

IN THE SUPREME COURT OF NEW ZEALAND

SC 141/2013
[2014] NZSC 19

BETWEEN

FIRM PI 1 LIMITED
Applicant

AND

ZURICH AUSTRALIAN INSURANCE
LIMITED T/A ZURICH NEW
ZEALAND LIMITED
First Respondent

BODY CORPORATE 398983
Second Respondent

Court: McGrath, Glazebrook and Arnold JJ

Counsel: M G Ring QC, C R Langstone and T A Spinka for Applicant
A R Galbraith QC, W A Holden and B J Sanders for First
Respondent
R G S Hay for Second Respondent

Judgment: 17 March 2014

JUDGMENT OF THE COURT

A The application for leave to appeal is granted.

B The question is whether the sum insured for buildings under the material damage section of the contract of insurance is inclusive or exclusive of sums payable to the insured by the Earthquake Commission under the Earthquake Commission Act 1993 for natural disaster damage to the insured's buildings from the 22 February 2011 earthquake.

Solicitors:

Jones Fee, Auckland for Applicant

DAC Beachcroft New Zealand Limited, Auckland for First Respondent

Morgan Coakle, Auckland for Second Respondent