

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Ahmed v. Naseem, 2015 NSSC 161

Date: 2015 – 05 - 07

Docket: 1206-06433; SFSN-D 082475

Registry: Halifax

Between:

Mohammed Ahmed

Petitioner

v.

Iram Naseem

Respondent

Judge:

The Honourable Justice Elizabeth Jollimore

Heard:

May 7, 2015

Counsel:

Duncan MacEachern for Mohammed Ahmed
Diana Musgrave for Iram Naseem

By the Court:

[1] At the commencement of an application between Mohammed Ahmed and Iram Naseem, I heard Mr. Ahmed's motion to be assisted by a translator, Mohammed Iqbel, pursuant to Civil Procedure Rule 48.02. I ruled on this motion when it was heard and now provide a written version of my reasons.

[2] Pursuant to Rule 48.02(1), a party who has difficulty understanding the language in which a proceeding is conducted may make a motion to be assisted by an interpreter. In doing so, under Rule 48.03(2), that party must satisfy me that the proposed translator "has the ability to clearly understand the questions to be asked and the answers to be given, and to accurately translate the questions and answers."

[3] It's a requirement under Rule 48.03(3) that the translator must swear to a number of things. Mr. Iqbel has made clear he understands the obligation to accurately translate each question and answer, without "adding or subtracting" anything. He's not specifically addressed the requirement that he not communicate with a witness during the examination without advising me of that, but that, obviously, is something where direction would be given if he's approved and qualified as a translator to perform services. He specified that he's not related by blood or marriage to the witness, so he's met that obligation.

[4] The real concern here, identified by Ms. Musgrave, is in Rule 48.03(2), that Mr. Ahmed must satisfy me that Mr. Iqbel has the ability to clearly understand the questions to be asked and the answers to be given, and to accurately translate the questions and answers.

[5] I'm satisfied Mr. Iqbel understands the obligation to accurately translate the questions and answers.

[6] Mr. Ahmed failed to satisfy me that Mr. Iqbel has the ability to clearly understand the questions to be asked and the answers to be given. It was evident in Mr. Iqbel's own testimony that he was having difficulty following questions that were being asked and in providing answers that were directly responsive to those questions. As well, he testified that he, himself, would require the assistance of some electronic application possibly to provide translation.

[7] I am not satisfied that the proposed translator is an appropriate translator and should be qualified as one. That is in addition to the point identified by Ms. Musgrave that Mr. Ahmed has been able to participate in these court proceedings without identification, to date, of any difficulty in understanding, either by requiring affidavits to be translated for him so he may swear them or in giving testimony earlier in the court.

[8] I dismiss Mr. Ahmed's motion to be assisted by a translator.

Elizabeth Jollimore, J.S.C. (F.D.)

Sydney, Nova Scotia