

ENDORSEMENTS

MACKHAN V. RAGNAUTH

File No. 11 49/92

Date

Counsel

April 6, 2009

1st. Walker

MR H Mandel

This is a motion by the Pets, Defs by Counter-claim for an order that a writ of seizure and sale registered against a property known as 27 Blue Haven Crescent, Toronto be lifted

This motion arises from a decision of this court made on March 20, 2001. In that order the plaintiffs to the counterclaim were awarded \$35,895.

Some seven years later, on Feb 4, 2008, counsel for the Defendants, plaintiffs by counter claim wrote to the Judge who made the original order asking the order to be

the main part

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		<p> amended claiming it needed "correction or clarification". The other side was not copied with that letter. On the 5th of February an order was prepared by counsel. The judge accommodated counsel for the Defendants, Plaintiffs by counter-claim and made an endorsement as sought. Once again the other side was not given notice. That order was then registered against the property related to it issued before me. </p> <p> The moving party claims that the respondents (on this motion) are out of time for the writ which was issued in 2008 and that is should ^{now} be lifted. </p>

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		<p>The Responding party now alleges fraud claiming that the moving made a fraudulent conveyance of its property in issue. The Responding party now seeks an adjournment to make a counter-motion and to improve its material.</p> <p>I am of the view an adjournment should be granted. Costs shall be to the moving party payable by the Defendants by Counter-claim fixed in the amount of \$6,238.17 payable in the cause. Adjd to May 13 2003 for return Aug 10, before me.</p>

