

IN THE HIGH COURT OF NEW ZEALAND
ROTORUA REGISTRY
I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE

CIV-2025-463-019

Between **TAMATI KRUGER as trustee of TŪHOE – TE URU
TAUMATUA TRUST**
First Applicant/ Plaintiff

And **TŪHOE TRUST CUSTODIAN TRUSTEE COMPANY LTD**
Second Applicant/ Plaintiff

And **DONNA MASON**
First Respondent/ Defendant

And **RITCHIE CONTRACTING LTD**
Second Respondent/ Defendant

And **ALAN MAURICE RITCHIE**
Third Respondent/ Defendant

And **PERSONS UNKNOWN**
Fourth Respondents/ Defendants

ORDER OF THE COURT



Solicitor acting:

BUDDLE FINDLAY

Barristers and Solicitors, Wellington

Solicitor Acting: **Paul Beverley**
Email: paul.beverley@buddlefindlay.com
Tel 64 4 462 0406 Fax 64 4 499 4141 PO Box
2694 DX SP20201 Wellington 6011

Counsel instructed:

MRG van Alphen Fyfe

Stout Street Chambers
Monique.vanalphenfyfe@stoutstreet.co.nz
Tel 021 489 289
PO Box 117, Wellington 6140

Before the Honourable Justice McQueen, 21 February 2025

After reading the interlocutory application without notice and the affidavit of Umesh Bipinchandra Naik filed by the applicants and having heard from MRG van Alphen Fyfe, counsel on behalf of the applicants, this Court orders:

1. For the purpose of the orders made below, Matahi Forest is the 2,100.3173 ha (from the entrance of Parau Stream through Matahi Valley) with legal titles being Lot 2, Sec 2 Blk VIII Waimana, SD 2AE1 Sec 2 Tahora, Sec 3 Blk VIII Waimana, SD Lot 1 DP 2858, Sec 4 Blk VIII Waimana, SD Pt 2AD2 Tahora, Lot 1 DP 15670 and shown in the map attached to this order as Appendix 1 (Matahi Forest).
2. The fourth defendants are those persons currently unknown who are occupying and/or interfering with, or intending to occupy or interfere with, Matahi Forest (or part thereof) without the permission of the plaintiffs.
3. For the period of 15 working days from 21 February 2025 or until further order of the Court, the first to fourth defendants, their directors, servants, related bodies corporate, subcontractors, officers, employees, personnel, agents or other persons authorised to act on their behalf, are to cease occupying Matahi Forest, cease all forestry operations within Matahi Forest, and remove all personnel and equipment from Matahi Forest within three days of this order.
4. For the period of 15 working days from 21 February 2025 or until further order of the Court, the first to fourth defendants, whether by their directors, servants, related bodies corporate, subcontractors, officers, employees, personnel, agents, other persons authorised to act on their behalf or by any other means at all, are prohibited from entering onto Matahi Forest or part thereof, or directing, encouraging or inducing others to enter onto Matahi Forest or part thereof.
5. Dispensing with personal service of the proceeding (and any interlocutory injunction order) on the fourth defendants.
6. Directing that the proceeding may be treated as served on the fourth defendants on the day on which the relevant document(s) have been:



- (a) emailed to the Chair of Te Waimana Kaaku Tribal and Ōmuriwaka Marae Committee;
 - (b) affixed to the entrance to Matahi Forest at Parau Road; and
 - (c) published on the website of Tūhoe – Te Uru Taumatua Trust.
7. Directing that any interlocutory injunction order may be treated as served on the fourth defendants by the method for substituted service described at paragraph 6 above.
8. Reserving leave to apply for further directions for service of documents should that become necessary.
9. The Registrar is to allocate a hearing date within the next 15 working days, following consultation with counsel for the plaintiffs and with the first and third defendants, to allow the application for an interlocutory injunction to be heard on an on-notice basis.

25 February 2025



Lesley Taare
Deputy Registrar
Rotorua High/District Court

Deputy Registrar



APPENDIX 1

Matahi Forest Map

