

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Sweeney v. Royal Bank of Canada*, 2003 NSCA 115

**Date:** 20031024

**Docket:** CA 195746

**Registry:** Halifax

**Between:**

Jack W. Sweeney and Judy Ann Smith

Appellants

v.

Royal Bank of Canada

Respondent

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**JUDGE:** Cromwell, J.A.

**APPEAL HEARD:** October 3, 2003

**JUDGMENT DELIVERED:** October 24, 2003

**SUBJECT:** Summary judgment - defence and counterclaim

**SUMMARY:** In a foreclosure action, the defendants filed a defence and counterclaim. The plaintiff Bank moved for summary judgment which was granted by a Chambers judge. The defendants appealed.

**ISSUE:** Did the judge err in granting summary judgment?

**RESULT:** Appeal dismissed. The judge did not err in law or make any palpable and overriding error of fact in ruling that the defence disclosed no *bona fide* defence and that the counterclaim disclosed no *bona fide* cause of action.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.**