

IN THE SUPREME COURT OF NEW ZEALAND

SC 39/2013
[2013] NZSC 81

BETWEEN

VIKRAM KUMAR AND NIRUPAMA
KUMAR
First Applicants

ROBERT JAMES SELWYN
Second Applicant

MICHAEL DONALDSON AND
PATRICIA BRONWYN DONALDSON
Third Applicants

AND

STATION PROPERTIES LIMITED (IN
RECEIVERSHIP AND LIQUIDATION)
Respondent

Court: Elias CJ, William Young and Glazebrook JJ

Counsel: R M Kelly and K J Jarvis for Applicants
M J Tingey and S V A East for Respondent

Judgment: 21 August 2013

JUDGMENT OF THE COURT

Leave to appeal is granted.

**The approved question is whether Station Properties Ltd was entitled to
cancel the agreements for sale and purchase.**

REASONS

[1] In their submissions in support of the application for leave to appeal, counsel for the applicants put forward other proposed grounds of appeal. They wished to contend that (a) the absence of evidence from Mr Daniel McEwan and his son constrained the ability of the Court of Appeal to draw certain inferences and (b) the Court of Appeal should not have entertained the argument on which Station

Properties Ltd succeeded in light of the way its case was run in the High Court and the form of its notice of appeal. There was also a suggestion, in further submissions, of an argument as to the possible effect of the sunset clause.

[2] These proposed grounds of appeal do not raise any question of general or public importance and in respect of them we see no appearance of a miscarriage of justice. They are not encompassed by the grant of leave to appeal.

Solicitors:
Polson McMillan, Dunedin for Applicants
Bell Gully, Auckland for Respondent