**IN THE SUPREME COURT OF NEW ZEALAND**

**SC CIV 7/2004**

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| BETWEEN | WYNSTON ALEXANDER CECIL CHIRNSIDE<br>First Appellant |
| AND | RATTRAY PROPERTIES LIMITED<br>Second Appellant |
| AND | RICHARD ELMORE FAY<br>Respondent |

Court: Blanchard and Tipping JJ

Counsel: P F Whiteside for Appellants
H N McIntosh and C Hosie for Respondent

Judgment: 20 April 2005

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## JUDGMENT OF THE COURT

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[1] The respondent is granted leave to cross-appeal.

[2] The approved ground is whether the Court of Appeal adopted an erroneous approach to damages in respect of the breach of fiduciary duty it found established.

Solicitors:
Wynn Williams & Co, Christchurch for Appellants
Russell McVeagh, Wellington for Respondent