



Employment Court of New Zealand

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Ritchies Transport Holdings Limited v Merennage [2016] NZEmpC 5 (4 February 2016)

Last Updated: 11 February 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 5](#)

EMPC 288/2014

IN THE MATTER OF a challenge to a determination of
 the
 Employment Relations Authority

AND IN THE MATTER of an application for stay of
 execution

BETWEEN RITCHIES TRANSPORT HOLDINGS
 LIMITED
 Plaintiff

AND KEERITHI MERENNAGE Defendant

Hearing: On the papers filed on 23 December 2015, 8 and 11
 January
 2016

Appearances: G Mayes, counsel for plaintiff
 H White, counsel for defendant

Judgment: 4 February 2016

INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] Ritchies Transport Holdings Limited (Ritchies Transport) has filed an application for leave to appeal against the judgment of this Court in *Ritchies Transport Holdings Ltd v Merennage*.¹ That judgment, which was in Mr Merennage's favour, required Ritchies Transport to pay him a reasonably significant amount of money.

[2] Ritchies Transport has applied for a stay of execution pending the outcome of the appeal process. It is concerned, for reasons supported by affidavit evidence, that

if it succeeds on the appeal it will be unable to recover any money from the

1 *Ritchies Transport Holdings Ltd v Merennage* [\[2015\] NZEmpC 198](#).

defendant. Counsel for the defendant, Ms White, has confirmed that the defendant does not oppose the imposition of a stay on conditions. In the circumstances I consider it in the interests of justice that a stay be granted on conditions. Those conditions are:

(a) The plaintiff is to pay the sums ordered against it by the Court² to the Registrar of the Employment Court at Auckland within 14 days of the date of this interlocutory judgment.

(b) Such sums are to be held on interest bearing deposit pending the outcome of the plaintiff's application for leave to appeal and any subsequent appeal, if leave is granted.

(c) The balance in the account will be released only at the direction of a

Judge or by written agreement of the parties.

(d) The plaintiff is to diligently pursue its application for leave to appeal and any subsequent appeal (if leave is granted).

[3] No costs are sought in relation to this application and none are ordered.

Christina Inglis

Judge

Judgment signed at 4.15 pm on 4 February 2016

2 *Ritchies Transport Holdings Ltd v Merennage*, above at n 1, at [135].

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