

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2022] NZEmpC 65
EMPC 343/2021**

IN THE MATTER OF an application for a freezing order and an
ancillary order

BETWEEN YAKKA CONTRACTING LIMITED
Applicant

AND KRISHNEEL NAICKER
Respondent

Hearing: On the papers

Appearances: MC Donovan, counsel for applicant
J Rooney and MS Austin, counsel for respondent

Judgment: 13 April 2022

CONSENT JUDGMENT (NO 2) OF JUDGE KATHRYN BECK

[1] By minute dated 30 September 2021, the Court made freezing and ancillary orders against the respondent in this proceeding. On 1 October 2021 the Court issued its reasons.¹

[2] The freezing orders had effect until 5 pm on 19 October 2021 unless, prior to that date, they were continued or renewed. A hearing was set down on 18 October 2021 to review the freezing orders.

[3] These orders were served both on the respondent and the respondent's banks on Friday 1 October 2021.

¹ *Yakka Contracting Ltd v Naicker* [2021] NZEmpC 166.

[4] The parties reached an agreed position which was recorded in a joint memorandum dated 15 October 2021 and a consent judgment was issued accordingly.²

[5] The parties have now filed a further joint memorandum:

- (a) advising the Court that the dispute between the parties to this proceeding has been settled and will be discontinued once settlement has been implemented; and
- (b) requesting that the Court vary the terms of the freezing orders to enable the respondent to sell a property at 827 Ponga Road, Papakura at auction on 14 April 2022, as provided for in the settlement agreement.

[6] I make the following orders by consent:

- (a) To enable the property at 827 Ponga Road, RD4 Papakura to be sold at auction on 14 April 2022, the respondent is no longer restrained from disposing of or dealing with that property.
- (b) The freezing orders dated 30 September 2021 are varied accordingly.

Kathryn Beck
Judge

Judgment signed at 9.15 am on 13 April 2022

² *Yakka Contracting Ltd v Naicker* [2021] NZEmpC 179.