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IN THE HIGH COURT OF NEW ZEALAND
TIMARU REGISTRY

No. A.5/83

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IN THE MATTER of a certain
Memorandum of Mortgage
dated the 4th day of
September 1980 and
registered in the Land
Transfer Office at
Christchurch under
No. 293518/1

BETWEEN JAMES TREVOR BOWER of
Timaru, Butcher and
GWEN KATERINA BOWER
his wife

Plaintiffs

A N D LITTLES SMALLGOODS
(TIMARU) LIMITED (IN
LIQUIDATION) a duly
incorporated company
having its registered
office at Timaru

Defendant

Hearing: 5 March 1984

Counsel: A.B.R. Brown for Plaintiffs
B.D. Young for Defendant

Ruling: 14 March 1984

RULING OF WHITE J.

This matter was heard before me in Timaru on
5 March 1984.

When the case was called, Mr Brown announced that
the matter had been resolved. He added that the real matter
at issue had been a question of a lien. As the amount
involved was now minimal he did not intend to proceed with
it and it was arranged that he would pay to the Liquidator
the revised amount leaving only a question of costs to be
resolved.

Mr Young appeared on instructions for the Defendant. His instructions were to submit that the Defendant was entitled to costs and \$200 was proposed. It was submitted that such an award was reasonable and appropriate, bearing in mind the work involved and the late notice that the matter would not proceed to a hearing.

Having heard Counsel, I am left with the impression that there was a good deal of confusion which could have been cleared up earlier. In view of the result of discussions leading to a resolution of the matter, however, I do not intend to make any comment on matters which, naturally enough, were not fully explained. In my view, the appropriate course is to deal with the question of costs having regard to Mr Brown's observation that a discontinuance could have been filed. In all the circumstances, I consider the Defendant is entitled to an allowance for costs which I fix at \$150 and disbursements to be fixed by the Registrar.


