

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 15/2025  
[2025] NZSC 48

BETWEEN                      RAZDAN RAFIQ  
   Applicant  
  
AND                              AUCKLAND TRANSPORT  
   Respondent

Court:                      Ellen France and Miller JJ  
  
Counsel:                      Applicant in person  
   P M S McNamara and J J-Y Magrath for Respondent  
  
Judgment:                      7 May 2025

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JUDGMENT OF THE COURT

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- 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]        Mr Rafiq has applied for leave to appeal a decision of Ellis J on a review of a Deputy Registrar’s decision to refuse to accept for filing an application for leave to appeal from a judgment of the High Court.<sup>1</sup> In that decision, Associate Judge Taylor declined Mr Rafiq’s application to vary or rescind an earlier judgment which declined his application for summary judgment and ordered him to pay security for costs.<sup>2</sup>

[2]        The Deputy Registrar declined to accept the appeal for filing on the ground that the decision under appeal was interlocutory and Mr Rafiq had not sought leave of

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<sup>1</sup>        *Rafiq v Auckland Transport* [2025] NZCA 4.

<sup>2</sup>        *Rafiq v Auckland Transport* [2024] NZHC 3030. See *Rafiq v Auckland Transport* [2024] NZHC 2236.

the High Court as required under s 56(3) of the Senior Courts Act 2016. Accordingly, the Court of Appeal was without jurisdiction. Ellis J agreed.<sup>3</sup>

[3] The application for leave to appeal does not meet the heightened standard that is set by s 74(4) of the Act for interlocutory appeals to this Court, and it fails to demonstrate any error in the decision of Ellis J. It appears Mr Rafiq believes that Associate Judge Taylor refused leave to appeal, but there is no evidence of it.<sup>4</sup> There is no issue of general or public importance, and no appearance of a miscarriage of justice.<sup>5</sup>

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

<sup>4</sup> *Rafiq v Auckland Transport* [2024] NZHC 3031 declined leave to appeal the earlier High Court judgment, not the judgment refusing to vary or rescind that judgment.

<sup>5</sup> Senior Courts Act 2016, s 74(2)(a)–(b).