

Federal Court of Appeal



Cour d'appel fédérale

Date: 20230302

**Dockets: A-49-22
A-66-22**

Citation: 2023 FCA 44

**CORAM: STRATAS J.A.
LOCKE J.A.
ROUSSEL J.A.**

BETWEEN:

CHANDRAHAS JOG

Appellant

and

BANK OF MONTREAL

Respondent

Heard at Toronto, Ontario, on March 2, 2023.
Judgment delivered from the Bench at Toronto, Ontario, on March 2, 2023.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

Federal Court of Appeal



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BETWEEN:

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Toronto, Ontario, on March 2, 2023).

STRATAS J.A.

[1] The appellant appeals from two orders of the Federal Court dated February 22, 2022 (*per* Elliot J.) (2022 FC 243) and March 22, 2022 (*per* O'Reilly J.). In each, the Federal Court dismissed Mr. Jog's motions for an extension of time to start applications for judicial review.

[2] This Court has consolidated these appeals. These reasons shall be filed in A-49-22 and a copy of these reasons shall be filed in A-66-22.

[3] The only issue before us is whether the Federal Court committed reversible error in its dispositions of Mr. Jog's motions. In much of his memorandum, Mr. Jog does not deal with that issue at all. Instead, he seeks to relitigate the merits of his dismissal from employment and related issues, matters that are not before us.

[4] In dismissing the motions for an extension of time, the Federal Court did not err in identifying and applying the governing legal test: see *Canada (Attorney General) v. Larkman*, 2012 FCA 204, 433 N.R. 184 at paras. 61-62. In applying that test to the evidence in each motion, the Federal Court did not make a palpable and overriding error. Thus, there are no grounds for this Court to intervene.

[5] In oral argument, Mr. Jog explained that medical problems and the time to prosecute other legal proceedings against the respondent were responsible for his long delays in filing the applications for judicial review. The evidence in the record before the Federal Court often consisted of brief and general assertions and often did not relate to the periods of delay that were in issue. In considering and evaluating this evidence, the Federal Court did not give effect to it. On this, we see no legal error or palpable and overriding error on the part of the Federal Court and, thus, we cannot interfere with the orders it made.

[6] Therefore, we will dismiss the appeals with costs in the fixed, all-inclusive amount of \$1,500 for each appeal, for a total of \$3,000.

"David Stratas"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS:

A-49-22 AND A-66-22

**APPEAL FROM AN ORDER OF THE HONOURABLE JUSTICE ELLIOTT DATED
FEBRUARY 22, 2022, DOCKET NO. 21-T-61**

**APPEAL FROM AN ORDER OF THE HONOURABLE JUSTICE O'REILLY DATED
MARCH 22, 2022, DOCKET NO. 22-T-14**

STYLE OF CAUSE:

CHANDRAHAS JOG v. BANK
OF MONTREAL

PLACE OF HEARING:

TORONTO, ONTARIO

DATE OF HEARING:

MARCH 2, 2023

**REASONS FOR JUDGMENT OF THE COURT
BY:**

STRATAS J.A.
LOCKE J.A.
ROUSSEL J.A.

DELIVERED FROM THE BENCH BY:

STRATAS J.A.

APPEARANCES:

Chandahas Jog

FOR THE APPELLANT

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FOR THE RESPONDENT

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