

(1) Simon Lydall Savill and
(2) Lucinda Mary Savill

Appellants

v.

(1) Chase Holdings (Wellington) Limited and
(2) Chase Corporation Limited

Respondents

FROM

THE COURT OF APPEAL OF NEW ZEALAND

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE
31ST OCTOBER 1988

Present at the hearing:-

LORD BRIDGE OF HARWICH

LORD TEMPLEMAN

LORD ACKNER

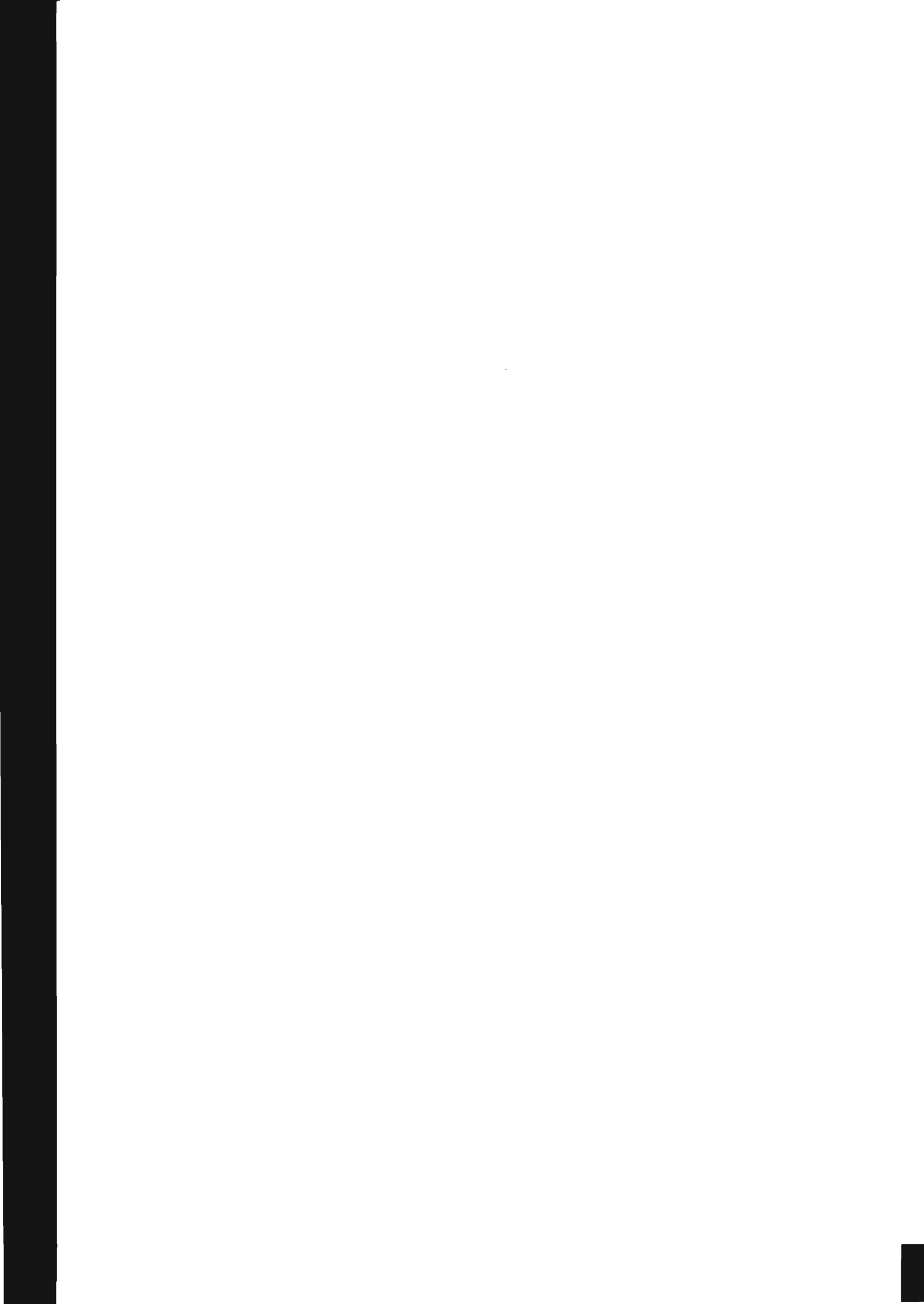
LORD OLIVER OF AYLERTON

LORD JAUNCEY OF TULLICHETTLE

[Delivered by Lord Bridge of Harwich]

This appeal turns upon issues of fact which have been concluded against the appellants by concurrent findings of both the courts below. As is well known the Board's practice in such circumstances is not to embark upon a third trial of the issues of fact. The scope of that practice is fully set out in the headnote to the report of Srimati Bibhabati Devi v. Kumar Ramendra Narayan Roy [1946] A.C. 508. The principles there stated show the rare and exceptional circumstances in which the Board will depart from that practice. Their Lordships see no conceivable reason in the present case why they should do so.

In so far as the appeal raises issues of law, their Lordships detect no error of law in the judgments of the Court of Appeal and no arguable point of law has been raised in the course of the hearing. The courts below in their discretion declined after the conclusion of the trial to admit further evidence which was sought to be adduced. Here



again their Lordships can find no possible ground for interfering with that exercise of discretion.

Accordingly, for the reasons given by the Court of Appeal of New Zealand, their Lordships will humbly advise Her Majesty that this appeal should be dismissed. The appellants must pay the respondents' costs.

