

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**CIV-2008-404-007545**

UNDER	The Judicature Amendment Act 1972
BETWEEN	MAHINDER SINGH First Appellant
AND	ADELAIDE ATAPETA TIOPIRA Second Appellant
AND	CYDNEY MICHELLE KAUR Third Appellant
AND	KULWINDER SANTOS ILIJAH SINGH Fourth Appellant
AND	QTANA SHARMA Fifth Appellant
AND	IMMIGRATION NEW ZEALAND First Respondent
AND	THE ATTORNEY GENERAL Second Respondent

Judgment: 6 November 2009 at 11:10 am

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**JUDGMENT OF COURTNEY J  
AS TO COSTS**

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This judgment was delivered by Justice Courtney  
on 6 November 2009 at 11:10 am  
pursuant to R 11.5 of the High Court Rules

Registrar / Deputy Registrar  
Date.....

Solicitors: *Meredith Connell, P O Box 2213, Auckland*  
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Counsel: *E Orlov, Equity Law Chambers, 44 Khyber Pass Road, Auckland 1023*  
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[1] In November, the first plaintiff, Mr Singh, was served with a removal order which was confirmed on 9 December 2008. He filed a judicial review proceedings in respect of that decision and pending determination of them sought interim relief restraining the Minister of Immigration from taking steps to remove him from New Zealand. His application for interim relief was dismissed on 17 December 2008. An appeal from that decision was dismissed in February 2009. In March 2009 a notice of discontinuance was filed on behalf of all the plaintiffs by their then counsel, Mr Orlov. In that memorandum Mr Orlov advised that since Mr Singh had been removed from New Zealand he was unable to obtain instructions regarding costs and asked the Court to make an order as to costs.

[2] The defendant has filed a memorandum seeking costs on a 2B basis and providing a calculation. The memorandum is shown as having been sent to the plaintiffs but there has been no response.

[3] I consider that costs should be awarded on a 2B basis and I accept the defendants' calculation as set out in Schedule 3 to his memorandum which produces a total \$9,760. I accordingly award that figure by way of costs in the defendants' favour.

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P Courtney J