

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 3/2026  
[2026] NZSC 92

RE RAZDAN RAFIQ  
Applicant

SC UR 4/2026

RE RAZDAN RAFIQ  
Applicant

Counsel: Applicant in person

Judgment: 9 July 2026

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**JUDGMENT OF MILLER J**

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**The applications for review of the decisions of the Registrar declining to waive the filing fee in SC UR 3/2026 and SC UR 4/2026 are dismissed.**

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**REASONS**

[1] Mr Rafiq wishes to appeal a Court of Appeal decision striking out several appeals of the Court's own volition under r 44A of the Court of Appeal (Civil) Rules 2005 as an abuse of process.<sup>1</sup> He filed notices of application for leave to appeal to this Court in respect of two of those appeals, and sought fee waivers, which the Registrar declined. This judgment responds to his request to review those decisions.

[2] The underlying dispute concerns the towing of Mr Rafiq's car on 27 March 2018. He claimed the car was damaged and sought damages in the Disputes Tribunal, which dismissed the claim.<sup>2</sup> He then brought the same claim in the

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<sup>1</sup> *Rafiq v Secretary for Internal Affairs* [2025] NZCA 662 (Mallon and Ellis JJ) [CA judgment].

<sup>2</sup> At [10].

High Court, which struck it out as a duplicate claim and hence an abuse of process.<sup>3</sup> He appealed that decision as of right to the Court of Appeal.

[3] Mr Rafiq also brought proceedings in the High Court against the Disputes Tribunal arising out of its decision to dismiss his claim.<sup>4</sup> That too was struck out in the High Court as an abuse of process and appealed as of right to the Court of Appeal.

[4] The Court of Appeal struck out the appeals on the ground that Mr Rafiq had conducted them in an abusive manner by pursuing stays of his own appeals without justification and wasting Court time and resources.<sup>5</sup> The Court added that High Court proceedings that merely replicate Mr Rafiq's prior proceedings are, for that reason alone, vexatious.<sup>6</sup>

[5] The Registrar acknowledged that Mr Rafiq cannot pay the filing fees. She reasoned, however, that a reasonable solvent litigant would not pursue the proceedings.

[6] I agree. In my view they plainly duplicate previous proceedings and for that reason are a clear abuse of process. Nor is it seriously arguable that the Court of Appeal could not find the conduct of the appeals in that Court an abuse of process.

[7] The applications for review are dismissed.

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<sup>3</sup> *Rafiq v Supercity Towing Ltd* HC Auckland CIV-2024-404-655, 13 August 2024 (Minute of Associate Judge Brittain).

<sup>4</sup> *Rafiq v The Disputes Tribunal at Auckland* HC Auckland CIV-2024-404-1726, 28 August 2024 (Minute of Lang J).

<sup>5</sup> CA judgment, above n 1, at [22]–[27].

<sup>6</sup> At [26].