

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 5/2021
[2021] NZSC 43

BETWEEN DONGLIN DENG
 Applicant

AND LU ZHENG
 Respondent

Court: O'Regan, Ellen France and Williams JJ

Counsel: J D Turner and L X Huang for Applicant
 D Zhang and E Tie for Respondent

Judgment: 14 May 2021

JUDGMENT OF THE COURT

- A Leave to appeal is granted (*Zheng v Deng* [2020] NZCA 614).**
- B The approved question is whether the Court of Appeal was correct to make a declaration that there was a partnership between Mr Zheng and Mr Deng in which they were equal partners and to make orders that were consequential on that finding.**
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REASONS

[1] The appeal raises potential issues about the interpretation of documents translated from Mandarin and the cultural setting in an arrangement between two Chinese parties whose business relationship appears to have been conducted in Mandarin. The Court of Appeal noted that it was conscious that language is used in a broader linguistic and cultural setting, by reference to background assumptions about personal and business relationships and the ways in which dealings are normally structured, that were shared by the parties, but which the Court may not be aware of

or understand.¹ The Court referred to the need to be sensitive to the social and cultural context and to be cautious about drawing inferences based on preconceptions about business dealings.²

[2] It may be necessary for this Court to explore these factors in order to resolve the appeal. Accordingly, we invite the New Zealand Law Society | Te Kāhui Ture o Aotearoa (the Law Society) to consider intervening in this appeal, after consultation with NZ Asian Lawyers. We direct the Registrar to bring the appeal to the attention of the Law Society and NZ Asian Lawyers and provide them with a copy of this judgment.

[3] We note that Orient Construction Ltd and Orient Homes Ltd were parties to the appeal in the Court of Appeal. Neither is named in the notice of application for leave or the submissions filed by the parties. Counsel should confer and advise the Court within seven days whether, in light of the question on which leave has been given, either or both of those companies ought to be parties to the appeal to this Court.

Solicitors:
McVeagh Fleming, Auckland for Applicant
Advent Ark Lawyers, Auckland for Respondent

¹ *Zheng v Deng* [2020] NZCA 614 (Goddard, Duffy and Nation JJ) at [88].

² At [89].