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IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

A.289/82

382

BETWEEN RIGHTON ROOFING SERVICES
LIMITED

Plaintiff

A N D PATRICIA ANNE TIPPEN

Defendant

Hearing: 13 April 1984

Counsel: P.N. Dyhrberg for Plaintiff
E.T. Higgins for Defendant

ORAL JUDGMENT OF ROPER J.

In this case the Plaintiff company claims the sum of \$38,000 said to have been wrongly converted by the Defendant over a period from about May 1978 to June 1981 while she was employed as office manager of the Plaintiff company. She was involved in part in the preparation and drawing of cheques on an increasing basis. It appears that she assumed increasing controls. She was subsequently charged and convicted of theft of over \$17,000.

A defence was filed which was a complete denial of the Plaintiff's allegations, but today Mr Higgins, acting on instructions, withdrew the statement of defence and asked leave, which was granted, to withdraw from the proceedings so that the claim fell to be determined by formal proof.

I have heard evidence from Mr R.L. Garters, secretary of the Plaintiff since 1964 and an accountant. Mrs Tippen's

fraudulent activities came to light in the preparation of the 1981 accounts and inquiries which followed over a term of weeks confirmed that she had misappropriated in excess of \$40,000. At that point it was felt that there was little to be gained by proceeding further with the inquiry. Her methods were varied but the main ones were apparently the use of the company's accounts purchasing goods for personal use in the company's name and varying the amount of the cheque by increasing the sum after it had been signed. A schedule has been produced which shows that much more than \$38,000 was stolen from the Plaintiff and associated companies but the Plaintiff is content to limit its claim to the \$38,000 referred to in the Statement of Claim.

The evidence satisfies me and there will be judgment for the Plaintiff for \$38,000 with costs as per scale and disbursements and witnesses' expenses as fixed by the Registrar. There will be costs on the interlocutory matters relating to examination and the preparation for examination, which was to have taken place today, in the sum of \$250.

A handwritten signature and initials, possibly "P.N. Dyhrberg", written in dark ink on the right side of the page.

Solicitors:

P.N. Dyhrberg, Christchurch, for Plaintiff
Cameron & Co., Christchurch, for Defendant