

CANADA / JUDGMENT

Grewal v. Grewal

2025 BCSC 2014

COURT

Supreme Court of British Columbia

DECIDED

23 September 2025

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2025 BCSC 2014 Grewal v. Grewal

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Grewal v. Grewal,

2025 BCSC 2014

Date: 20250923

Docket: S236549

Registry: New Westminster

Between:

Khark Singh Grewal

Plaintiff

And

Surjit Singh Grewal and Kamaljit Kaur Grewal

Defendants

And

Khark Singh Grewal, Harpreet Kaur Grewal,

Grewal & Sons Enterprises Inc., Grewal Enterprises Inc.

and Grewal Farms Inc.

Defendants by way of Counterclaim

Before: The Honourable Mr. Justice Coval

Oral Reasons for Judgment

Re Interlocutory Injunction Application

In Chambers

Counsel for the Plaintiff and the Defendants by way of Counterclaim, Khark Singh Grewal, Grewal & Sons Enterprises Inc. and Grewal Enterprises Inc.:

A. Sabet Rasekh

Counsel for the Defendants:

A.W. Bayley

Counsel for the Defendant by way of Counterclaim, Harpreet Kaur Grewal:

M. Regier

Counsel for the Attendee, Manpreet Kaur Grewal:

A. Gould, Articled Student,
appearing as Agent for R.S. Atwal

(September 16, 2025 only)

Place and Date of Hearing:

New Westminster, B.C.

September 16, 2025

Place and Date of Judgment:

New Westminster, B.C.

September 23, 2025

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Introduction

- [1] THE COURT: In this litigation between family members, regarding the beneficial ownership of various companies and properties, the defendants apply for an interlocutory injunction restraining Khark and Harpreet Grewal from denying them full access and use of the family's property on Clearbrook Road in Abbotsford where the parties all reside.
- [2] The Clearbrook Road property is approximately two acres with a 4,000 sq. ft. residence. It is the centre of the family's agricultural business. Currently, Khark and Harpreet live in the basement with their children. The defendants and their adult daughter live entirely separately in the upstairs. It is undisputed that Khark has cut off the defendants' use of the property except the upstairs premises.
- [3] For the reasons below, and particularly because it is undisputed that the defendants are part owners of the Clearbrook Road property, the injunction is granted.
- [4] Due to the considerable strife between the two sides of the family, including allegations of violence and police visits, instead of full access to the property, the access will be as suggested in the defendants' fall-back position. Each side will have exclusive use of, and access to, a designated part of the property as depicted in the aerial photograph presented by the defendants in the hearing.
- [5] In addition to the injunction, the defendants sought an order increasing the 84-day deadline for the plaintiff's proposed expert accounting report. That order is not granted. In my view, it is best not to pre-judge the issue in a way that might unnecessarily prejudice the plaintiffs.

Facts

Parties

- [6] The plaintiff, Khark Grewal, is married to Harpreet Kaur Grewal. He is the eldest son of the defendant, Surjit Grewal.
- [7] Surjit and the defendant, Kamaljit Kaur Grewal, married in around 1993. Kamaljit is Khark's stepmother.

[8] The family is in the agricultural industry in Abbotsford. They do business through the following companies:

- Grewal & Sons Enterprises Inc. ("Sons"), according to its share registry, is owned 66.7% by Surjit and 33.3% by Khark. Khark however denies the validity of his father's registered interest. Khark is the sole director.
- Grewal Enterprises Inc. ("Enterprises") is owned by Harpreet, and she is the sole director. Khark manages the day-to-day operations.
- Grewal Farms Inc. ("Farms") is owned 100% by Surjit and he is the sole director.

[9] The thrust of Khark's claim is that his father, Surjit, misappropriated funds from companies belonging to Khark and Harpreet, which Surjit then used for his own purposes, including to buy and maintain properties owned in the names of himself and Kamaljit.

[10] Surjit denies these allegations and says that all funds that moved between the companies did so in the ordinary course of the family's agricultural business.

Clearbrook Road

[11] The central property in dispute is 819 Clearbrook Road, Abbotsford, BC, where the parties live and run their businesses. As mentioned, the property is 1.88 acres with a 4,000 sq. ft. home.

[12] Since it was bought on January 27, 2016, the registered owners have been Surjit and Kamaljit. In this lawsuit, Khark claims at least a 50% beneficial interest in the property based on his alleged financial contribution to its purchase and maintenance.

[13] On January 26, 2016, the day before Clearbrook was purchased, Khark, Surjit, and Kamaljit signed a loan agreement stating that all real property purchased or owned by any of them was beneficially owned jointly by all three in the following proportions: 34% Surjit, 33% Kamaljit, and 33% Khark. As I understand their positions, Surjit and Kamaljit acknowledge Khark's 33% ownership interest in Clearbrook pursuant to the terms of the loan agreement.

[14] Khark's claims include that, through money from his companies Sons and Enterprises, he paid the \$189,700 down payment for Clearbrook and the mortgage payments and ongoing expenses. He claims his ownership interest should exceed 50%. He also alleges abuse and duress by Surjit over the years and that, in October 2020, he was assaulted by Surjit in front of his wife and children. He alleges that only under duress did he sign the loan agreement and allow Clearbrook to be registered in his parents' names.

- [15] Surjit denies these allegations. His evidence is that he and his wife paid all amounts associated with the original purchase and maintenance of Clearbrook. He said that the payments from Sons and Enterprises to Farms, which Khark impugns, were in the ordinary course of business as Farms regularly sold produce to Sons, which Sons then sold on to third parties.
- [16] The evidence is that, for approximately the past four years, Khark has fenced his parents and siblings off from access to all of the property except their upstairs residence. Approximately one year ago, the defendants requested more reasonable access, but Khark refused.
- [17] Allegations from both sides have resulted in the police attending the property.

Forensic Accounting

- [18] As described above, a key issue is Khark's allegation that Surjit improperly transferred money out of Sons into Farms and then into his personal accounts, and that some of these funds were used to purchase and maintain Clearbrook Road. Khark alleges that financial tracing is needed to determine each party's true ownership interest in this and two other properties.
- [19] On February 16, 2022, Khark, Surjit, and Kamaljit consented to a forensic accounting from Khark's expert:

BY CONSENT, Surjit Singh Grewal and Kamaljit Kaur Grewal (collectively, the "Defendants") will comply with all written requests made by any one of the following forensic accountants listed in subparagraphs (a) to (c) that are appointed by the Plaintiff to conduct a forensic accounting and tracing of the Plaintiffs' and the Defendants' personal, business and corporate records for the purposes of tracing and determining the amounts contributed by the Parties to this proceeding towards the purchase, maintenance and upkeep of the properties that are the subject matter of this proceeding:

a. Anita Mohan Aggarwal;

- [20] Khark chose Ms. Aggarwal as his expert forensic accountant. In the plaintiff's case plan proposal of February 22, 2024, it indicated her report would be served in advance of the December 2024 mediation.
- [21] Despite being retained almost four years ago, Ms. Aggarwal has not completed the accounting. There appears to be a risk that she may not do so in time for the February trial date. She has advised that she has not yet obtained all documents required from certain banks and has other work obligations keeping her busy throughout September and she cannot advise when she expects her report to be complete.

Procedural History

- [22] This application was filed on May 16, 2025. It was scheduled but not heard twice in July due to court unavailability.
- [23] A 15-day trial is scheduled to commence on February 23, 2026. Two trial dates in 2024 were adjourned, the second one in May 2024, to accommodate Ms. Aggarwal's report.

Positions

Defendants

- [24] The defendants submit that it is unlawful for Khark to limit their access to most of Clearbrook Road, given that they are the 100% registered owners of the property, 67% owners under the loan agreement, and approximately 50% owners even on Khark's view of matters.
- [25] They say most of the farming equipment and machinery on the Clearbrook property is owned by Farms and was used in the family farming business until misappropriated by Khark. They say all of this is part of Khark's hostile takeover of the family farming business.
- [26] The defendants' position is that they are no longer prepared to wait until this litigation concludes for greater access to the Clearbrook property and farm machinery and equipment. They wish access for the following reasons:
- a) Surjit wishes to recommence Farms business operations using the Clearbrook property and its machinery and equipment. Surjit says he is losing money by not being able to rent out the fruit stand for the periods it is not otherwise in use, typically November, December, and January, as he has done in the past before the plaintiff cut off his access. Surjit also wants to make use of the fruit stand, which is currently not in use and sitting idle, to sell produce, plants, and flowers to supplement his income. Surjit needs to increase his income to afford this litigation. His evidence is that he earned approximately \$280,000 from the stand in 2018.
 - b) The defendants allege Khark has been selling, disposing, or damaging machinery and equipment that belongs to them, and they wish to take an inventory of what is there and potentially remove items which do not belong to them.
 - c) They allege that their son, Jeewan Grewal's, vehicles and welding equipment are in the yard and pumphouse, and he needs to retrieve them as he uses the welding equipment to carry out repairs.
 - d) They need to use portions of the property for storage and space to park their vehicles.
 - e) They are concerned about damage to the buildings.

- f) They wish to inspect a second barn which they say Khark continues to use and occupy, though it has not passed final inspection and the building permit has expired, which is attracting ongoing penalties from the City of Abbotsford.
 - g) They wish to inspect for environmental contaminants and to ensure any fertilizers or sprays are being stored in a safe and environmentally-compliant fashion.
 - h) Access to the Clearbrook property's water supply is located in the pumphouse, and they need to be able to access it for health, safety, and emergency reasons. They also need to make sure the pumphouse and water supply are being properly maintained.
 - i) They require access to have an expert attend the Clearbrook property and provide an expert opinion on the fair market rent for the property.
- [27] During the hearing, Mr. Bayley put forward a fallback position on behalf of his clients, which he depicted on an aerial view of the property, a proposed divide of the property by temporary fencing, giving his clients exclusive access to the fruit stand area and the Huntington Road driveway. Khark and his family would have access to the Clearbrook Road access and the area where he is running his business. Both parties would have access to the pumphouse.

Khark and Harpreet

- [28] Their position is that, given the trial is only five months away, the balance of convenience favours preserving the status quo, particularly given the strife, allegations of assault and harassment, and police presence.
- [29] Khark submits that the injunction threatens to interfere with his business. He brings fresh produce daily from other locations into Clearbrook Road where it is offloaded and stored until trucked to buyers.
- [30] They say there is little prejudice to the defendants because they have never done business from the fruit stand, have no business licence to sell products grown off the property. Surjit's health does not permit him to do so and Kamaljit already has fulltime employment. Surjit has provided evidence joining issue on all of these points, including prior income statements from operating the fruit stand and medical letters about his improved health.
- [31] They also rely on the fact that since March 2022, they have been solely responsible for paying Clearbrook's mortgage and all property expenses, which was ordered as a condition of maintaining Khark's certificate of pending litigation over the property and preventing Surjit and Kamaljit from selling it.
- [32] Regarding equipment, Khark says he is not using any except what belongs to him. He is concerned that Surjit wishes to inspect and photograph the machinery and equipment to somehow assist creditors in their repossession. I give this position no weight, however, as there was no evidence to support it and so it seems entirely speculative.

- [33] Khark says the pumphouse and water supply are being properly used and maintained and there are no issues.
- [34] Finally, Harpreet argues that she should not be subject to the injunction as the pleadings do not seek that injunction from her and she is not an owner of the property.

Analysis

Injunction

- [35] When a landowner seeks an interlocutory injunction to prevent interference with his property rights, the first question is whether the landowner can establish clear title to the property in question.
- [36] If so, the burden then shifts to the respondent to show an arguable case to the right it seeks to exercise, such as a right of possession or access.
- [37] If the respondent can make out an arguable case for its competing right, then the question becomes whether considerations of irreparable harm and the balance of convenience favour granting the injunction.
- [38] If the respondent cannot, then injunctive relief is strongly favoured and the landowner may be entitled to the injunction with no further analysis under the RJR-MacDonald test: *OSD Howe Street Vancouver Leaseholds Inc. v. FS Property*, 2020 BCSC 1066, paras. 11-18; *Minicucci v. Liu*, 2021 BCSC 1640, paras. 40-41; *British Columbia Hydro and Power Authority v. Boon*, 2016 BCSC 355; *Fraser Health Authority v. Evans*, 2016 BCSC 1708, para. 59.
- [39] In my view, an injunction is strongly favoured here because the defendants are owners of the property and Khark has not put forward any case for a legal right to exclusive possession of the parts of Clearbrook Road from which he has evicted the defendants.
- [40] The interests of justice require that the parties' access and use of the premises is divided as suggested by the defendants' alternative position and depicted by them on the aerial photograph. This is because of the allegations of prior violence, Khark and Harpreet's allegations that their children are afraid of Surjit, repeated strife between the parties, and prior involvement of the police.
- [41] Even if Khark had put forward an arguable case for exclusive use of most of Clearbrook, considerations of irreparable harm and the balance of convenience favour granting the injunction with the parties separated as suggested by the defendants. The defendants have provided evidence supporting their position that they will be able to earn income from the fruit stand and, on the conflicting affidavits, I cannot assess Khark's claims that they will, in truth, not be able to do so. In my view, it is also inconvenient and contrary to their undisputed legal rights for them to be confined to so little of the property and they should have more room for storage, parking, etc.

- [42] The proposed separation should address potential conflict. Khark has put in no evidence that the proposed separation will be prejudicial to his business, despite there being a significant break between the defendants putting forward that position and the resumption of the hearing. His counsel submitted that it would make egress of trucks difficult, but I do not see that the aerial photographs support this.
- [43] I also agree with the defendants that it is in the interests of justice and consistent with their ownership rights that they and Jeewan have access to the entire property, apart from Khark and Harpreet's residence, to investigate the state of the buildings and what machinery and equipment are on site.
- [44] Finally, I agree with the defendants that Harpreet is a proper respondent to the injunction. Her affidavit evidence opposes the defendants' enhanced access and she is unwilling to agree to that access. She was unwilling to agree to that access in communication between counsel leading up to the application.

Early Delivery of Expert Report

- [45] Rule 11-6(3) of the Supreme Court Civil Rules provides that unless the court orders otherwise, an expert report must be served at least 84 days before the scheduled trial.
- [46] Service requirements under Rule 11-6(3) can be abridged to require service more than 84 days before trial in exceptional circumstances where a compelling reason for early disclosure is demonstrated: *Stewart v. Robinson*, 2014 BCSC 959, para. 34.
- [47] The defendants' position is that the plaintiff and Ms. Aggarwal have had years to complete the report, and they have provided her all documents and authorizations requested. The evidence on this application suggests the defendants have been reasonable and timely in their document production and authorizations, and have produced all relevant documents in their possession or control. They strongly oppose any further adjournment of the trial and seek early production of the report, so they have fair time to respond and the trial date is not threatened. They seek an order for delivery by October 31, 2025.
- [48] Given that the plaintiff's consent order for the forensic report was 3.5 years ago, it is hard to understand how Khark has allowed Ms. Aggarwal to have gone so long without completing her report or why she was not replaced by another expert who would do so. In these exceptional circumstances where the plaintiff and their expert have had so long to prepare the report but it is still not done, it would be unfair to the defendants if the report necessitated a further adjournment of the trial.
- [49] I am not prepared at this stage, however, to order an early deadline for her report because it appears that Ms. Aggarwal could not achieve that, and it may be that her report will be straightforward and not require a significant response.

- [50] During the application, I made it clear to counsel for Khark that if he wishes to have Ms. Aggarwal's report for the trial, she must complete it as soon as reasonably possible and without further delay, even if that means doing so without all the information she would ideally like to have.
- [51] If the report requires a significant response, the defendants might be entitled to serve that well within the 42-day deadline, and I am not ruling out a further application by the defendants to exclude the report, even if served 84 days or more before trial, if the defendants say a reasonable time to respond would require yet another adjournment of the trial. I leave all such options open to be decided after the report is delivered.

Conclusion

- [52] Subject to written agreement between the parties or further order of the Court, and without prejudice to the positions and arguments of the parties on the merits of the issues in this case, Khark and Harpreet Grewal are enjoined from restricting Surjit, Kamaljit, Manpreet, or Jeewan Grewal's access and use, or the reasonable access and use of their guests, invitees, and contractors, of those parts of 819 Clearwater Road indicated on the aerial photograph presented by counsel for the defendants in the hearing.
- [53] Temporary fencing shall be installed to demarcate this division as soon as reasonably possible, paid for 50/50 by the parties, subject to the ultimate award of costs in these proceedings.
- [54] The plaintiff is to allow Surjit, Kamaljit, and Jeewan Grewal reasonable time and opportunity to inspect the entire property, so they can inspect, photograph, video, and collect identifying information for any vehicles, machinery, and equipment, and investigate the state of the property.
- [55] The plaintiff and the defendants are entitled to each have an appraiser or realtor inspect the entire property for purposes of potentially preparing an expert report.
- [56] The defendants' application to abridge the time for service of the plaintiff's accounting report is dismissed, but without prejudice to the defendants' positions, arguments, and future applications relating to the admissibility of the report, including based on delay, even the report is ultimately delivered within the time allowed under the Rules.
- [57] The parties may speak to any further orders or directions required to carry out the matters contemplated by these orders.
- [58] Anything arising? Any questions, concerns at this stage?
- [SUBMISSIONS ON COSTS]

[59] THE COURT: Yes, I think that the defendants were substantially successful. I know they were not technically successful in the expert report deadline, but that is only because I have really pushed that down the road so we can see how the report actually is. I think their position is a very reasonable one, but I think we need to see the report first before decisions can be made. So I am going to grant the defendants their costs of this application in the cause. I do not think it should be in any event of the cause.

"Coval J."

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