

HIGH COURT OF AUSTRALIA

BEECH-JONES J

IN THE MATTER OF AN APPLICATION BY
KANNAPIRAN CHINNA ARJUNAN & ANOR FOR
LEAVE TO ISSUE OR FILE

APPLICANTS

[2025] HCASJ 52

Date of Judgment: 19 December 2025

S165 of 2025

ORDER

- 1. The application for leave to issue or file the document entitled "Application" dated 18 November 2025 is dismissed without an oral hearing.*

Representation

The applicants are unrepresented

1 BEECH-JONES J. This is an ex parte application for leave to issue or file an application ("the reconsideration Application"). By the reconsideration Application, the applicants seek "reconsideration of the High Court's order dated 6 November 2025, by which special leave to appeal was refused in proceeding S130/2025". The proposed respondent to the reconsideration application is the Neighbourhood Association D.P. No 285853 (NHA DP 285853) ABN 24 002 854 739.

2 On or about 18 November 2025, the applicants, Mr Kannapiran Chinna Arjunan and Ms Thangam Kannapira, sought to file the reconsideration Application. On 19 November 2025, Gleeson J directed the Registrar of this Court to refuse to issue or file that document without the leave of a Justice first had and obtained by the party seeking to issue or file it.¹ On or about 1 December 2025, the applicants sought that leave.

3 The reconsideration Application has its origins in a judgment against the applicants entered in favour of the proposed respondent on 2 December 2021 in the Local Court of New South Wales for \$28,238.00 which arose out a claim for \$2,795.91 in unpaid strata levies.² On 9 November 2022 Adamson J refused the applicants leave to appeal and otherwise dismissed with costs an appeal from that decision.³ On 1 December 2022 N Adams J dismissed with costs a further application seeking to set aside and vary the orders of Adamson J.⁴

4 On 6 November 2025 this Court refused⁵ the applicants special leave to appeal from part of the judgment of the Court of Appeal of the Supreme Court of New South Wales (Ward P and Mitchelmore JA),⁶ which refused an application to reopen and vary orders made by the Court of Appeal (Ward P and Mitchelmore JA),⁷ which in turn had refused leave to appeal against the orders made by Adamson J and N Adams J.

1 *High Court Rules 2004* (Cth), r 6.07.2.

2 *Arjunan v Neighbourhood Association DP No 285853 [No 3]* [2022] NSWSC 1524 at [1] and [24].

3 *Arjunan v Neighbourhood Association DP No 285853 [No 3]* [2022] NSWSC 1524.

4 *Arjunan v Neighbourhood Association DP No 285853* [2022] NSWSC 1663.

5 *Arjunan v Neighbourhood Association DP No 285853 (NHA DP 285853) ABN 24002854739* [2025] HCADisp 250.

6 *Arjunan v Neighbourhood Association DP No 285853 [No 2]* [2023] NSWCA 176.

7 *Arjunan* [2023] NSWCA 103.

5 In refusing the applicants special leave to appeal from part of the judgment of the Court of Appeal, this Court held that the proposed appeal had "insufficient prospects of success to warrant a grant of special leave" to appeal.⁸ This Court has previously dismissed four related special leave applications brought by the applicants against the respondent for similar reasons.⁹

6 In support of his application for leave to issue or file the reconsideration Application, Mr Arjunan affirmed and filed an affidavit dated 1 December 2025. In that affidavit, Mr Arjunan contends that this Court's refusal of special leave to appeal "has left unresolved ... questions of public importance", and that "[n]either the NSW Supreme Court nor the NSW Court of Appeal determined the core statutory issues raised". He contends that this Court should set aside the refusal of special leave to appeal and make orders granting that leave.

7 The discretion to refuse leave to issue or file a document will ordinarily be exercised where the document appears "on its face to be an abuse of the process of the Court, to be frivolous or vexatious or to fall outside the jurisdiction of the Court".¹⁰ The concept of abuse of process includes "an attempt to invoke the original or appellate jurisdiction of the High Court on a basis that is confused or manifestly untenable".¹¹ The exercise of the discretion to refuse leave "is appropriate only in the clearest of cases".¹²

8 On the face of the reconsideration Application, it is clear that the applicants seek to reargue matters in respect of which they have exhausted the appellate process. The applicants have put forward no rational legal basis as a reason for which this Court should reconsider its decision to refuse the applicants' application for special leave to appeal. It would consequently be an abuse of process to grant the applicants leave to issue or file the reconsideration Application.

8 *Arjunan* [2025] HCADisp 250 at [2].

9 *Arjunan v Neighbourhood Association DP No 285853 (NHA DP 285853) ABN 24002854739* [2024] HCASL 217; *Arjunan v Neighbourhood Association DP No 285853 (NHA DP 285853) ABN 24002854739* [2024] HCASL 311; *Arjunan v Neighbourhood Association DP No 285853 (NHA DP 285853)* [2025] HCADisp 30; *Arjunan* [2025] HCADisp 109.

10 *High Court Rules* (Cth), r 6.07.1.

11 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.

12 *Re Young* (2020) 94 ALJR 448 at 451 [13]; 376 ALR 567 at 570.

3.

9

Leave to issue of file the reconsideration Application is refused. The applicant's ex parte application for leave to issue or file the reconsideration Application is dismissed without an oral hearing.