

COURT FILE NO.: CV-05-011954-00
DATE: 20090408

ONTARIO
SUPERIOR COURT OF JUSTICE

RE: PARAMJIT SINGH DHALIWAL, BALWINDER SINGH DHALIWAL,
JASWINDER KAUR DHALIWAL and AMARJIT GAKHAL
(Plaintiffs)

- and -

GREGORY MILLER and ALL CANADA CRANE RENTAL CORP.
(Defendants)

COURT FILE NO.: CV-07-0879-00

ONTARIO
SUPERIOR COURT OF JUSTICE

RE: PARMJIT DHALIWAL (Plaintiff)

- and -

ROYAL & SUN ALLIANCE INSURANCE COMPANY INC.
(Defendants)

BEFORE: Daley J.

COUNSEL: Gurcharan Anand, for the Plaintiffs

Bruce Hutchison, for the Defendants Miller and All Canada Crane
Rental Corp.

Eric K. Grossman, for the Defendant Insurer, Royal & Sun Alliance
Insurance Company

Laurie S. Redden, for the Office of the Public Guardian and Trustee

ENDORSEMENT

[1] This follows my endorsement of October 6, 2008.

[2] Following that endorsement, counsel on behalf of the Public Guardian and Trustee sent two helpful letters dated November 28, 2008 and March 17, 2009.

[3] In accordance with the submissions made by counsel on behalf of the Public Guardian and Trustee, a capacity assessment was carried out by a designated capacity assessor, namely George Anand.

[4] I have received and considered Mr. Anand's amended assessment report of March 3, 2009. Following receipt of the submissions of counsel for the Public Guardian and Trustees Office, I am satisfied that there is no need for any further assessment of the plaintiff Paramjit Singh Dhaliwal. I am advised by counsel that Mr. Anand is the only designated capacity assessor capable of conducting a capacity assessment in Punjabi with respect to the plaintiff's ability to manage property.

[5] In view of the findings of Mr. Anand as outlined in his amended report, namely that the plaintiff is capable of managing his financial affairs, and, further, taking into account the most recent medical opinion available, namely as contained in the report of Dr. S. S. Sira dated November 13, 2008, I am satisfied that on the evidence available that the plaintiff is no longer a party under

disability and as such court approval of the settlement entered into by this party is not required.

[6] With regard to any issue related to the legal fees being charged by the plaintiffs' solicitor, I am also satisfied on the evidence that the plaintiff Paramjit Singh Dhaliwal is now content with the legal fees charged as against the recovery. This is apparent from his affidavit dated July 18, 2008. While this plaintiff may not have had the capacity to enter into the retainer and contingent fee agreement signed by him at the outset of the proceedings, I am satisfied that he is now capable of ratifying the terms of those agreements at this time and that he has done so.

[7] In the result, an order may issue confirming that court approval of the settlement in this matter is not required given that the said plaintiff is no longer a party under disability.

Daley J.

DATE: April 8, 2009

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