

Federal Court



Cour fédérale

Date: 20121116

Docket: IMM-2403-12

Citation: 2012 FC 1332

Ottawa, Ontario, November 16, 2012

PRESENT: The Honourable Mr. Justice Barnes

BETWEEN:

**RAMDIAL BANGA
PARBATIE BANGA AND
ANDY BANGA**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondents

REASONS FOR JUDGMENT AND JUDGMENT

[1] The Applicants were granted a stay of removal by Order of the Court dated March 15, 2012. That stay was granted in recognition of Parbatie Banga's pending knee surgery in April 2012. In the meantime the Applicants' humanitarian and compassionate application has been dismissed and Mrs. Banga has recovered from her surgery. In the result the events that justified the stay have been

overcome by the passage of time and the application is now moot. This point was recognized by the Federal Court of Appeal in *Baron v Canada*, 2009 FCA 81 at para 37, [2009] FCJ no 314:

37 As I understand Strayer J.'s Reasons, it is the passing of the events in respect to which the applicant was seeking a deferral of his removal, i.e. a Family Court conference and a medical appointment, which rendered the judicial review application moot. In those circumstances, as Strayer J. says above, "... there can be no practical effect of a judicial review decision". I cannot but agree with that statement in light of the facts before the learned Judge. It is clear, however, that Strayer J. did not conclude that the application before him was moot simply because the removal date had come and gone, which is the position adopted by the Applications Judge.

[2] In these circumstances no purpose is served by passing final judgment on the decision under review and the application is dismissed. No question of general importance arises and no question will be certified.

JUDGMENT

THIS COURT'S JUDGMENT is that this application is dismissed.

"R.L. Barnes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2403-12

STYLE OF CAUSE: BANGA ET AL v MCI ET AL

PLACE OF HEARING: Toronto, ON

DATE OF HEARING: November 15, 2012

REASONS FOR JUDGMENT: BARNES J.

DATED: November 16, 2012

APPEARANCES:

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FOR THE RESPONDENTS

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