

CANADA / JUDGMENT

Morand v. Paquin

[1976] 1 SCR 284**COURT**

Supreme Court of Canada

DECIDED

19 December 1974

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Morand v. Paquin Collection Supreme Court Judgments Date 1974-12-19 Report

[1976] 1 SCR 284 Judges Ritchie, Roland Almon; Pigeon, Louis-Philippe; Dickson, Robert George Brian; Beetz, Jean; de Grandpré, Louis-Philippe On appeal from Quebec Subjects Bills of exchange Decision Content Supreme Court of Canada Morand v. Paquin, [1976] 1 S.C.R. 284 Date: 1974-12-19 Gertrude Morand (Plaintiff) Appellant; and Georges Paquin (Defendant) Respondent. 1974: October 23; 1974: December 19. Present: Ritchie, Pigeon, Dickson, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF QUEEN'S BENCH, APPEAL SIDE, PROVINCE OF QUEBEC Accounting—Contestation of account—Whether husband is bound to give up fruits which have been consumed up to the time marriage is dissolved—Civil Code, art. 1425, now repealed. APPEAL from a judgment of the Court of Queen's Bench, Appeal Side, Province of Quebec^[1] setting aside a judgment of the Superior Court which allowed an action to render accounts. Appeal allowed. Jules Dupré, for the plaintiff, appellant. Jean Lefrançois, for the defendant, respondent. The judgment of the Court was delivered by BEETZ J.—I am of the same opinion as Montgomery J., dissenting in the Court of Appeal. Respondent appeared twice in the Superior Court. The first time, he was ordered to render an account to appellant, his wife separate as to property, and the second time, his account was contested. Neither of the trial judges appear to have believed his testimony. The case also concerned interpretation of art. 1425 of the Civil Code, now repealed. The Superior Court did this, reducing the claim of appellant. I would allow the appeal, quash the judgment of the Court of Appeal and reinstate the terms of the judgment of the Superior Court, with costs in all Courts. Appeal allowed with costs. Solicitors for the plaintiff, appellant: Dupré & Gagnon, Montreal. Solicitors for the defendant, respondent: Geoffrion, Prud'homme, Chevrier & Cardinal, Montreal.

[1] [1973] C.A. 211.

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