

**NOTE: TENANCY TRIBUNAL ORDER PROHIBITING PUBLICATION OF
THE NAME AND ANY IDENTIFYING PARTICULARS OF THE PARTIES IN
[2024] NZTT DUNEDIN 4826717 PURSUANT TO S 95A(1A) OF THE
RESIDENTIAL TENANCIES ACT 1986 REMAINS IN FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 3/2025
[2025] NZSC 42**

BETWEEN	D (SC 3/2025) Applicant
AND	MELISSA ALLAN First Respondent
	MICHAEL B T TURNER Second Respondent

Court: Williams, Kós and Miller JJ

Counsel: Applicant in person

Judgment: 16 April 2025

JUDGMENT OF THE COURT

**The application for recall of this Court's judgment of 4 April 2025
(*D (SC 3/2025) v Allan* [2025] NZSC 29) is dismissed.**

REASONS

[1] On 4 April 2025, this Court dismissed the applicant's application for leave to appeal directly to this Court from a judgment of the High Court.¹ The applicant now applies for recall of this Court's 4 April 2025 judgment.

¹ *D (SC 3/2025) v Allan* [2025] NZSC 29 (Williams, Kós and Miller JJ).

[2] There is no proper basis to recall the judgment. That is because the present application does not meet the standard for recall and is, in substance, an attempt to relitigate the Court's reasoning in its 4 April 2025 judgment.²

[3] The application for recall is dismissed.

² See *Horowhenua County v Nash (No 2)* [1968] NZLR 632 (SC) at 633 as cited in *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd (No 2)* [2009] NZSC 122, [2010] 1 NZLR 76 at [2]. See also *Nuku v District Court at Auckland* [2018] NZSC 39 at [2].