

**NOTE: PURSUANT TO S 437A OF THE CHILDREN, YOUNG PERSONS,
AND THEIR FAMILIES ACT 1989, ANY REPORT OF THIS PROCEEDING
MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURTS ACT
1980. FOR FURTHER INFORMATION, PLEASE SEE
[HTTP://WWW.JUSTICE.GOVT.NZ/COURTS/FAMILY-
COURT/LEGISLATION/RESTRICTIONS-ON-PUBLICATIONS](http://www.justice.govt.nz/courts/family-court/legislation/restrictions-on-publications)**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 86/2012
[2012] NZSC 117**

BETWEEN	MW Applicant
AND	THE FAMILY COURT First Respondent
AND	MVH Second Respondent

Court: Elias CJ, William Young and Chambers JJ

Counsel: Applicant in person
P J Kennelly for Second Respondent

Judgment: 18 December 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 second respondent, plus all reasonable disbursements, to be fixed if necessary by the Registrar.**
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REASONS

[1] This is an application for leave to appeal, on a leap-frog basis, from a judgment of Venning J¹ dismissing an application for review arising out of an attempt by the applicant to invoke the jurisdiction of the Family Court under the

¹ *MW v Family Court* [2012] NZHC 2977.

Children, Young Persons and their Families Act 1989 to obtain an interim restraining order against the second respondent in relation to his (that is the applicant's) children.² They are living with their mother and the second respondent who is her partner and the applicant considers that they are at risk.

[2] The applicant has not demonstrated any basis, let alone “exceptional circumstances”,³ for a leap-frog appeal. If he wants to challenge Venning J's decision, he must do so in the Court of Appeal.

[3] The applicant, having failed on his application for leave, must pay costs to the second respondent.

Solicitors:
Crown Law Office, Wellington, for First Respondent
Kennelly Law, Auckland, for Second Respondent

² *MW v MVH* FC North Shore FAM-2012-044-1091, 26 October 2012.

³ Supreme Court Act 2003, s 14.