

CANADA / JUDGMENT

Bhatti v. Parmar

2025 BCCA 434

COURT

British Columbia Court of Appeal

DECIDED

25 November 2025

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2025 BCCA 434 Bhatti v. Parmar

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation:

Bhatti v. Parmar,

2025 BCCA 434

Date: 20251125

Dockets: CA50929; CA50930

Docket: CA50929

Between:

Lakhwinder Singh Bhatti

Appellant/

Respondent on Cross Appeal

(Respondent)

And

Jaswant Kaur Parmar

Respondent/

Appellant on Cross Appeal

(Claimant)

- and -

Docket: CA50930

Between:

Lakhwinder Singh Bhatti

Appellant/

Respondent on Cross Appeal

(Defendant)

And

Jaswant Kaur Parmar

Respondent/

Appellant on Cross Appeal

(Plaintiff)

Before:

The Honourable Justice Griffin

(In Chambers)

On appeal from: An order of the Supreme Court of British Columbia, dated

August 5, 2025 (J.K.P. v. L.S.B., 2025 BCSC 1494,

New Westminster Dockets E66865; S253573).

Oral Reasons for Judgment

The Appellant, appearing in person:

L.S. Bhatti

Counsel for the Respondent:

R. Diocee

Place and Date of Hearing:

Vancouver, British Columbia

November 25, 2025

Place and Date of Judgment:

Vancouver, British Columbia

November 25, 2025

Summary:

The applicant husband in a family law proceeding seeks a six-month extension to file the appeal record and transcripts, submitting he needs time to raise the money to pay for the transcripts. Held: The extension of time is granted, but only until January 28, 2026. The husband did not demonstrate merit to his appeal other than his dissatisfaction with the trial judge's apportionment of the family property. However, it is in the interests of justice to grant a shorter extension, as the husband seeks to appeal a final judgment disposing of all of his rights to family property and should have the opportunity to arrange his finances to pay for the transcripts. Due to the history of the husband's family violence, a six-month extension would cause undue prejudice to the respondent wife.

GRIFFIN J.A.:

Nature of the Application

- [1] The appellant on these appeals, Mr. Lakhwinder Singh Bhatti, seeks an extension of six months to file the appeal records and transcripts (that is six months from today).

Background

- [2] These appeals arise from the trial of two related actions arising from the breakdown of Mr. Bhatti and the respondent, Ms. Jaswant Kaur Parmar's marriage: a family law action (the "Family Action") and a civil action (the "Civil Action").
- [3] A third proceeding was heard at the same time, an appeal brought by Mr. Bhatti from an order absolute of foreclosure made by an associate judge in respect of Mr. Bhatti's half-interest in the family home. He was successful, and it appears he does not appeal from the order made in relation to that proceeding.
- [4] I rely on background facts as found by the trial judge.
- [5] On February 27, 2023, Ms. Parmar brought the Family Action seeking a divorce, child support, spousal support, a permanent protection order, and an unequal division of the family assets. She brought the Civil Action against Mr. Bhatti seeking damages for assault and battery arising from the family violence he inflicted on her during the marriage.
- [6] At the time of trial, Ms. Parmar was 57 years old, and Mr. Bhatti was 54 years old. They are originally from India. They were married on September 3, 1997. Their marriage lasted 26 years, and they have four children together, ages 25, 24, 21, and 18, respectively.
- [7] The parties separated on January 3, 2023.
- [8] In 1998, the parties purchased a house, which became their family home, in Vancouver as joint tenants. I will refer to this house by its street number 4704. They both contributed financially to the purchase. Ms. Parmar's contribution was larger; at trial, she testified that she paid the \$27,719.71 down payment from her personal funds.

- [9] In 2006, 4704 was subdivided and renovated into a duplex. The parties rented out one lot, which retained the old address. The second lot, which took on a new address ("1408"), served as the family home for the remainder of the relationship.
- [10] The parties financed the initial purchase of 4704 and the subsequent subdivision and renovation with a mortgage.
- [11] Later during the marriage, Mr. Bhatti mortgaged his interest in 1408 to a third-party lender, Mountain Investment Corp. ("MIC"). The mortgage went into default. Without getting into the background, this led to the third proceeding before the trial judge, Mr. Bhatti's appeal of the order absolute.
- [12] At trial, Ms. Parmar and all four children testified about the numerous acts of family violence by Mr. Bhatti during the marriage. He was physically and verbally abusive to his wife and children on numerous occasions. He engaged in heavy alcohol consumption. On July 23, 2010, he was convicted of assaulting Ms. Parmar after he had punched her repeatedly. The assault occurred one month after Ms. Parmar's second surgery for a genetic condition. In September 2022, he was arrested after hitting Ms. Parmar and three of their children. This summary does not do justice to the long list of acts of violence identified in the trial reasons.

2025 BCSC 1494

- [13] The trial for the Family Action and Civil Action occurred in June and July 2025 before Justice Milman. His reasons for judgment are indexed at 2025 BCSC 1494 and were issued on August 5, 2025.

Family Action

- [14] The trial judge first addressed Mr. Bhatti's appeal of the order absolute of foreclosure in respect of his interest in 1408. The judge set aside the order and extended the redemption period so that the mortgage could be redeemed through the division of assets in the Family Action instead.
- [15] During trial, Ms. Parmar brought an application to amend the notice of family claim to allege that the down payment for 4704 came entirely from her excluded property and ought to be credited to her in the division of family assets.
- [16] The trial judge granted her leave to make the amendment. He found it was not inconsistent with her pleading or testimony at trial and that it would be relevant to the issues in relation to the reapportionment of family assets.
- [17] Prior to determining child support and spousal support entitlements, the judge addressed the parties' incomes and whether their children were children of the marriage.

- [18] The judge concluded that Ms. Parmar's average income was \$29,524.99 based on her last three years. Ms. Parmar was unemployed and had two sources of income: disability benefits for her genetic condition and rental income from 4704.
- [19] The judge noted that Mr. Bhatti had held several different jobs over the years, from convenience store attendant, janitor, to truck driver. The judge imputed an income of \$50,000 to Mr. Bhatti on the basis that he was intentionally underemployed. Mr. Bhatti had testified that though he was sober, he had not been actively seeking work.
- [20] The judge concluded that the four children were children of the marriage and would continue to be until they graduated from their respective post-secondary programs.
- [21] The judge found that Mr. Bhatti owed a lump sum of child support totaling \$58,835 in retroactive and prospective support based on his income and a 25% discount for the periods when he was incapable of working. The judge noted that Mr. Bhatti has a history of mismanaging his financial affairs and failing to abide by court orders and has failed to pay child support. The judge took into account that due to his history of family violence, Mr. Bhatti should have no contact with Ms. Parmar. The judge ordered the lump sum payment to be paid from Mr. Bhatti's share of the property to be divided in the action.
- [22] The judge declined to make an award of spousal support. Ms. Parmar had sought spousal support on compensatory grounds based on imputing an income of \$80,000 to Mr. Bhatti. However, the judge found that Ms. Parmar's inability to work was due to her illness, and she had not shown any financial disadvantage resulting from the marriage or its breakdown or a reduction in her standard of living.
- [23] The judge granted an unequal division of family property. While Mr. Bhatti sought equal division, the judge took into account Ms. Parmar's greater contributions to the property and to the household and her contributions to Mr. Bhatti's career, in contrast to Mr. Bhatti's irresponsible use of funds to satisfy his own personal needs. The only family property at issue was 4704 and 1408, which were valued at \$1.125 million and \$1.35 million, respectively. The judge apportioned the parties' interest in the property 80/20 in Ms. Parmar's favour. The mortgage debt on 4704 was apportioned proportionately, but Mr. Bhatti alone was responsible for the MIC mortgage debt. The judge calculated that the result meant Ms. Parmar would owe Mr. Bhatti \$202,849.16 to purchase his interest in the family assets, net of the family debts.
- [24] Lastly, the judge granted the protection order and the divorce order.

Civil Action

- [25] The judge held that Mr. Bhatti was liable to Ms. Parmar for the torts of assault and battery. Ms. Parmar had adduced an expert report from a psychiatrist, who concluded that she suffered from post-traumatic stress disorder due to the family violence.

- [26] The judge awarded Ms. Parmar \$185,000 in general and aggravated damages, and \$17,849.16 in punitive damages. These awards matched the balance Ms. Parmar owed to Mr. Bhatti to acquire his interest in 4704 and 1408. The judge also awarded her \$779.75 for health care costs.
- [27] The judge ordered that Ms. Parmar's financial claims in the Family Action and Civil Action are to be satisfied entirely by a transfer of title to 4704 and 1408 in her name alone.

Court of Appeal

- [28] On August 27, 2025, Mr. Bhatti filed notices of appeal seeking to set aside the trial judge's orders with respect to the Family Action and Civil Action.
- [29] Ms. Parmar filed a notice of cross appeal on September 9, 2025. She only challenges the award of punitive damages. It is fair to say that if Mr. Bhatti does not proceed with his appeal, it seems likely as a practical matter that the cross appeal will also not proceed, given the difficulty in recovering damages from Mr. Bhatti.
- [30] The deadline for Mr. Bhatti to file the appeal records and transcripts was October 27, 2025. His factum would be due 30 days after that (meaning this week).
- [31] On October 22, 2025, Mr. Bhatti filed a notice of application seeking a six-month extension of time to file the appeal records and transcripts. That, of course, would also push back his appellant's factum.

Legal Framework

- [32] Section 32 of the Court of Appeal Act, S.B.C. 2021, c. 6 [Act] gives me discretion to extend a time limit.
- [33] The criteria in an application to extend time were set out in *Davies v. C.I.B.C.* (1987), 15 B.C.L.R. (2d) 256 at 259-260, 1987 CanLII 2608 (C.A.):
- 1) Was there a bona fide intention to appeal?
 - 2) When were the respondents informed of the intention?
 - 3) Would the respondents be unduly prejudiced by an extension of time?
 - 4) Is there merit in the appeal?
 - 5) Is it in the interest of justice that an extension be granted?
- [34] The interests of justice is the overriding factor that encompasses the first four questions: *Davies* at 260-261.
- [35] The burden is on the applicant to establish that the criteria are met: *Rapton v. British Columbia (Motor Vehicles)*, 2011 BCCA 71 at para. 19 (Chambers).

Positions of the Parties

Mr. Bhatti

- [36] Mr. Bhatti has not filed written submissions on this application. However, he filed an affidavit on October 22, 2025.
- [37] He deposes that he contacted a court transcription service to request a cost estimate for the trial transcripts on or about September 13, 2025, and was provided an estimate the next day of \$18,598.34. He states that he is unable to pay the transcript cost because he is unemployed and was compelled to make a proposal into bankruptcy in August 2024. As a result, he has no savings, no access to credit, and no assets that can be liquidated.
- [38] Mr. Bhatti proposes that a six-month extension would provide him with a reasonable opportunity to secure employment and save the necessary funds for the transcript.

Ms. Parmar

- [39] Ms. Parmar acknowledges that she was aware of Mr. Bhatti's intention to appeal when she was served with the notice of appeal.
- [40] Her position is that the extension should not be granted.
- [41] Ms. Parmar points out that Mr. Bhatti's bankruptcy has no relevance and had already taken place by the time of the trial judgment. Despite this, the trial judge found that Mr. Bhatti was intentionally underemployed and imputed an income to him of \$50,000. In addition, at trial Mr. Bhatti claimed to owe his brother and father money, which indicates he does have a source of financial assistance from his family.
- [42] Ms. Parmar also points out that Mr. Bhatti has not provided any evidence regarding his efforts to obtain employment or whether he has other sources of financial assistance. The trial judgment was August 5, 2025, and the lack of any evidence in this regard by this date is concerning.
- [43] Further, Ms. Parmar submits that Mr. Bhatti knew about his financial circumstances when he filed the notice of appeal and could have sought an extension of time earlier rather than waiting until two business days before the filing deadline for the appeal records and transcripts.
- [44] Ms. Parmar also emphasizes that Mr. Bhatti has not addressed whether there is any merit to his appeal or identified any error in the trial judge's reasons.
- [45] For these reasons, Ms. Parmar submits that Mr. Bhatti has no bona fide intention to appeal and that the appeal is merely a delay tactic.

- [46] Lastly, Ms. Parmar submits that she would be prejudiced by an extension. Mr. Bhatti has a Certificate of Pending Litigation ("CPL") registered on the family home, which prevents Ms. Parmar from carrying out the trial judge's orders. Also, because of the CPL, when the mortgage came up for renewal, she was only able to renew for one year at a higher interest rate than would otherwise have been available to her.
- [47] Ms. Parmar also submits that she is unable to obtain a divorce order while the appeal is pending due to the operation of the Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.).

Analysis

Is there a bona fide intention to appeal?

- [48] I find that there was initially a bona fide intention to appeal. Mr. Bhatti filed a notice of appeal within the time requirements of the Court of Appeal Rules, B.C. Reg. 120/2022. He has taken steps to inquire about ordering transcripts and the associated costs.
- [49] The question that troubles me is whether Mr. Bhatti has a continuing intention to appeal.
- [50] Mr. Bhatti has not provided any explanation as to why he could not file an appeal record.
- [51] Importantly, Mr. Bhatti's evidence that he needs time to find employment and save money to pay for the transcripts is not compelling, given the complete lack of detail about what efforts he is making or has made. Also concerning is the lack of any evidence as to other sources of financial assistance. If Mr. Bhatti's claimed impecuniosity is accepted, there is no reason to believe this situation will be remedied in six months.
- [52] Orally, Mr. Bhatti seemed to indicate he could borrow money from his family, and that is what he expects to do.
- [53] Mr. Bhatti also has not provided any written evidence as to how long it will take the transcription service to prepare the transcripts once he orders them. When I questioned him during the hearing, he submitted orally that he was told in September, when he spoke to the transcription company, that it would take six weeks for them to prepare the transcripts. He ought to have brought this application earlier once he learned that.
- [54] All of this points to the probability that Mr. Bhatti will seek further extensions of time if this extension is granted. He has no plan as to how he will move forward with the appeals.
- [55] Because of the lack of evidence in support of Mr. Bhatti's application, I am of the view there is some legitimacy to Ms. Parmar's concern that the application for an extension of time could simply be a delay tactic. She raises a valid point that Mr. Bhatti would have known whether he was financially capable of prosecuting the appeal when he filed the notice of appeal, or at least when he learned about the cost to prepare transcripts in September. It is very concerning that he did not bring his application for an extension of time until just days before the transcripts and appeal records were due, and I consider this as a factor that weighs against him.

[56] I am also aware of the findings of the trial judge regarding Mr. Bhatti being intentionally underemployed and lacking in credibility.

Would the respondents be unduly prejudiced by an extension of time?

[57] I am also of the view that a six-month extension of time would likely cause undue prejudice to Ms. Parmar.

[58] I accept that a six-month extension could lead to the renewal of the mortgage at a higher interest rate in October 2026 if the appeal does not conclude by then and the CPL remains registered. However, a shorter extension might not cause the same prejudice.

[59] There is an automatic stay of a divorce order while an appeal is pending. The longer the appeal is alive, the longer Ms. Parmar must remain legally married to someone who was violent to her and their children. The appeal proceeding gives Mr. Bhatti indirect continuing control over her life, which is likely to have a serious impact on her well-being, given his history of violent domination. This type of prejudice is well beyond what typically can be expected as part of the usual stresses of a family proceeding.

Is there merit in the appeal?

[60] In addition, Mr. Bhatti has not addressed any grounds for appeal and therefore has not identified any errors in the judge's reasons. On questioning during the oral hearing, Mr. Bhatti simply takes issue with the fact (as he puts it) that he ended up with nothing. However, he does not suggest that there are any errors in the judge's findings of fact or legal analysis.

Is it in the interests of justice that an extension be granted?

[61] This is an unusual case given the considerable evidence and findings by the trial judge regarding Mr. Bhatti's history of violence against Ms. Parmar and his intentional underemployment.

[62] I am very close to not granting the application, weighing all of the criteria in Davies. However, on the interests of justice analysis, I appreciate that the cost of transcripts is often a hurdle on appeal, and Mr. Bhatti is seeking to appeal a final judgment that disposes of all his rights to family property. While I do not accept that a six-month delay is necessary or in the interests of justice given all of the relevant factors, I am prepared to accept that he may have a continued intention to appeal currently and needs a little more time to arrange his finances.

Disposition

- [63] For these reasons, I will grant Mr. Bhatti's application for an extension of time, but only for a shorter period. He must pull out all of the stops to arrange his financing, order the transcripts immediately, and prepare the appeal record. I will give him an extension of time from today until January 28, 2026 to file the transcripts and appeal records.
- [64] If Mr. Bhatti does not meet this deadline, Ms. Parmar can apply to have his appeal dismissed as abandoned. I repeat that Mr. Bhatti's application was very close to failing, as I am very mindful of the fact that any delays simply increase the stress on Ms. Parmar and also cause her to incur legal expenses. Therefore, I caution you, Mr. Bhatti, that it is very unlikely that a court will grant you further extensions of time.

"The Honourable Justice Griffin"

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