

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 166/2025
[2026] NZSC 28

BETWEEN JINXING LIU
Applicant

AND HUA WU ALSO KNOWN AS
DANNY WU
Respondent

Court: Ellen France, Williams and Miller JJ

Counsel: A T Grant and D E Archibald for Applicant
S W B Foote KC and A E Simkiss for Respondent

Judgment: 14 April 2026

JUDGMENT OF THE COURT

- A** Leave to appeal is granted in part (*Wu v Liu* [2025] NZCA 560).
- B** The approved questions are:
- (a) whether the Court of Appeal erred in determining that a July 2018 deed found to be entered into by the parties as a result of unlawful threats made by the applicant against the respondent was illegal and void, rather than voidable on the basis that it was entered into under duress; and
- (b) whether the Court of Appeal erred in failing to determine that, had the deed's validity properly been assessed on the basis that it was voidable for duress and not void for illegality, the deed was affirmed by the respondent, as the High Court had found.
- C** The application for leave to appeal is otherwise dismissed.
-

REASONS

[1] Leave to appeal is granted on the first and second grounds in the application for leave to appeal, that is:

- (a) whether the Court of Appeal erred in determining that a July 2018 deed found to be entered into by the parties as a result of unlawful threats made by the applicant against the respondent was illegal and void, rather than voidable on the basis that it was entered into under duress;¹ and
- (b) whether the Court of Appeal erred in failing to determine that, had the deed's validity properly been assessed on the basis that it was voidable for duress and not void for illegality, the deed was affirmed by the respondent, as the High Court had found.²

[2] Leave to appeal on the third ground is declined. The applicant wishes to argue that the respondent was out of time under the Limitation Act 2010 to raise illegality on appeal. The argument has insufficient prospects of success to warrant leave in circumstances where: (a) the original pleading was broad enough to accommodate both duress and illegality; and (b) the claim could in any event be viewed as ancillary under s 50 of the Limitation Act.³

Solicitors:
PCW Law, Auckland for Applicant
MinterEllisonRuddWatts, Auckland for Respondent

¹ *Wu v Liu* [2025] NZCA 560 (Cooke, Brewer and Harvey JJ) [CA judgment] at [30]–[35] and [46]–[50].

² At [51]–[54]; and see *Wu v Liu* [2024] NZHC 2903 (Lang J) at [80]–[89].

³ CA judgment, above n 1, at [19]–[23] and [25]–[28]. It therefore is not necessary in the interests of justice to allow the application for leave to appeal on the third ground: Senior Courts Act 2016, s 74(1).