

Date: 20001017
Docket: CA 163558

NOVA SCOTIA COURT OF APPEAL
[Cite as: Mehta v. College of Physicians and Surgeons
of Nova Scotia, 2000 NSCA 118]

Glube, C.J.N.S.; Freeman and Bateman, J.J.A.

BETWEEN:

NAVIN MEHTA

Appellant

- and -

THE COLLEGE OF PHYSICIANS AND SURGEONS OF NOVA SCOTIA

Respondent

REASONS FOR JUDGMENT

Counsel: Appellant in person
Marjorie A. Hickey, Q.C. for the respondent

Appeal Heard: October 17, 2000

Judgment Delivered: October 17, 2000

THE COURT: Appeal dismissed per oral reasons for judgment of Bateman,
J.A.: Glube, C.J.N.S. and Freeman, J.A. concurring.

BATEMAN, J.A.: (Orally)

- [1] This Court will not interfere with a discretionary interlocutory order unless a wrong principle of law has been applied or a miscarriage of justice will result.
- [2] We are not satisfied that in setting aside the Default Judgment or in striking the Statement of Claim Justice Goodfellow committed reversible error.
- [3] Accordingly, the appeal is dismissed.
- [4] As regards costs, we are not satisfied that the circumstances of this appeal meet the high threshold required to warrant an award of solicitor client costs. On the other hand, having found that the appeal is without merit, we order that the appellant Navin Mehta pay costs of the appeal to the respondent College of Physicians and Surgeons of Nova Scotia which costs are fixed at \$1000 inclusive of disbursements.

Bateman, J.A.

Concurred in:

Glube, C.J.N.S.

Freeman, J.A.