

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 38/2007  
[2007] NZSC 65**

BETWEEN	GREGORY NIELSEN AND RODERICK WILLIAM NIELSEN Appellants
AND	DYSART TIMBERS LIMITED Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: S P Bryers and A M Swan for Appellants  
C F L Godinet for Respondent

Judgment: 9 August 2007

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**JUDGMENT OF THE COURT**

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- A. The time for making the application for leave is extended pursuant to rule 11(4).**
- B. Leave to appeal is granted.**
- C. The approved grounds are:**
  - (1) Whether the Court of Appeal erred in its approach to the interpretation of clause 5 of the contract by:**
    - (a) taking into account evidence of subjective intention; and**
    - (b) giving undue weight to the context as opposed to the words of clause 5.**

**(2) What is the true meaning of clause 5.**

Solicitors:  
Ross & Whitney, Auckland for Appellants