

Date: 20070913

Docket: A-584-06

Citation: 2007 FCA 283

**CORAM: RICHARD C.J.
SEXTON J.A.
SHARLOW J.A.**

BETWEEN:

MINISTER OF NATIONAL REVENUE

Appellant

and

ASHOK KUMAR

Respondent

Heard at Toronto, Ontario, on September 13, 2007.

Judgment delivered from the Bench at Toronto, Ontario, on September 13, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

RICHARD C.J.

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REASONS FOR JUDGMENT OF THE COURT

(Judgment delivered from the Bench at Toronto, Ontario, on September 13, 2007)

RICHARD C.J.

[1] This is an appeal from a decision of Justice Hugessen (2006 FC 1470) dismissing the motion of the appellant Minister of National Revenue to strike certain parts of the statement of claim in Federal Court No. T-1708-02, and for summary dismissal of the action pursuant to Rule 213 of the *Federal Courts Rules*.

[2] In our view, Justice Hugessen properly exercised his discretion in dismissing the motion.

[3] The appeal will be dismissed with costs.

“J. Richard”
Chief Justice

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-584-06

(An appeal from the order of Mr. Justice Hugessen, dated December 6, 2006, whereby the Appellant's motion for summary judgment was dismissed. Trial file No: T-1708-02.)

STYLE OF CAUSE: MINISTER OF NATIONAL REVENUE
and Appellant

ASHOK KUMAR
Respondent

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 13, 2007

REASONS FOR JUDGMENT

OF THE COURT BY: (RICHARD C.J., SEXTON J.A. & SHARLOW J.A.)

DELIVERED FROM THE

BENCH BY: RICHARD C.J.

APPEARANCES:

Mr. Christopher Parke FOR THE APPELLANT

Mr. Matthew Wilton FOR THE RESPONDENT

SOLICITORS OF RECORD:

John H. Sims, Q.C.
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Barristers & Solicitors
Toronto, Ontario FOR THE RESPONDENT