



Employment Court of New Zealand

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Yakka Contracting Limited v Naicker [2021] NZEmpC 179 (18 October 2021)

Last Updated: 23 October 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 179](#)

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 and E Hill, counsel for applicant
 J Rooney and MS Austin, counsel for
 respondent

Judgment: 18 October 2021

CONSENT JUDGMENT 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 have effect until 5 pm on 19 October 2021 unless, prior to that date, they are 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](#).

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[4] Counsel for the parties have conferred regarding payment of ordinary living expenses from the accounts frozen pursuant to the orders, and have agreed to certain payments and amounts being available to the respondent as living expenses.

[5] Clause 9 of the Freezing and Ancillary Order required provision of financial information to be provided within 10 working days, being by 15 October 2021.

[6] Counsel for the respondent advised that this information is being collated and will be provided in accordance with the order.

[7] The parties have recorded their agreed position in a joint memorandum dated 15 October 2021.

[8] I make the following orders by consent:

- (a) The freezing orders will continue until further order of the Court or agreement of the parties.
- (b) The respondent has leave to apply to the Court to set aside the freezing orders at any time with 24 hours' notice.

(c) Leave is reserved for the applicant to apply to the Court for directions in relation to the provision of documents if necessary.

[9] I note that the respondent reserves his rights as to costs and damages.

[10] Costs are reserved.

Kathryn Beck Judge

Judgment signed at 3.15 pm on 18 October 2021

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