

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 6/2025  
[2025] NZSC 19

BETWEEN	RAZDAN RAFIQ Applicant
AND	AUCKLAND TRANSPORT Respondent
Court:	Glazebrook, Ellen France and Miller JJ
Counsel:	Applicant in person P M S McNamara and J J-Y Magrath
Judgment:	26 March 2025

JUDGMENT OF THE COURT

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

REASONS

Background

[1] Mr Rafiq applies for leave to appeal against a decision of Goddard J.<sup>1</sup> In that decision, Goddard J declined Mr Rafiq’s application for review of a decision of the Deputy Registrar. The Deputy Registrar had refused to waive the filing fee for an application for leave to appeal from a High Court judgment.<sup>2</sup> This was on the grounds that this was not an appeal that a reasonable solvent litigant would pursue and that Mr Rafiq had a history of filing appeals and seeking waivers.<sup>3</sup>

<sup>1</sup> *Rafiq v Auckland Transport* [2024] NZCA 696 (Goddard J) [CA judgment].

<sup>2</sup> The High Court proceedings arise from two infringement notices issued by Auckland Transport: CA judgment, above n 1, at [1]–[3].

<sup>3</sup> At [5].

[2] Goddard J, in upholding the decision of the Deputy Registrar, noted that Mr Rafiq has a long history of bringing unmeritorious claims.<sup>4</sup> He said that the current proceeding lacks any identifiable legal basis and that nothing raised by Mr Rafiq suggests the High Court was wrong to find that the substantive proceeding had little chance of succeeding.<sup>5</sup> Goddard J said that it follows that Mr Rafiq's application for leave to appeal is also without merit.<sup>6</sup>

## **Decision**

[3] The proposed appeal relates to the particular circumstances of Mr Rafiq's case and therefore raises no issues of general and public importance.<sup>7</sup> Nor does anything raised by Mr Rafiq point to any risk of a miscarriage of justice.<sup>8</sup>

## **Result**

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

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

Solicitors:  
Simpson Grierson, Auckland for Respondent

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<sup>4</sup> At [9].

<sup>5</sup> At [11]. See also [12]–[13].

<sup>6</sup> At [14].

<sup>7</sup> Senior Courts Act 2016, s 74(2)(a).

<sup>8</sup> Section 74(2)(b); and *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [5].