

IN THE SUPREME COURT OF NEW ZEALAND

**SC 8/2005
[2005] NZSC 11**

BETWEEN ROGER JOHN PAYNE
 Applicant

AND JEANETTE ROSSLYN PAYNE
 Respondent

Court: Keith J and Blanchard J

Counsel: Applicant in person
 K Ertel for Respondent

Judgment: 18 March 2005

JUDGMENT OF THE COURT

- A. The application for leave to appeal is dismissed.**
- B. The stay order made by this Court on 11 March 2005 is set aside.**

REASONS

[1] Mr Payne has applied for leave to appeal against a judgment of the Court of Appeal dismissing his application for a stay of an order of the High Court for the sale of his property. On 11 March 2005 this Court ordered a temporary stay to ensure that the present application was not rendered nugatory.

[2] Having now received and considered submissions from Mr Payne in support of his application, we are satisfied that it so plainly fails to meet the statutory leave criteria that it can be dismissed without oral hearing: s15 Supreme Court Act 2003.

[3] We agree with the assessment of the Court of Appeal that he has no prospect of success in his proposed appeal and a stay would serve no purpose. For that reason there will be no substantial miscarriage of justice if the appeal is not heard. Nor does the proposed appeal against the refusal of stay involve any matter of general or public importance.

Solicitors:
Kathy Ertel & Co, Wellington for Respondent