

IN THE SUPREME COURT OF NEW ZEALAND

SC 118/2014  
[2015] NZSC 49

BETWEEN SOUTHERN RESPONSE  
EARTHQUAKE SERVICES LIMITED  
Applicant

AND AVONSIDE HOLDINGS LIMITED  
Respondent

Court: Elias CJ, Glazebrook and Arnold JJ

Counsel: B D Gray QC and C R Johnstone for Applicant  
N R Campbell QC and G D R Shand for Respondent

Judgment: 4 May 2015

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**JUDGMENT OF THE COURT**

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- A** The application for leave to appeal is granted (*Avonside Holdings Ltd v Southern Response Earthquake Services Ltd* [2014] NZCA 483).
- B** The question on which leave is granted is whether the Court of Appeal was correct to find that the respondent was entitled under its insurance policy with the appellant to claim allowances for contingencies and for professional fees given that the respondent has elected to purchase a replacement property.
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Solicitors:  
Wynn Williams, Christchurch for Applicant  
Grant Shand, Christchurch for Respondent