

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 103/2020
[2021] NZSC 24

BETWEEN AN LI TAO
Applicant

AND STRATA TITLE ADMINISTRATION
LIMITED
First Respondent

JIGAR PANDYA
Second Respondent

BODY CORPORATE 198693
Third Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: Applicant in person
C Baker for Respondents

Judgment: 17 March 2021

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is granted.**
- B The application for leave to appeal is dismissed.**
- C There is no order as to costs.**
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REASONS

[1] This is an application for leave to bring a leapfrog appeal against a decision of the High Court declining an application for the early discharge of the applicant from

her bankruptcy pursuant to ss 294 and 298 of the Insolvency Act 2006.¹ As the application was made over five months after the date of the High Court decision, the applicant needs an extension of time to file her application for leave. The respondents abide the decision of the Court.

[2] This judgment should be read alongside the judgment we have issued today in relation to an associated application by the applicant for leave to appeal (SC 102/2020) (the SC 102/2020 judgment).²

[3] The background to the present application follows on from the narrative set out in the SC 102/2020 judgment. After the applicant failed to pay the costs award made against her by the High Court, the respondents issued a bankruptcy notice. The applicant applied to have the bankruptcy notice set aside, but was unsuccessful.³ She filed an appeal to the Court of Appeal, but did not pay security for costs. She applied to the Court of Appeal for an extension of time to apply for a hearing date and file a case on appeal, but that application was unsuccessful.⁴ She was adjudicated bankrupt by the High Court.⁵

[4] The applicant applied in 2020 for an early discharge from her bankruptcy, but this was declined in the judgment against which she now seeks leave to appeal. She filed an appeal against that decision in the Court of Appeal, but did not pay security for costs. Her application for dispensation with, or reduction in the amount of, security for costs was declined by the Deputy Registrar of the Court of Appeal, whose decision was upheld by Clifford J.⁶ The delay in making the present application appears to be substantially attributable to the time taken pursuing the security for costs issue in the Court of Appeal. The applicant filed the present application reasonably promptly after that issue was resolved.

[5] In the applicant's submissions in support of the present application, she repeats many of the points made in her submissions that were addressed in the SC 102/2020

¹ *Tao v Official Assignee* [2020] NZHC 1260 (Associate Judge Andrew).

² *Tao v Strata Title Administration Ltd* [2021] NZSC 23.

³ *Tao v Strata Title Administration Ltd* [2018] NZHC 848 (Associate Judge Matthews).

⁴ *Tao v Strata Title Administration Ltd* [2019] NZCA 79 (Miller and Williams JJ).

⁵ *Strata Title Administration Ltd v Tao* [2019] NZHC 461 (Associate Judge Sargisson).

⁶ *Tao v Strata Title Administration Ltd* [2020] NZCA 496.

judgment. Our comments in the SC 102/2020 judgment apply equally in the present context. The applicant does not squarely address the criteria for leave to appeal in relation to the judgment refusing her an early discharge from bankruptcy. That judgment involved an orthodox application of settled law to the discretion to grant an early discharge. The applicant does not suggest that the proposed appeal raises any matter of general or public importance. We are satisfied that none arises. Nor is there any appearance of a miscarriage of justice.

[6] The application for an extension of time to apply for leave to appeal is granted, but the application for leave is dismissed. As the respondents took no steps in relation to the application, we make no award of costs.

Solicitors:
Price Baker Berridge, Auckland for Respondents