



M E Casey QC and R M Dunningham for Altimarloch Joint Venture  
Ltd  
D J Goddard QC for Marlborough District Council

Judgment: 14 July 2010

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### **JUDGMENT OF THE COURT**

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- A The applications for leave to appeal are granted.**
- B The approved ground is whether the award of damages against DS & JW Moorhouse (in respect of which they are entitled to be fully indemnified by Vining Realty and Gascoigne Wicks) was appropriately quantified on an expectation basis.**

### **REASONS**

[1] Gascoigne Wicks also sought leave to challenge the conclusion of the Courts below that there was a sufficient causal connection between that firm's negligent conduct (as agent of the Moorhouses) and the decision of the Altimarloch Joint Venture Ltd to enter into or proceed with the contract of sale and purchase. This proposed ground raises entirely factual issues which give rise to no questions of general or public importance. Nor is it shown that the decision of the Court of Appeal in this respect has given rise to a miscarriage of justice. Leave for this ground to be argued is therefore refused.

Solicitors:  
Duncan Cotterill, Nelson for Vining Realty Group  
Anderson Lloyd, Dunedin for Gascoigne Wicks  
Buddle Findlay, Christchurch for Altimarloch Joint Venture Limited  
Heaney & Co, Auckland for Marlborough District Council