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IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M.53/84

498

BETWEEN: MILNE
of
Farmer
Appellant

A N D: THE MAINTENANCE OFFICER
Respondent

Minute: 1 May 1984

MINUTE OF GALLEN J.

The appellant was represented by Mr S P Williams who had only just filed his Points on Appeal on the 30th April 1984. Mr Almao, who appeared for the Maintenance Officer, the respondent, was in the circumstances unable to proceed and indicated that the matter would have to be adjourned to enable him to prepare adequately for it. Mr Williams, in the circumstances, consented to this.

However, an appearance was also entered on behalf of Mrs Hc represented by Mr Weir. Mrs Hc is the person in whose favour the maintenance order in question was made. Mr Weir indicated that Mrs Hc was present, that although he had not been served with the papers he had received copies and was ready to proceed. He opposed any adjournment. He stated that Mrs Hc had come to the Court at some inconvenience, she was receiving only a minimal maintenance payment, and that the matter should be dealt with.

In the circumstances, bearing in mind Mr Almas's position, I was not prepared to require the matter to proceed and adjourned it to the 5th June, indicating that in the circumstances it was entitled to some priority and in the absence of good reasons should proceed on that date.

Mr Weir asked for costs.

He pointed out that on two previous occasions costs had been ordered in favour of his client but had not been paid. He claimed that the appellant's advisers were aware of his client's interest and that in the circumstances, he and his client having attended, they were entitled to costs. I concluded that the question of costs could only be considered in relation to the background to the whole matter, and reserved the application.

replied

Solicitors:

S P Williams Esq., Hamilton, for appellant
Crown Solicitor, Hamilton, for respondent