

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA450/2022
[2023] NZCA 18**

BETWEEN XING ZHONG
Appellant
AND JICAI LI AND ORS
Respondents

Counsel: Appellant in person
R O Parmenter for First to Seventeenth and
Nineteenth Respondents
K H Morrison and T Y Yao for Eighteenth Respondents

Judgment: 14 February 2023 at 9.30 am
(On the papers)

**JUDGMENT OF GILBERT J
[Review of Deputy Registrar's decision]**

The application for review of the Deputy Registrar's decision declining to dispense with security for costs is declined.

REASONS

[1] The appellant appeals against a judgment of Jagose J delivered on 4 August 2022. The first to seventeenth and nineteenth respondents have cross appealed.

[2] The appellant applied for an order dispensing with the normal requirement to pay security for costs on the appeal. This application was declined by the Deputy Registrar for the reasons detailed in her judgment dated 29 November 2022. The Deputy Registrar observed that the appellant does not claim to be impecunious, and the appeal does not raise any issue of public importance. The appeal is likely to

turn on its own facts and there is no reason to suppose that costs would not be awarded in the usual way. The appellant sought dispensation on the basis that he claims the respondents are indebted to him and any costs award can be met by way of set-off. The Deputy Registrar was not satisfied that this contested claim could justify dispensing with security for costs.

[3] The appellant now applies for a review of the Deputy Registrar's decision. The appellant effectively repeats the argument unsuccessfully advanced to the Deputy Registrar. He asserts that if he is unsuccessful on the appeal, he will be able to meet any award of costs from monies said to be due by the respondents.

[4] Having reviewed the materials filed, I am satisfied that the Deputy Registrar's decision was correct, for the reasons she gave. No good reason has been given why the normal requirement for security for costs should be dispensed with. The application for a review of the Deputy Registrar's decision is declined.

Solicitors:

Carson Fox Bradley Limited for First to Seventeenth and Nineteenth Respondents
MC Auckland, for Eighteenth Respondents