

IN THE SUPREME COURT OF NEW ZEALAND

SC 105/2015
[2016] NZSC 3

BETWEEN

RICHARD JOHN CRESER
Applicant

AND

JANINE MICHELLE CRESER AND
MARION NGAIRE CRESER (AS
TRUSTEES AND EXECUTORS OF THE
ESTATE OF JESSE JOY CRESER)
Respondents

Court: William Young, Glazebrook and Arnold JJ

Counsel: Applicant in person

Judgment: 10 February 2016

JUDGMENT OF THE COURT

The recall application is dismissed.

REASONS

[1] The applicant seeks an order for the recall of our judgment of 18 December 2015 dismissing an application for leave to appeal against a judgment of Harrison J.¹ The judgment proceeds on the basis that the Court of Appeal did have jurisdiction to deal with his application in relation to the form of the sealed order in question but that his complaints as to the no-jurisdiction conclusion had, in substance, been overtaken by subsequent events; this because his challenge to the sealed order was addressed on the merits by the Court of Appeal in a judgment delivered on 2 December 2015. We note that he has now sought leave to appeal against this last judgment and his challenge to the conclusion reached can be addressed in the context of that application.

[2] There is nothing in the application to warrant a recall.

¹ *Creser v Creser* [2015] NZSC 194.