

IN THE SUPREME COURT OF NEW ZEALAND

**SC 72/2014
[2014] NZSC 159**

BETWEEN

RAZDAN RAFIQ
Applicant

AND

GOOGLE NEW ZEALAND LIMITED
Respondent

Court: McGrath, William Young and Glazebrook JJ
Counsel: Applicant in person
Judgment: 6 November 2014

JUDGMENT OF THE COURT

The application for recall of the Court's judgment is dismissed.

REASONS

[1] Mr Rafiq seeks recall of our judgment refusing leave to appeal¹ on the basis that the Court was wrong to award costs against him, in favour of Google, when it dismissed Mr Rafiq's leave application.

[2] The basis for the recall application is that the respondent did not seek costs. The only relief sought by the respondent was refusal of leave to appeal.

[3] Rule 44 of the Supreme Court Rules 2004 gives the Court discretion to "make any order that seems just" in relation to the costs of an application for leave to appeal. The availability of the Court's discretion does not depend on whether the respondent applies for an order as to costs. In awarding costs in this matter, the Court exercised this discretion in favour of the respondent. The present application

¹ *Rafiq v Google New Zealand Ltd* [2014] NZSC 126.

does not set out any basis on which the Court can recall its judgment. The application for recall is dismissed.