

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 13/2021  
[2021] NZSC 114

BETWEEN                      TREVOR JAMES MURRAY  
   Applicant  
  
AND                                WEST COAST HOLDINGS LIMITED  
   Respondent

Court:                            Glazebrook, O'Regan and Ellen France JJ

Counsel:                        Applicant in person  
   S A McKenna for Respondent

Judgment:                      9 September 2021

---

**JUDGMENT OF THE COURT**

---

**A     The application for recall of this Court's judgment of 3 June 2021 (*Murray v West Coast Holdings Ltd* [2021] NZSC 55) is dismissed.**

**B     There is no order as to costs.**

---

**REASONS**

[1]     On 3 June 2021 this Court dismissed Mr Murray's application for an extension of time to apply for leave to appeal.<sup>1</sup> Mr Murray applies for a recall of that judgment. This is on the basis that his application for leave to appeal was not filed out of time.

[2]     We do not accept this submission. While Mr Murray attempted to file an application for leave to appeal within time, it was not in the prescribed form. An application for leave to appeal that met the procedural requirements was out of time.

---

<sup>1</sup>     *Murray v West Coast Holdings Ltd* [2021] NZSC 55.

[3] Even if Mr Murray had been correct, and the application had been filed within time, there would be no utility in recalling the decision. This is because the Court held that the application could not have succeeded.

[4] The application for recall of this Court's judgment of 3 June 2021 (*Murray v West Coast Holdings Ltd* [2021] NZSC 55) is dismissed.

[5] There is no order as to costs as Mr Murray is bankrupt and the respondent was not called upon in any event to make submissions.

Solicitors:  
McKenna King, Hamilton for Respondent