

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 30/2023
[2023] NZSC 68**

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| BETWEEN | ZHONG XING Applicant |
| AND | JICAI LI AND FANG YU First Respondent |
| | YUN SHENG Second Respondent |
| | WEN CHEN Third Respondent |
| | ZHONG WEI ZHOU Fourth Respondent |
| | BO LIN Fifth Respondent |
| | JIYUAN WU Sixth Respondent |
| | FANG YU Seventh Respondent |
| | WMW TRUSTEE LIMITED Eighth Respondent |
| | YANGXUAN WANG AND MENGQUI WANG Ninth Respondents |
| | XIN ZHAO Tenth Respondent |
| | ZELIX TRADING LIMITED Eleventh Respondent |
| | QIN XIN ZENG AND AIXUAN GUO Twelfth Respondents |
| | JCM NZ LIMITED Thirteenth Respondent |

YIKAI CHEN
Fourteenth Respondent

CHEN FENGLIANG AND DING MING
MING
Fifteenth Respondents

ZHIREN ZHANG
Sixteenth Respondent

LOVE HOMES LIMITED
Seventeenth Respondent

ER XIA CAO AND ER SHENG CAO (AS
TRUSTEES OF ZION TRUST) AND ER
SHENG CAO AND ER XIA CAO (AS
TRUSTEES OF CAO TRUST) TOGETHER
WITH JUN WU
Eighteenth Respondents

JASVINDER SINGH AND TINA SINGH
Nineteenth Respondents

GREEN LAND INVESTMENT LIMITED
Twentieth Respondent

REGISTRAR-GENERAL OF LAND
Twenty-First Respondent

LEQUN ZHAO
Twenty-Second Respondent

XING ENTERPRISES LIMITED
Twenty-Third Respondent

TRINITY HOPE INVESTMENT LIMITED
Twenty-Fourth Respondent

FLATBUSH LAND LIMITED
Twenty-Fifth Respondent

HIU CHING CHAN
Twenty-Sixth Respondent

Court:

Glazebrook, O'Regan and Kós JJ

Counsel Applicant in person
R O Parmenter for First to Seventeenth and Nineteenth
Respondents
K H Morrison and T Y Yao for Eighteenth Respondent
M E Casey KC and A J Casey for Twenty-Sixth Respondent

Judgment: 19 June 2023

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Following a trial before Jagose J, the twentieth respondent, Green Land Investment Ltd, was found liable to the first to nineteenth respondents under a series of agreements for sale and purchase of land, and the mortgagee sales of those lots by the applicant were found to be void.¹ Relief is yet to be determined. The applicant appealed the liability judgment to the Court of Appeal and applied for security for costs to be dispensed with. A Deputy Registrar of that Court declined that application and ordered security for costs in the sum of \$14,120. The applicant sought review of that decision. Gilbert J upheld the Deputy Registrar’s decision, finding that “[n]o good reason has been given why the normal requirement for security for costs should be dispensed with”.²

[2] The applicant, who appears for himself, seeks leave to appeal the decision of Gilbert J. His arguments are that if he fails in his appeal in the Court of Appeal, costs can be recovered by settlement of the land or by set-off of other claims, and that the matter is of public interest because it concerns purchasers not party to the proceeding and involves issues of health and safety law.

¹ *Li v Green Land Investment Ltd* [2022] NZHC 1906.

² *Zhong v Li* [2023] NZCA 18 at [4].

Our assessment

[3] This proposed appeal from a decision relating to security for costs does not meet the criteria for leave. It turns wholly on the particular facts of the litigation below and neither involves a matter of general or public importance nor a matter of general commercial significance.³ Nor are we satisfied that the prospects of success are such that a substantial miscarriage of justice may have occurred in the decision below.⁴ It is not therefore necessary in the interests of justice for the court to hear and determine the appeal.⁵

Result

[4] The application for leave to appeal is dismissed.

Solicitors:

Carson Fox Legal, Auckland for First to Seventeenth and Nineteenth Respondents

Meredith Connell, Auckland for Eighteenth Respondent

Duthie Whyte, Auckland for Twenty-Sixth Respondent

³ Senior Courts Act 2016, s 74(2)(a) and (c).

⁴ Section 74(2)(b).

⁵ Section 74(1).