

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 83/2010  
[2010] NZSC 123**

BETWEEN                      NEIL MARTIN CLARKE  
   Applicant  
  
AND                              COREY DANIEL WATTS  
   Respondent

Court:                      Blanchard, Tipping and William Young JJ  
  
Counsel:                      Applicant in person  
  
Judgment:                      7 October 2010

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1]     The applicant's appeal to the Court of Appeal from a decision of the High Court was struck out by the Court of Appeal because he failed to pay security for costs. He has applied for leave to appeal to this Court from the Court of Appeal's strike-out order. The more detailed circumstances lying behind that order are set out in the decision under appeal and an earlier decision of Arnold J refusing to review a decision of the Registrar of the Court of Appeal which declined Mr Clarke's application to dispense with security for costs and fixed security at \$4740.

[2]     Despite having been granted an extension of time, Mr Clarke has not filed any submissions in support of the application for leave beyond those set out in the application itself. Having considered those we are satisfied that the application for leave is without merit. None of the grounds for the grant of leave set out in s 13 of

the Supreme Court Act 2003 are made out. No matter of general or public importance or commercial significance is involved; nor is there any basis for concern that a substantial miscarriage of justice may have occurred or may occur unless the appeal is heard. The application for leave must accordingly be dismissed.

[3] We record that Mr Clarke belatedly sought a copy of the Court of Appeal's file from this Court. He claimed the file was necessary for him to make submissions in support of his application for leave. Nothing on the Court of Appeal's file could possibly assist Mr Clarke in formulating any persuasive grounds because his application is quite hopeless when consideration is given to the grounds on which this Court is authorised to grant leave to appeal.