

Blitvic v Bridgecorp Finance Ltd 8/8/02, Morris J, HC Auckland CP178/SW02

Unsuccessful application to have interim injunction rescinded by defendant ("BFL") - plaintiffs ("B") were awarded interim injunction because of the possibility of fraudulent activity relating to the signing of a mortgage - B claimed that the signatures on the mortgage are forgeries and therefore if BFL sold the land under a mortgagee sale a great injustice would result - BFL alleged that B had in fact signed the mortgage and evidence from two handwriting experts say this was the case.

Held, if the injunction is set aside a mortgagee sale could take place and innocent individuals could lose their farms - if a mortgagee sale takes place B could recover in damages but that is not a sufficient remedy - there was no improper action in the initial granting of the interim injunction - application dismissed