

CANADA / JUDGMENT

Bilin v. Sidhu

2017 BCSC 1108

COURT

Supreme Court of British Columbia

DECIDED

30 June 2017

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2017 BCSC 1108 Bilin v. Sidhu IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Bilin v. Sidhu, 2017 BCSC 1108 Date: 20170630 Docket: S156074 Registry: New Westminster Between: Tarsem Singh Bilin Plaintiff And Hardip Singh Sidhu Hardip Auto Repair & Sales Ltd. Santokh Singh Sidhu and Lakhwinder Kaur Sidhu Defendants Before: The Honourable Mr. Justice Ball Reasons for Judgment Counsel for the Plaintiff: D. Gautam R.S. Atwal Counsel for the Defendants Santokh Singh Sidhu and Lakhwinder Kaur Sidhu: M. Ganatra Counsel for the Defendants Hardip Singh Sidhu, Hardip Auto Repair & Sales Ltd.: P. Smith-Gander Place and Date of Hearing: New Westminster, B.C. April 13, 2017 Place and Date of Judgment: New Westminster, B.C. June 30, 2017

- [1] The parties in this action appeared before the Court to resolve their disagreement on whether a stay of proceedings ordered in this action had ceased to have effect or whether the stay continues as pronounced.
- [2] The stay of proceedings was granted in reasons cited as 2017 BCSC 36. The stay not only applied to the action but also because an amended notice of claim was filed in violation of the stay by the plaintiffs, that amended notice of claim was declared to be a nullity. Upon review, the case of *Alexis v. Duncan*, 2015 BCCA 135, (para. 26) that this action should not be allowed to proceed with the plaintiff relying upon the amended notice of claim.
- [3] The plaintiff, as the Court was advised by counsel, proceeded before Master Scarth on December 12, 2016. An agent appeared for the plaintiffs on that date. No counsel advised the Court that a stay of proceedings had been ordered by this Court. This matter should not have been brought before the Master.
- [4] This Court affirms that the stay of proceedings previously granted continues in full force and effect with the exception that the defendants Santokh Singh Sidhu and Lakhwinder Kaur Sidhu were granted leave to apply to dismiss the claims against them, as described in the reasons noted above at para. 31 and para 35(c). "Ball J."

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