

BETWEEN NGAHUIA REIHANA WHANAU
 TRUST
 Applicant

AND MAVIS & EARL FLIGHT
 First Respondent

AND ANNIE NGAHUIA KAKAHI REIHANA
 WHANAU TRUST
 Second Respondent

Coram: Blanchard J
 Tipping J

Judgment: 8 November 2004

JUDGMENT OF THE COURT

[1] In an application signed by Colin Horonuku Reihana leave is sought to appeal to this Court against a decision of the Court of Appeal delivered on 26 July 2004 in which that Court refused to recall its judgment of 14 July 2003 which in turn refused special leave to appeal to the Court of Appeal.

[2] It is clear that this Court has no jurisdiction to hear and determine the matter which can accordingly be determined without an oral hearing.

[3] The effect of s7(b) of the Supreme Court Act 1993 is that the Court may not hear an appeal by a party to a civil proceeding against a refusal to give leave or special leave to appeal to the Court of Appeal. That prohibition must equally apply to an appeal against a refusal by the Court of Appeal to recall such a decision.

[4] Leave to appeal is accordingly declined.