

IN THE SUPREME COURT OF NEW ZEALAND

SC 124/2013
[2014] NZSC 4

BETWEEN

HARMON LYNN WILFRED
First Applicant

CAROLYN RUTH DARE-WILFRED
Second Applicant

ANGELA MAREE SMALLEY
Third Applicant

LA FAMIA NO 1 LIMITED
Fourth Applicant

LA FAMIA NO 4 LIMITED
Fifth Applicant

AND

KAIWAN GAN AND YUZHEN YU
Respondents

Court: Elias CJ, William Young and Arnold JJ

Counsel: H L Wilfred in person
A V Foote and B D A Collins for Respondents

Judgment: 18 February 2014

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicants are to pay costs of \$2,500 and reasonable disbursements.**
-

REASONS

[1] At issue is an interim order for repossession made by Chisholm J in respect of premises known as Wigram Manor.¹ The applicants appealed unsuccessfully

¹ *Gan v Wilfred* [2013] NZHC 535.

against that decision in the Court of Appeal² and now seek leave to appeal to this Court from the Court of Appeal decision.

[2] In their submissions the applicants concede that the building has now been sold to a third party, rendering the interim possession order made by Chisholm J academic. This leaves, as far as we can see, in issue only orders for costs made against the applicants which relate to earlier steps in the litigation in respect of which the applicants have been unsuccessful.

[3] We see no point of principle involved in the proposed appeal and no appearance of a substantial miscarriage of justice. Accordingly the application for leave to appeal is dismissed.

Solicitors:
Duncan Cotterill, Christchurch for Respondents

² *Wilfred v Gan* [2013] NZCA 457.