

IN THE SUPREME COURT OF NEW ZEALAND

**SC 118/2009
[2010] NZSC 9**

BETWEEN DOUGLAS JOHN WILLIAMSON AND
 ANOR
 Applicants

AND SELWYN DISTRICT COUNCIL
 Respondent

Court: Blanchard, McGrath and Wilson JJ

Counsel: Applicants in Person
 W J Palmer and K M Foley for Respondent

Judgment: 23 February 2010

Judgment re-issued: 26 February 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The Court of Appeal's determination that it should make an order striking out the appeal to that Court because security for costs was not paid when due was plainly correct, both because the delay was not excusable and because, in any event, the appeal, even in the light of further material submitted by the applicant, lacked merit. The criteria in s 13 of the Supreme Court Act 2003 are not met.

[2] Furthermore, the application for leave to appeal to this Court was not brought in proper manner until more than 18 months after the decision in the Court of Appeal.

[3] If the respondent seeks costs in this Court, it should make an application accordingly.

Solicitors:
Buddle Findlay, Christchurch for Respondent