

IN THE SUPREME COURT OF NEW ZEALAND

**SC CIV 7/2004
[2005] NZSC 67**

BETWEEN	WYNSTON ALEXANDER CECIL CHIRNSIDE First Appellant
AND	RATTRAY PROPERTIES LIMITED Second Appellant
AND	RICHARD ELMORE FAY Respondent

Court: Keith J and Tipping J

Counsel: P F Whiteside and J V Ormsby for Appellants
H N McIntosh and C Hosie for Respondent

Judgment: 22 September 2005

JUDGMENT OF THE COURT

- 1. The respondent is granted leave to cross appeal from the whole of the judgment of the Court of Appeal delivered on 29 June 2005 (the quantum judgment). The approved ground in respect of this cross appeal is whether the quantum judgment is erroneous in law and in fact.**
- 2. The appellants are granted leave to appeal from the quantum judgment. The approved ground in respect of this appeal is whether that judgment is erroneous in law and in fact.**

- 3. After consultation with counsel, the Registrar should now allocate a fixture for the hearing of the appeals and cross appeals herein. We suggest that, subject to the views of counsel, at least three days should be allowed.**

Solicitors:
Wynn Williams & Co, Christchurch for Appellants
Russell McVeagh, Wellington for Respondent