

IN THE SUPREME COURT OF NEW ZEALAND

SC134/2013
[2014] NZSC 104

BETWEEN RAZDAN RAFIQ
Applicant

AND THE CHIEF EXECUTIVE OF THE
MINISTRY OF BUSINESS,
INNOVATION AND EMPLOYMENT
Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
W N Fotherby for Respondent

Judgment: 6 August 2014

JUDGMENT OF THE COURT

The application for recall of judgment is dismissed.

REASONS

[1] The applicant applies for recall of a judgment of the Court dated 19 February 2014. In that judgment the Supreme Court declined leave to appeal against a decision of the Court of Appeal in which Harrison J on 27 November 2013 dismissed applications by Mr Rafiq to review decisions made by the Registrar of the Court of Appeal.¹ Those decisions were a refusal to waive security for costs and to allocate a fixture for Mr Rafiq's intended appeal against an order for security for costs made against him in the High Court² in proceedings brought by Mr Rafiq against the Chief Executive of the Ministry of Business Innovation and Employment for defamation.

¹ *Razdan Rafiq v The Chief Executive of the Ministry of Business, Innovation and Employment* [2013] NZCA 586.

² *Rafiq v Chief Executive of the Ministry of Business Innovation and Employment* [2013] NZHC 1134 (Priestley J).

[2] In the decision of 19 February 2014,³ the panel of the Court dealing with the leave application (Elias CJ, William Young and Arnold JJ) considered there was no issue of public or general importance in respect of the proposed appeal against the security for costs ordered in the Court of Appeal and no appearance of miscarriage of justice.

[3] In the present application for recall of the judgment, Mr Rafiq raises no grounds which would justify recall of the judgment. He asserts, without further reasons, that the decision of the Court was in error and says that the “allegations that are subject matter of this proceeding are presently being shared with other departments and agencies and this action needs to end”. No substantiation for the assertion that the Court of Appeal erred is provided by way of elaboration.

[4] No basis for recall is made out. The application is accordingly dismissed.

Solicitors:
Meredith Connell, Auckland for Respondent

³ *Razdan Rafiq v The Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZSC 7.