



11-15

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B E T W E E N:

SUKHWINDER SINGH

Applicant

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

GILES, A.S.P.:

This is yet another case of a failed attempt to file the Applicant's Record on the last possible day. The applicant's motion is supported by the affidavit of the lawyer bringing the motion, which is improper.

To obtain an extension of time the applicant must not only file evidence tending to excuse the delay, but must also show that an arguable case for leave exists. For this purpose it is not enough to exhibit the record intended to be filed and leave it to the Court to find that a case indeed exists. There may be evidence of a case in the record, but it is the job of counsel to outline the case and draw attention to the appropriate evidence in his submissions. This has not been done.

The motion for an extension of time must therefore be dismissed. But, because it appears that counsel is of the opinion that there is a case, leave will be

given to reapply on better evidence. That new application should not seek a *nunc pro tunc* order. Such an order would cause problems for the respondent, who would be placed in default by such an order without an opportunity to respond.

ORDER

The motion for an extension of time is dismissed with leave to reapply on or before November 20th, 1996.

"Peter A.K. Giles"

A.S.P.

Toronto, Ontario
October 25, 1996

FEDERAL COURT OF CANADA

Names of Counsel and Solicitors of Record

COURT NO: IMM-3214-96
STYLE OF CAUSE: SUKHWINDER SINGH
- and -
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

CONSIDERED AT TORONTO, ONTARIO UNDER THE PROVISION OF
RULE 324.

REASONS FOR ORDER
AND ORDER BY: GILES, A.S.P.

DATED: OCTOBER 25, 1996

SOLICITORS OF RECORD:

Mr. Roger Rowe
Barrister and Solicitor
1183 Finch Avenue West
Suite 405
Toronto, Ontario
M3J 2G2

Solicitor for the Applicant

Ms. Urszula Kaczmarczyk
Department of Justice
The Exchange Tower
Suite 3400, Box 36
2 First Canadian Place
Toronto, Ontario
M5X 1K6

George Thomson
Deputy Attorney General
of Canada

For the Respondent

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