

BETWEEN      C A JONES  
                                 Applicant

AND              I A BORRIN  
                                 First Respondent

AND              A M JONES  
                                 Second Respondent

AND              D A EDWARDS AND  
                                 OTHERS  
                                 Third Respondents

Hearing:        12-14 April 1989

Counsel:        R J Craddock QC and Mrs H Holland for the  
                                 Applicant  
                                 R S Chambers for the Second Respondent  
                                 P D McKenzie for the Third Respondents

Ruling:         13 April 1989

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(ORAL) RULING OF FISHER J. (NO.4)


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In the course of the re-examination of the applicant Mr Chambers sought to ask the applicant a question as to the legibility of the hand-written certificate to be found on p.3 of exhibit K to the applicant's first affidavit.

Mr Chambers stated that in his view his question arose from cross-examination to be found in the notes of evidence in the first half of page 25. It appeared to me

that there may be room for debate on that subject. However, I recall that yesterday during re-examination of other witnesses a similar question or questions arose. On those occasions I directed that the evidence sought to be led in re-examination could proceed regardless of the possible room for debate in those cases. I indicated however, that lest there be any injustice on those occasions it was appropriate to then allow the cross-examiner to ask further questions arising therefrom. And of course supplementary re-examination could then follow on that topic.

It appears to me that on this occasion a similar approach is the sensible one and I propose to follow the same policy. I will not be allowing all fresh topics to be raised in re-examination indiscriminately for the remainder of the hearing but in cases of genuine doubt that will be the policy I will be following.



R L Fisher J.

Solicitors for the Applicant:

Connell & Connell  
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Solicitors for the First  
Respondent:

Crown Law Office  
Wellington

Solicitors for the Second  
Respondent:

Sainsbury Logan &  
Williams  
Napier

Solicitors for the Third  
Respondents:

Brandon Brookfield Towle  
& Beyer  
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