

Date: 19971119

Docket: C.A. 136191

NOVA SCOTIA COURT OF APPEAL
Cite as: Manning (LaPaix) v. LaPaix, 1997 NSCA 180
Clarke, C.J.N.S.; Chipman and Cromwell, J.J.A.

BETWEEN:

GRISELDA MANNING (LAPAIX))	Katherine A. Briand
)	for the Appellant
Appellant)	
)	
- and -)	
)	Respondent in person
)	
WILLIAM LAPAIX)	
)	
Respondent)	Appeal Heard:
)	November 19, 1997
)	
)	
)	Judgment Delivered:
)	November 19, 1997
)	
)	
)	
)	
)	
)	
)	
)	
)	

THE COURT: Appeal allowed per oral reasons for judgment of Cromwell, J.A.;
Clarke, C.J.N.S. and Chipman, J.A. concurring.

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

CROMWELL, J.A.: (Orally)

The appellant's appeal to the Supreme Court was dismissed because there was no proof before the Court that personal service had been effected as had been directed by Justice MacLellan.

Before us Mr. LaPaix appeared and confirmed that he, in fact, received notice of the appeal to the Supreme Court. Therefore, personal service was, in fact, effected although proper proof thereof was not placed before Justice MacLellan as it ought to have been.

Accordingly, the appeal is allowed and the matter is remitted to the Supreme Court for hearing on the following conditions: (i) counsel for the appellant shall obtain a date from the Supreme Court for the hearing of the appeal; (ii) at least 30 days prior to the hearing of the appeal, the respondent shall be personally served with notice of the date, place, and time of hearing and any material to be placed before the Court for the purpose of the hearing of the appeal that has not already been received by the respondent; (iii) proof of such

personal service shall be filed before or at the hearing of the appeal.

No costs of this appeal are awarded.

Cromwell, J.A.

Concurred in:

Clarke, C.J.N.S.

Chipman, J.A.

