

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 5/2026
[2026] NZSC 93

RE RAZDAN RAFIQ
Applicant

SC UR 8/2026

RE RAZDAN RAFIQ
Applicant

Counsel: Applicant in person

Judgment: 9 July 2026

JUDGMENT OF MILLER J

- A The application for review of the decision of the Registrar declining to waive the filing fee in SC UR 5/2026 is dismissed.**
- B The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing in SC UR 8/2026 is dismissed.**
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REASONS

[1] Mr Rafiq seeks review of the Registrar’s decision to decline a fee waiver, and a Deputy Registrar’s decision not to accept an application for leave to appeal for filing, in these two proposed appeals.

[2] The underlying proceeding is a claim that he was declined a credit card because of his credit history as recorded by the proposed respondents. In his first set of High Court proceedings, Mr Rafiq did not pay security for costs or, later, costs when

ordered to do so.¹ He then twice filed new but materially identical proceedings which were struck out in the High Court.²

[3] Mr Rafiq subsequently applied to the Court of Appeal for an extension of time to appeal the costs decisions and brought an appeal against the latter strikeout decision as of right.³

[4] Both proceedings were struck out by the Court of Appeal pursuant to rr 26C and 44A of the Court of Appeal (Civil) Rules 2005.⁴

[5] The reasoning of the Court of Appeal in respect of the substantive appeal was that Mr Rafiq had conducted the appeal as an abusive matter by wasting court time and resources on an unjustified application to stay his own appeal.⁵ It added that the High Court proceedings were vexatious because they were indisputably duplicative.⁶ In respect of the costs decision, the Court of Appeal reasoned that Mr Rafiq continued to flout the Rules by failing to pay the filing fee; he was not prosecuting the application with due diligence; and the prospects of success were remote.⁷

[6] Mr Rafiq has now sought leave to appeal in this Court.

[7] In SC UR 5/2026 (the substantive appeal) the Registrar accepted that Mr Rafiq could not pay the filing fees but declined his fee waiver application on the basis that a reasonable solvent litigant would not bring the appeal.

[8] I agree. The underlying proceeding is plainly an abuse of process because of its duplicative nature. For that reason its prospects of success are so low that a reasonable litigant would not pursue it.

[9] In SC UR 8/2026 (the costs decision) a Deputy Registrar declined to accept Mr Rafiq's application for leave to appeal for filing, reasoning that Court of

¹ See *Rafiq v Secretary for Internal Affairs* [2025] NZCA 662 (Mallon and Ellis JJ) at [7].

² At [8]–[9].

³ At [7]–[9].

⁴ At [38]–[39].

⁵ At [22]–[27].

⁶ At [26].

⁷ At [37].

Appeal decisions striking out applications for an extension of time are not within this Court's jurisdiction.⁸ The Deputy Registrar also explained that, if necessary, he would have declined Mr Rafiq's fee waiver application on the basis that a reasonable solvent litigant would not bring the proceeding.

[10] Mr Rafiq purports to seek review of the decision of the Deputy Registrar declining fee waiver. No such decision was made. In any event, I agree with the Deputy Registrar's assessment of the Court's jurisdiction and, were it necessary, I would also have agreed with his decision to decline a fee waiver. This proceeding, as with SC UR 5/2026, is plainly an abuse of process.

[11] The applications for review are dismissed.

⁸ Senior Courts Act 2016, s 68(b).