

IN THE SUPREME COURT OF NEW ZEALAND

**SC 92/2009
[2009] NZSC 131**

BETWEEN	LUDGATER HOLDINGS LIMITED Appellant
AND	GERLING AUSTRALIA INSURANCE COMPANY PTY LIMITED Respondent

Court: Elias CJ, McGrath and Wilson JJ

Counsel: I G Hunt for Appellant
C A McLachlan QC and M S Cole for Respondent

Judgment: 16 December 2009

JUDGMENT OF THE COURT

A The application for leave to appeal is granted.

B The approved ground of appeal is:

Does the High Court have jurisdiction under s 9 of the Law Reform Act 1936 to hear and determine the proceeding seeking an order in favour of Ludgater in respect of monies payable under the insurance policy issued by Gerling to Atco?

REASONS

[1] The Court is satisfied that the application for leave to appeal should be granted. The ground of appeal has been framed to encompass the issues raised by Ludgater and also Gerling's alternative grounds for supporting the Court of Appeal's judgment.

Solicitors:
Young Hunter, Christchurch for Appellant
Simpson Grierson, Auckland for Respondent