

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI O AOTEAROA**

**SC UR 30/2025  
[2025] NZSC 110**

RE

RAZDAN RAFIQ  
Applicant

Counsel: Applicant in person

Judgment: 27 August 2025

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**JUDGMENT OF GLAZEBROOK J**

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**Mr Rafiq’s application for review of the Deputy Registrar’s decision of  
18 July 2025 is dismissed.**

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**REASONS**

**Background**

[1] On 3 July 2025 Mr Rafiq filed five notices of application for leave to appeal against a judgment of the Court of Appeal delivered on 11 June 2025.<sup>1</sup> He also applied for fee waivers.

[2] The Court of Appeal judgment dealt with applications for a stay of five proceedings in the Court of Appeal on the basis that there was an extant appeal to this Court.

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<sup>1</sup> *Rafiq v Secretary for Internal Affairs* [2025] NZCA 229 (Thomas and Woolford JJ) [CA judgment].

## **Court of Appeal decision**

[3] The Court of Appeal held that there was no basis on which to grant a stay in respect of four of the proceedings: CA518/2024, CA556/2024, CA597/2024 and CA624/2024. The Court said that Mr Rafiq had no proceeding before the Supreme Court and that he provided no other grounds for a stay.<sup>2</sup>

[4] With regard to CA527/2024, this concerned an application for an extension of time rather than an appeal as of right. The application for a stay was declined for want of jurisdiction.<sup>3</sup> The application for an extension of time was also declined. The Court said that Mr Rafiq had provided no credible reason for the delay.<sup>4</sup> In addition, Mr Rafiq had failed to comply with the Court of Appeal (Civil) Rules 2005 and had a history of failing to comply with directions. Further, the proceedings replicated extant High Court proceedings and disclosed no reasonable cause of action.<sup>5</sup>

## **Deputy Registrar's decisions**

[5] Mr Rafiq's application for fee waivers was declined by the Deputy Registrar of this Court on 18 July 2025. The Deputy Registrar said that, in determining whether to exercise his discretion, he must consider whether doing so promotes access to justice. This will not be the case where a matter is wholly devoid of merit, is frivolous or vexatious, and would not be pursued by a reasonable solvent litigant.<sup>6</sup>

[6] With regard to CA518/2024, CA556/2024, CA597/2024 and CA624/2024 the Deputy Registrar considered that the applications raise no reasonably arguable claim and the proposed appeals thus appear to have no prospects of success and are not ones that a reasonable solvent litigant would pursue. Further, he considered that these applications are frivolous. He noted that the Court of Appeal is now considering under r 44A of the Court of Appeal (Civil) Rules whether to strike out these appeals for abuse

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<sup>2</sup> At [24], and see at [38].

<sup>3</sup> At [25] and [39].

<sup>4</sup> At [32]–[33].

<sup>5</sup> At [34].

<sup>6</sup> *Duncan v The Royal New Zealand Society for the Prevention of Cruelty to Animals Inc* [2024] NZCA 628 at [26].

of process.<sup>7</sup> Should the Court of Appeal decide to strike out the proceedings before it, then the proposed appeals would be rendered moot.

[7] With regard to CA527/2024 the application for leave concerns the Court of Appeal's refusal of both a stay and an extension of time to appeal. The Deputy Registrar considered it relevant that, unlike the other applications, the decision this application seeks leave to appeal against had the effect of bringing the proceeding to an end. He considered that this weighs in favour of granting the fee waiver. Notwithstanding, he was satisfied that the application is frivolous and wholly devoid of merit. He noted that the Court of Appeal found the original proceedings to be a duplicate of earlier proceedings and that they had been struck out in the High Court as an abuse of process.<sup>8</sup> In his view the application to this Court raises no reasonably arguable claim, appears to have no prospects of success and is not one that a reasonable solvent litigant would pursue.

[8] The Deputy Registrar concluded:

12. For the reasons given above, I am satisfied that the applications for leave to appeal are frivolous and wholly devoid of merit. These are proceedings that would not be pursued by a reasonable solvent litigant. They instead form part of a wider pattern of meritless and overlapping proceedings. The applications for fee waivers are declined.

### **Application for review**

[9] Mr Rafiq applies for review of the Deputy Registrar's decision on the grounds that the Deputy Registrar unlawfully refused to grant the fee waivers even though there were substantial merits. He says that he cannot pay the filing fees as he is dependent on a benefit.

### **My assessment**

[10] Nothing raised by Mr Rafiq suggests a risk that the judgment of the Court of Appeal was incorrect. It follows that the Deputy Registrar's conclusion that the appeals would not be pursued by a reasonable solvent litigant was inevitable.

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<sup>7</sup> CA judgment, above n 1, at [37]

<sup>8</sup> At [8].

**Result**

[11] Mr Rafiq's application for review of the Deputy Registrar's decision of 18 July 2025 is dismissed.