

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 29/2022
[2022] NZSC 61

BETWEEN TANYA FELICITY DUNSTAN
Applicant
AND CHRISTINA MARGARET RIDDELL
Respondent

Court: Glazebrook, Ellen France and Williams JJ
Counsel: Applicant in person
Respondent in person
Judgment: 17 May 2022

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
B The applicant must pay the respondent costs of \$2,500.
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REASONS

[1] We have treated the notice of appeal in this matter as an application for leave to appeal from a decision of the Court of Appeal dismissing an application for review of the Deputy Registrar’s decision.¹ The focus of the notice of appeal is not entirely clear but the applicant says in the submissions in support of the application that leave should be granted to allow her to seek to overturn the Court of Appeal’s enforcement of orders for security for costs in these proceedings.

[2] In dismissing the application for review, Brown J upheld the Deputy Registrar’s decision to decline to accept for filing the applicant’s documents “to have

¹ *Dunstan v Riddell* [2022] NZCA 88 (Brown J).

the Court of Appeal overturn the requirement for a security deposit”.² The Deputy Registrar declined to accept the documents because they did not relate to active appeals. The appeals were not active because both of the relevant appeals had been deemed abandoned pursuant to r 43 of the Court of Appeal (Civil) Rules 2005.

[3] Applying r 43, Brown J concluded that there was no jurisdiction to entertain the applications in relation to security for costs because there had been no application to extend the three month period in r 43(1) within the time period specified in r 43(3) and (4). If the applicant wanted to pursue these appeals, the Court said she would need to apply for leave to file new appeals under r 29A.

[4] The applicant’s submissions raise issues about her ability to pursue her appeal in the face of an order for security for costs. That submission does not engage with the reason the Court of Appeal dismissed her application. The judgment of the Court of Appeal reflects a straightforward application of r 43 to these facts. No question of general or public importance accordingly arises from the proposed appeal and nor is there any appearance of a miscarriage of justice.³

[5] The application for leave to appeal and the associated submissions raise a number of other matters. For example, urgent interim orders are sought staying Family Court proceedings. We have considered these other matters but none meet the criteria for leave to appeal.

[6] The application for leave to appeal is dismissed.

[7] The applicant must pay the respondent costs of \$2,500.

² At [1].

³ Senior Courts Act 2016, s 74(2)(a) and (b); and *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369.