

BETWEEN BOSTIK NEW ZEALAND LIMITED  
Applicant

AND STEPHEN GRAHAM LOCKWOOD AND  
WADHAM GOODMAN TRUSTEES  
LIMITED AS TRUSTEES OF THE  
ISLAND TRUST  
Respondents

Court: Blanchard, McGrath and William Young JJ

Counsel: A C Challis and R J Scott for Applicant  
L McEntegart and I T F Hikaka for Respondents

Judgment: 8 December 2010

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed with costs of \$2,500 to the respondents.**

**REASONS**

[1] The Court of Appeal<sup>1</sup> concluded that the reasons given by the High Court<sup>2</sup> were inadequate. The applicant is not challenging that decision. Rather, it argues that the Court of Appeal then erred in the way it then went about remedying that situation.

[2] We see nothing wrong with the approach taken by the Court of Appeal. It has dealt with those issues which it has felt able to resolve and remitted the balance

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<sup>1</sup> *Lockwood v Bostik New Zealand Ltd* [2010] NZCA 436, per O'Regan, Priestley and Ronald Young JJ.

<sup>2</sup> *Lockwood v Bostik New Zealand Ltd* HC Auckland CIV-2006-404-7004, 20 March 2007 per Andrews J.

to the trial court for resolution taking into account the decisions that it has made on appeal. There is no error in general principle in such an approach. The particular matters which have been determined are peculiar to the case. None of the decisions made in respect of them appears obviously wrong so that it can fairly be said that there may have been a substantial miscarriage of justice. The criteria for leave are not met.

[3] We add that we have not found it necessary to consider whether the Court of Appeal was correct in the view it took concerning the circumstances in which it has power to order a retrial in a civil matter.<sup>3</sup>

Solicitors:  
McElroys, Auckland for Applicant  
Lee Salmon Long, Auckland for Respondents

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<sup>3</sup> At [41]–[43].