

IN THE SUPREME COURT OF NEW ZEALAND

**SC 56/2005
[2005] NZSC 70**

BETWEEN DEO DATT SHARMA
 Applicant

AND GRAY MITCHELL CAMERON
 Respondent

Court: Blanchard J and Tipping J

Counsel: Appellant in Person

Judgment: 25 October 2005

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

REASONS

[1] Having considered the written submissions prepared and filed by Dr Sharma we find no need for an oral hearing.

[2] The Court of Appeal was undoubtedly correct in the view it took that the decision of the Family Court appointing counsel for the child under s 30(1)(b) of the Guardianship Act 1968 was an interlocutory decision. As such, under s 31(3) an appeal could not be brought to the High Court without the leave of the Family Court or a District Court. No such application for leave has ever been made. Consequently, as the Court of Appeal said, the High Court lacked jurisdiction to hear Dr Sharma's appeal. It followed that the decision of the High Court had to be set aside. The proposed appeal to this Court is unarguable and is therefore dismissed.

