel: Y Lee for Applicant
 D L Harris for First Respondent (abiding the decision of the
 Court)
 D B Hickson for Second Respondents

Judgment: 12 February 2014

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B The applicant must pay the second respondents costs of \$2,500.

REASONS

[1] The applicant was the developer of a residential building, which she sold to the second respondents in the course of construction. Ultimately the second respondents cancelled the sale and purchase agreement and, in February 2011, issued proceedings in the District Court seeking the return of their \$30,000 deposit and reimbursement of rental and other expenses. Various case management directions were made, most of which the applicant did not comply with in a timely fashion. Ultimately, the applicant issued judicial review proceedings challenging six of the

directions made by the Court or the Registrar. Wylie J dismissed the judicial review application¹ and later made an award of indemnity costs against the applicant.² The Court of Appeal dismissed the applicant's appeal against both of Wylie J's judgments and made a further order for indemnity costs in respect of the appeal.³ The applicant now seeks leave to appeal to this Court.

[2] We are not satisfied that it is necessary in the interests of justice for this Court to hear and determine the proposed appeal. What is principally at issue is a series of case management decisions made in the District Court. They are interlocutory decisions which raise nothing of general or public importance. The awards of indemnity costs are also challenged, but again, no issue of general or public importance is involved. Nor are we satisfied that a substantial miscarriage of justice may have occurred in relation to those costs orders, given the factual background detailed in the judgments below.

[3] The application for leave to appeal is accordingly dismissed. The applicant must pay the second respondents costs in the amount of \$2,500.

Solicitors:
Crown Law Office, Wellington for First Respondent

¹ *Jin v North Shore District Court* [2013] NZHC 243.

² *Jin v North Shore District Court* [2013] NZHC 810.

³ *Jin v North Shore District Court* [2013] NZCA 475.