

**IN THE DISTRICT COURT
AT WELLINGTON**

[2023] NZACC 125

ACR 34/21

UNDER THE ACCIDENT COMPENSATION ACT 2001
IN THE MATTER OF AN APPEAL UNDER SECTION 149 OF THE
ACT
BETWEEN SANTA MAHARAJ
Appellant
AND ACCIDENT COMPENSATION CORPORATION
Respondent

Heard: On the papers

Judgment: 1 August 2023

**JUDGMENT OF JUDGE C J MCGUIRE
[Entitlements]**

[1] In a Minute dated 30 April 2019 Justice Palmer remitted this matter back to the District Court to determine the question:

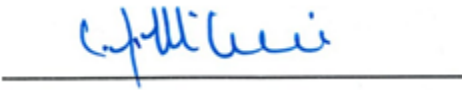
Whether Mr Maharaj's ongoing pain in May 2008 was caused by his physical injuries and, if so, whether the physical injuries were caused by his fall on 3 December 2006.

[2] In a Memorandum of Counsel dated 28 July 2023 the respondent consents, wholly and unequivocally, to the question being answered in favour of Mr Maharaj on the basis that Mr Maharaj's ongoing pain in 2008 was caused by his physical injuries and those physical injuries and those physical injuries were caused by his fall on 3 December 2006.

[3] Accordingly, this appeal is allowed with Judgment in favour of the appellant with the Court formally finding that Mr Maharaj's ongoing pain in May 2008 was caused by his physical injuries that were caused by his fall on 3 December 2006.

[4] As a result of this Judgment the respondent will review entitlements due to the appellant.

[5] Costs are reserved.



C.J. McGuire
District Court Judge

Solicitors: Medico Law Limited, Grey Lynn