

IN THE COURT OF APPEAL OF NEW ZEALAND

CA174/2014
[2014] NZCA 320

BETWEEN RAZDAN RAFIQ
Appellant

AND GOOGLE NEW ZEALAND LIMITED
Respondent

Counsel: Appellant in Person
T Walker for Respondent

Judgment: 14 July 2014 at 10 am
(On the papers)

JUDGMENT OF HARRISON J

- A The application to review the Registrar’s decision refusing to dispense with security for costs is dismissed.**
- B The appellant is to pay the sum of \$5,880.00 by way of security for costs on or before 30 July 2014.**
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REASONS

[1] On 26 May 2014 the appellant, Razdan Rafiq, applied to review a decision made by the Registrar on 15 May 2014, declining his application to dispense with security for costs on this appeal. She directed that the security be set at \$5,880.00 and be paid on or before 12 June 2014.

[2] The grounds for the Registrar’s direction were that Mr Rafiq had failed to establish it was in the interests of justice that costs be waived. In particular she was not satisfied that there were any exceptional circumstances justifying dispensation.

Impecuniosity alone does not suffice.¹ Furthermore, the appeal does not raise an issue of public importance or significance.

[3] The Registrar was also entitled to give weight to the conclusion of Associate Judge Doogue, whose judgment is the subject of Mr Rafiq's appeal, that his application to pursue a claim against the Commissioner had little prospect of success.²

[4] Mr Rafiq has failed to establish that the Registrar erred. Additionally I am independently satisfied that the appeal has no merit or prospects of success. The application to review is dismissed. Mr Rafiq is to pay the sum of \$5,880.00 by way of security for costs on or before 30 July 2014.

Solicitors:
Simpson Grierson, Auckland for Respondent

¹ *Fava v Zaghloul* [2007] NZCA 498, (2008) 18 PRNZ 943 at [9].

² *Rafiq v Google New Zealand Ltd* [2014] NZHC 551 at [14]–[16].