

Appeals 1993/13 and 14

In the Maori Appellate Court
Waiariki District

In the Matter of appeals by **Nini Keepa** and **Stephen Young** against final orders of the Maori Land Court at Rotorua on 1 March 1993 dismissing applications made under Rule 40(7) of the Maori Land Court Rules 1958, in respect of **Paengaroa North B No 10A Block**

Date and Place of Hearing: Maori Land Court, Rotorua, Thursday, 26 August 1993

Decision: Delivered at Wellington on the 6th day of September 1993

Coram: Deputy Chief Judge A G McHugh (Presiding)
Judge G D Carter
Judge J L Rota

Counsel for Appellants: Mr J A Grant

Counsel for Respondent: Mr G J Dennett (for Trustees of Paengaroa North B No 10A Block)

1. WAIARIKI APPELLATE MB 16

These appeals were against decisions of the Lower Court declining to dissolve or set aside orders of injunction made against the two Appellants. The injunctions were issued on 30 September 1992 at 232 Rotorua Minute Book 77-78.

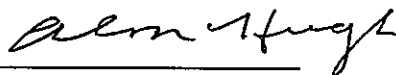
This Court in perusing the appeals and the record noted that there had been a considerable change in circumstances affecting the parties and the subject land since the orders were issued and, indeed, since the Lower Court declined to dissolve the injunctions on 1 March 1993. Consequently, by Memorandum to Counsel dated 6 August 1993, this Court invited the parties to consider the position and indicated that if agreement were reached, the Court would be prepared to use its powers under Section 45 of the Maori Affairs Act 1953 and set aside the orders.

Both Counsel have now responded in writing, each setting out their parties perception of the dispute but agreeing that the present appeals should be resolved in the manner suggested so that a formal hearing has not been necessary.

The Court notes that this is an agreed settlement and is not to be taken as any reflection by the Court or either of the parties as to the merits or otherwise of the appeals. The Court commends the parties and their Counsel for their approach over this matter.

The Maori Appellate Court, acting under Section 45(1)(f) of the Maori Affairs Act 1953, with the consent of the parties, pursuant to Rule 40(7) of the Maori Land Court Rules 1958, dissolves the orders of injunction issued against Nini Keepa and Stephen Young by the Maori Land Court at Rotorua on 30 September 1992 (232 Rotorua Minute Book 77-78).

The Court further orders pursuant to Section 57 of the Maori Affairs Act 1953 that of the sum of \$1,250.00 paid by way of security for costs and preparation of the record, \$1,000.00 be refunded to the Appellant. The balance of \$250.00 shall be applied by the Registrar towards the cost of preparation of the record.



A G McHugh
Deputy Chief Judge



G D Carter
Judge



J L Rota
Judge