

IN THE SUPREME COURT OF NEW ZEALAND

SC 52/2014
[2016] NZSC 17

BETWEEN MALCOLM EDWARD RABSON
Applicant
AND WAYNE SEYMOUR CHAPMAN
Respondent

Court: William Young, Glazebrook and Arnold JJ

Counsel: Applicant in person
S A Barker for the Respondent

Judgment: 25 February 2016

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] Mr Rabson applies for the recall of the Court's judgment in *Rabson v Chapman*¹ dismissing his application for leave to appeal.

[2] Mr Rabson submits that the judgment was a nullity as the underlying appeal in the Court of Appeal had been deemed abandoned. In particular he says that no award of costs should have been made by this Court.

[3] We do not accept that submission. Mr Rabson filed the application for leave in this Court. He did not withdraw it. It therefore had to be determined. The respondent filed submissions and was entitled to costs.

¹ *Rabson v Chapman* [2014] NZSC 112.

[4] The application for recall is dismissed.

Solicitors:
Buddle Findlay, Wellington for the Respondent