

IN THE SUPREME COURT OF NEW ZEALAND

**SC 34/2010
[2010] NZSC 60**

BETWEEN	RAJENDRA PRASAD Applicant
AND	INDIANA PUBLICATIONS (NZ) LIMITED First Respondent
AND	ARIN LAL Second Respondent
AND	VENKAT RAM Third Respondent
AND	MAHESH PARERA Fourth Respondent

Court: Blanchard, Tipping and Wilson JJ

Counsel: Applicant in person
G M Harrison for Respondents

Judgment: 28 May 2010

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant is ordered to pay to the respondents jointly costs of \$2,500.**

REASONS

[1] The applicant seeks leave to appeal against a judgment of the Court of Appeal striking out, as an abuse of process, his claim of breach of copyright.¹

[2] Previous proceedings alleging a similar breach were commenced by the applicant. At his request, the applicant's company was substituted for him as plaintiff. The company unsuccessfully attempted to prove in the District Court that its copyright had been breached. That judgment was upheld by the High Court on appeal. The company went into liquidation. The applicant personally sought, unsuccessfully, leave to appeal to the Court of Appeal.

[3] The applicant then brought the present proceedings in his name. The respondents applied for summary judgment, which was refused by the Associate Judge.² On appeal by the respondents, the Court of Appeal struck out the proceedings as an abuse of process.

[4] That conclusion was fully justified, and indeed was inevitable. Leave to appeal is therefore refused, with costs of \$2,500 to the respondents jointly.

Solicitors:
Parshotam & Co for Respondents

¹ *Indiana Publications (NZ) Ltd v Lal & Ors* [2010] NZCA 111 per Arnold, Panckhurst and Harrison JJ.

² *Prasad v Indiana Publications (NZ) Ltd* HC Auckland CIV-2009-404-856, 27 July 2009.