

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 105/2009  
[2010] NZSC 11**

BETWEEN                      MANA PROPERTY TRUSTEE LTD  
Appellant

AND                              JAMES DEVELOPMENTS LTD  
Respondent

Court:                      Blanchard, McGrath and Wilson JJ

Counsel:                  J McCartney SC for Appellant  
C S Withnall QC for Respondent

Judgment:              1 March 2010

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**JUDGMENT OF THE COURT**

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- A      The application for leave to appeal is granted.**
- B      The approved grounds are:**
- (i)      Whether cl 18.3 of the agreement for sale and purchase was an essential term; and**
  - (ii)     Whether, in any event, the respondent was entitled to cancel the agreement by the notice it gave on 3 November 2008 without prior issuance and expiry of a settlement notice.**

Solicitors:  
Graeme Skeates Law, Auckland for Appellant  
La Hood Van Aart, Dunedin for Respondent