

IN THE SUPREME COURT OF NEW ZEALAND

SC 69/2012
[2012] NZSC 93

BETWEEN RAJENDRA PRASAD
 Applicant

AND INDIANA PUBLICATIONS (NZ)
 LIMITED & ORS
 Respondents

Court: McGrath, William Young and Glazebrook JJ

Counsel: Applicant in person
 G M Harrison for the 1st to 8th Respondent and on instructions from
 counsel representing the 10th, 12th, 13th, 14th and 17th Respondents

Judgment: 6 November 2012

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed**
- B The applicant is to pay costs of \$2,500 to the respondents
 and all reasonable disbursements to be fixed if necessary by
 the Registrar.**
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REASONS

[1] Mr Prasad seeks leave to appeal to this Court against a judgment of Associate Judge Christiansen in *Prasad v Indiana Publications (NZ) Ltd and Others*.¹

[2] In that judgment, the Associate Judge struck out a proceeding filed by Mr Prasad on the basis that the nine causes of action raised were attempts to re-litigate issues already finally determined.

[3] The two issues on which he seeks leave are:

¹ *Prasad v Indiana Publications (NZ) Ltd and Others* [2012] NZHC 2582.

- (a) The question of whether copyright in “INDIAN Bizz” was owned by Mr Prasad or his company.
- (b) The correct court processes relating to an order for costs and the insolvency proceedings.

[4] The first question has been determined by the Court of Appeal in *Indiana Publications (NZ) Ltd v Prasad*.² In any event, as pointed out by the Associate Judge, the finding in the District Court confirmed on appeal to the High Court was that there had been no breach of copyright by the respondents.³

[5] The issue of the costs order and the process of the insolvency proceedings has been raised by Mr Prasad in numerous proceedings and determined in those proceedings.⁴

[6] Mr Prasad also maintains that the Associate Judge should have disqualified himself as he showed partiality towards the respondents. This is no more than a complaint that the respondents’ arguments were accepted. It provides no basis for disqualification. Mr Prasad also says that the Associate Judge had no jurisdiction because his “counterclaim” should have been heard in the Court of Appeal. The proceedings were filed in the High Court and were properly considered by that Court.

[7] The proposed appeal is clearly hopeless and in any event the issues are confined to the particular facts and raise no issues of public or general importance. Certainly there are no exceptional circumstances justifying an appeal directly to this Court.⁵

[8] The application for leave to appeal is dismissed.

Solicitors:

² *Indiana Publications (NZ) Ltd v Prasad* [2010] NZCA 111, at [25].

³ *Prasad v Indiana Publications (NZ) Ltd and Others*, above n 1, at [22].

⁴ *Ibid*, at [6]–[7].

⁵ Supreme Court Act 2003, s 14.