

Indexed as:
Singh v. Coseco Insurance Co.

Between
Elvin Singh and Dora Singh, plaintiffs/appellants, and
Coseco Insurance Company and HB Group
Insurance Management Ltd.,
defendants/respondents

[1999] O.J. No. 2236

Court File No. C27520

Ontario Court of Appeal
Toronto, Ontario

Finlayson, Weiler JJ.A. and MacPherson J. (ad hoc)

June 10, 1999.

(2 pp.)

Practice -- Costs -- Appeals -- Appeals from costs order.

Appeal by the plaintiffs Singh from dismissal of their action. Cross-appeal by the defendant Coseco from a costs order awarding the unsuccessful Singhs costs.

HELD: Appeal dismissed. Cross-appeal allowed. The trial judge erred with respect to the costs order. Coseco was entitled to party and party costs.

Counsel:

Steven Kruck, for the plaintiffs/appellants.

David Zarek, for the defendants/respondents.

The judgment of the Court was delivered by

1 FINLAYSON J.A. (endorsement):-- There is no merit to this appeal. It is dismissed with costs. The cross appeal is limited to the disposition of costs. It is clear that the trial judge was in error when she awarded any costs to the unsuccessful plaintiff. She should have held, as she was invited by the respondent's counsel at trial to hold, that the costs were to the defendant on a party and party basis throughout.

2 The cross appeal is allowed with costs and correct the error.

FINLAYSON J.A.

qp/t/jjy