

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 39/2007  
[2007] NZSC 72**

BETWEEN	GUSTAV & CO LIMITED Appellant
AND	MACFIELD LIMITED Respondent

Court: Elias CJ, Blanchard and Anderson JJ

Counsel: S P Rennie for Appellant  
J G Matthews for Respondent

Judgment: 4 September 2007

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**JUDGMENT OF THE COURT**

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**A. Leave to appeal is granted.**

**B. The approved grounds are:**

**[1] For the purpose of the doctrine of unconscionable bargain, should the respondent's knowledge of the appellant's disability be assessed at the date on which the conditional contract was entered into or the date on which the appellant confirmed it and paid the deposit? [Respondent's ground].**

**[2] On that date, did the respondent have knowledge sufficient in the circumstances to make it unconscionable for the respondent to proceed with the bargain?**

**[3] If not, did the respondent have knowledge sufficient in the circumstances to require it to make further enquiry into the appellant's position before proceeding with the bargain?**

Solicitors:  
Rhodes & Co, Christchurch for Appellant  
Macfarlane Douglas Stringer, Christchurch for Respondent