

IN THE SUPREME COURT OF NEW ZEALAND

**SC 85/2006
[2007] NZSC 9**

BETWEEN	PRIME COMMERCIAL LIMITED Applicant
AND	WOOL BOARD DISESTABLISHMENT COMPANY LIMITED Respondent

Court: Tipping, McGrath and Anderson JJ

Counsel: C Anastasiou and R Palu for Applicant
R A Dobson QC and R M C Luxford for Respondent

Judgment: 7 March 2007

JUDGMENT OF THE COURT

- 1 The application for leave to appeal is dismissed.**
- 2 Prime Commercial Limited is to pay Wool Board Disestablishment Company Limited costs in the sum of \$2,500.00 plus disbursements, if any, to be fixed if necessary by the Registrar.**

REASONS

[1] The applicant failed to negotiate a binding contract for the purchase of a property from the respondent. It sued the respondent for damages alleging breach of process contract and that the respondent had not acted in good faith during the negotiations. The applicant's claim failed in both the High Court and the Court of Appeal. It now seeks leave to appeal to this Court alleging that the process contract and good faith issues are matters of general importance.

[2] We accept that these issues are capable of qualifying for a grant of leave but we decline leave because, on the best possible view of the facts and the law from the applicant's point of view, we do not consider it has sufficient prospects of success on the proposed appeal to warrant a grant of leave. In these circumstances it is not in the interests of justice for leave to be granted.

[3] The applicant must pay costs to the respondent in the sum of \$2,500.00 plus disbursements, if any, to be fixed if necessary by the Registrar.

Solicitors:
Con Anastasiou, Wellington for Applicant
Kensington Swan, Wellington for Respondent