

IN THE SUPREME COURT OF NEW ZEALAND

SC 95/2015
[2015] NZSC 169

BETWEEN BEVIN HALL SKELTON
 Applicant

AND DARAN NAIR
 Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
 E J Werry for Respondent

Judgment: 9 November 2015

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay the respondent costs of \$2,500.**
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REASONS

[1] The applicant, Mr Skelton, seeks leave to appeal against Winkelmann J's decision dismissing his application for review of the Registrar of the Court of Appeal's decision refusing a waiver from the requirement to pay security for costs.¹ The Judge upheld the Registrar's decision and ordered that Mr Skelton pay security of \$5,880 by 28 August 2015. Mr Skelton then applied to the Court of Appeal for an extension of time within which to pay security and also applied to this Court for leave to appeal against Winkelmann J's decision. Although Winkelmann J granted Mr Skelton an extension until 5pm on 4 September 2015, we understand that security has not yet been paid.

¹ *Skelton v Nair* [2015] NZCA 343.

[2] It is unnecessary that we set out the background in any detail. It is enough to say that the subject matter of the underlying proceedings goes back to 2006 when Mr Skelton and his wife were involved in litigation, which was the subject of settlement agreements in 2008 and 2009. In 2014, Mr Skelton issued proceedings which Asher J struck out on the basis that they were covered by the settlement agreements.² Mr Skelton appealed against Asher J's decision, which gave rise to Winkelmann J's decision as to security for costs.

[3] In *Reekie v Attorney-General*, this Court set out the approach to be taken to security for costs issues in the Court of Appeal.³ In her decision, Winkelmann J applied the principles set out in *Reekie*. Accordingly, Mr Skelton's proposed appeal raises no issue of general or public importance, nor is there any appearance of a substantial miscarriage of justice.

[4] The application for leave to appeal is dismissed. The applicant must pay the respondent costs of \$2,500.

Solicitors:
McDonald Law, Auckland for Respondent

² *Skelton v Nair* [2015] NZHC 832.

³ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.