

CANADA / JUDGMENT

Tur v. Tur Estate

2020 BCSC 1609

COURT

Supreme Court of British Columbia

DECIDED

29 October 2020

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2020 BCSC 1609 Tur v. Tur Estate IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Tur v. Tur Estate, 2020 BCSC 1609 Date: 20201029 Docket: S189978 Registry: Vancouver Between: Rasvinderjit Singh Tur Plaintiff And Abinder Singh Tur, Administrator of the Estate of Tirath Kaur Tur, Deceased, and THE ESTATE OF TIRATH KAUR TUR Defendants And Rasvinderjit Singh Tur Defendant By Way of Counterclaim Before: Master Harper Reasons for Judgment Counsel for the Plaintiff: No appearance Counsel for the Defendants: Z.C. Rogers Written Submission of the Defendants received: October 19, 2020 Place and Date of Judgment: Vancouver, B.C. October 29, 2020

Introduction

- [1] By way of an application by written submissions, the defendant, Abinder Singh Tur, seeks an order that the plaintiff provide written responses to nineteen requests made at his examination for discovery.
- [2] The plaintiff was properly served with the application materials but did not file an application response.

Background

- [3] Tirath Kaur Tur is the plaintiff's and the defendant's late mother.
- [4] The defendant is the administrator of the deceased's estate (the "Estate").
- [5] The plaintiff filed a notice of civil claim on September 13, 2018 and seeks a variety of relief from the defendant pertaining to the distribution of the Estate.
- [6] The defendant filed a response to civil claim on November 2, 2018, denying any wrongdoing in the administration of the Estate.
- [7] The defendant filed a notice of counterclaim on November 2, 2018, claiming that the plaintiff received advances on his inheritance from their parents while they were alive (the "Advances"), and that those Advances must be taken into consideration in the administration of the Estate.

- [8] The plaintiff (and the defendant by way of counterclaim) filed a response to counterclaim on January 4, 2019, denying any of the Advances.
- [9] An examination for discovery of the plaintiff was conducted on July 23, 2020. Legal Basis
- [10] Rule 7-2(18) of the Supreme Court Civil Rules provides that a person being examined for discovery must answer questions within her or his means of knowledge relating to any matter in question in the action.
- [11] Rule 7-2(22) provides the examining party may request the person being examined to inform herself or himself in order to answer questions and the examination may be adjourned for that purpose.
- [12] Rule 7-2(23) provides that a person requiring an adjournment may provide her or his response by way of a letter.

Analysis

- [13] The discovery requests are relevant to the defendant's defence of the plaintiff's claims against him, and the prosecution of his counterclaim against the plaintiff.
- [14] The plaintiff has not objected to the requests. I am satisfied that the requests are proper and should be answered. I grant the orders sought.
- [15] The plaintiff will pay the defendant his costs of this application in any event of the cause.
"Master Harper"

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