

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 63/2026
[2026] NZSC 118

BETWEEN HARRY MEMELINK
 Applicant

AND BODY CORPORATE 68792
 Respondent

Court: Ellen France and Kós JJ

Counsel: Applicant in person
 S R C Hurlstone for Respondent

Judgment: 28 August 2026

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] The applicant, Mr Memelink, has been in a lengthy dispute with the respondent, Body Corporate 68792, about levies. Mr Memelink's litigation conduct resulted in the Body Corporate seeking an extended restraint order under s 166 of the Senior Courts Act 2016, based on his having brought two or more proceedings without merit. Grice J concluded that criterion was met and granted an order preventing Mr Memelink from commencing or continuing any proceeding relating to the conduct or affairs of the Body Corporate in any capacity for a period of three years.¹

¹ *Body Corporate 68792 v Memelink* [2023] NZHC 3850.

[2] Mr Memelink filed a notice of appeal in the Court of Appeal, but failed to apply for a hearing date and to file a case on appeal within time, so that his appeal was deemed to be abandoned.² Instead, he sought an extension of time. The Court of Appeal declined to extend time.³ Mr Memelink unsuccessfully sought recall of that judgment.⁴ He now seeks leave to appeal the first Court of Appeal judgment to this Court.

Discussion

[3] The application for leave does not in substance challenge the Court of Appeal decision not to extend time, but rather that of Grice J making the extended restraint order. Whether regarded as an attempted leapfrog application from the High Court, or an application from the Court of Appeal's refusal to extend time, the criteria for leave to appeal are not met.

[4] The underlying challenge to the judgment of the High Court rests on an irredeemably flawed proposition as to use and status of a proceeding, referred to as "the injunction proceeding", which was not one of the two underlying meritless proceedings at all.⁵

[5] The application does not raise an issue of general or public importance and nor in context is there any appearance of a substantial miscarriage of justice.⁶ To the extent the application is treated as one against the High Court decision, there are no exceptional circumstances necessitating the grant of leave.⁷ It is not therefore necessary in the interests of justice for this Court to hear the proposed appeal.⁸

² Court of Appeal (Civil) Rules 2005, r 43(1).

³ *Memelink v Body Corporate 68792* [2026] NZCA 72 (Courtney and Katz JJ).

⁴ *Memelink v Body Corporate 68792* [2026] NZCA 223 (Courtney and Katz JJ).

⁵ At [5].

⁶ Senior Courts Act 2016, s 74(2).

⁷ Section 75(b).

⁸ Sections 74(1) and 75(a).

Result

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

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

Solicitors:

Thomas Dewar Sziranyi Letts, Lower Hutt for Respondent