

Date: 19990107

Docket: CA 149847 & 149852

NOVA SCOTIA COURT OF APPEAL

Cite as: Ab Cale Industri v. J.J. MacKay Canada Ltd., 1999 NSCA 34

**Chipman, Hart and Pugsley, JJ.A.**

**BETWEEN:**

AB CALE INDUSTRI, a body corporate,  
PIERRE BARRÉ and CALE PARKING  
EQUIPMENT INC., a body corporate

Appellants

- and -

J. J. MACKAY CANADA LIMITED, a  
body corporate

Respondent

)  
)  
) Douglas W. Lutz  
) for the Appellant,  
) AB Cale Industri  
) and  
) Darlene A. Jamieson  
) for the Appellants,  
) Barré and Cale Parking

)  
) Daniel R. Pust  
) for the Respondent

)  
)  
) Appeal Heard:  
) January 7, 1999

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)  
) Judgment Delivered:  
) January 7, 1999

**THE COURT:**

Leave to appeal is granted and the appeal is dismissed with costs as per oral reasons for judgment of Chipman, J.A.; Hart and Pugsley, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

**CHIPMAN, J.A.:**

The appellants apply for leave and if granted, appeal from an interlocutory judgment of Stewart, J. in Chambers dismissing their application for a stay of proceedings herein on the basis of **forum non conveniens**.

We are unanimously agreed that it has not been shown that the Chambers judge erred in law, or that any injustice resulted from her judgment.

Leave to appeal is granted and the appeal is dismissed with costs which we fix at \$1,500.00, plus disbursements payable forthwith, to be paid as to one-half by the appellant AB Cale Industri and as to one-half by the appellants Pierre Barré and Cale Parking Equipment Inc.

Chipman, J.A.

Concurred in:

Hart, J.A.

Pugsley, J.A.