

ABEL P A GUIMARAES vs VICTOR VOLKOV

HOFF. J

HEARD ON: 2001/03/09
DELIVERED ON: 2001/05/21

PRACTICE

SUMMARY JUDGMENT:

Application for condonation of non compliance with Rules -Late filing of heads of argument, late indexing and pagination. Explanation not totally satisfactory but cannot be said to be unreasonable - explanation accepted and condonation granted. Applicant visited with costs of application.

**IN THE MATTER
BETWEEN**

ABEL P A GUIMARAES

APPLICANT

versus

V
I
C
T
O
R
V
O
L
K
O
V

R
E
S
P
O
N
D
E
N
T

	<u>F</u>
<u>C</u>	<u>E.</u>
O	<u>J.</u>
:	:
R	R
A	es
M	p
:	o
H	n
O	de
F	nt
F,	/P
J.	la
	in
H	tif
ea	f
rd	in
o	sti
n:	tu
2	te
0	d
0	an
1.	ac
0	ti
3.	o
0	n
9	o
D	n
el	3
iv	Ju
er	ly

<u>J.</u>	R
:	es
R	p
es	o
p	n
o	de
n	nt
de	/P
nt	la
/P	in
la	tif
in	f
tif	in
f	sti
in	tu
sti	te
tu	d
te	an
d	ac
an	ti
ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7

p	n
o	de
n	nt
de	/P
nt	la
/P	in
la	tif
in	f
tif	in
f	sti
in	tu
sti	te
tu	d
te	an
d	ac
an	ti
ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t

nt	la
/P	in
la	tif
in	f
tif	in
f	sti
in	tu
sti	te
tu	d
te	an
d	ac
an	ti
ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an

tif	in
f	sti
in	tu
sti	te
tu	d
te	an
d	ac
an	ti
ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n

tu	d
te	an
d	ac
an	ti
ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r

ac	o
ti	n
o	o
n	n
o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en

o	3
n	Ju
3	ly
Ju	1
ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en
m	t
en	of
t	th
of	e

ly	9
1	9
9	7
9	ag
7	ai
ag	ns
ai	t
ns	ap
t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en
m	t
en	of
t	th
of	e
th	su
e	m
su	of
m	U

7		ai
ag		ns
ai		t
ns		ap
t		pl
ap		ic
pl		an
ic		t/
an		de
t/		fe
de		n
fe		da
n		nt
da		fo
nt		r
fo		pa
r		y
pa		m
y		en
m		t
en		of
t		th
of		e
th		su
e		m
su		of
m		U
of		\$
U		6
\$		0
6		0

t	pl
ap	ic
pl	an
ic	t/
an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en
m	t
en	of
t	th
of	e
th	su
e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0

an	de
t/	fe
de	n
fe	da
n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en
m	t
en	of
t	th
of	e
th	su
e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w

n	nt
da	fo
nt	r
fo	pa
r	y
pa	m
y	en
m	t
en	of
t	th
of	e
th	su
e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an

r	y
pa	m
y	en
m	t
en	of
t	th
of	e
th	su
e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl

en	of
t	th
of	e
th	su
e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r

e	m
su	of
m	U
of	\$
U	6
\$	0
6	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an

U	6
\$	0
6	0
0	0
0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o

0	0
0	0
0	0
0	w
0	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge

o	hi
w	ch
hi	w
ch	as
w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of

w	d
as	ue
d	an
ue	d
an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g

an	pa
d	ya
pa	bl
ya	e
bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g
si	ne
g	d
ne	b
d	y

bl	in
e	te
in	r
te	m
r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g
si	ne
g	d
ne	b
d	y
b	ap
y	pl
ap	ic
pl	an

r	s
m	of
s	an
of	ac
an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g
si	ne
g	d
ne	b
d	y
b	ap
y	pl
ap	ic
pl	an
ic	t
an	in
t	fa
in	v

an	k
ac	n
k	o
n	w
o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g
si	ne
g	d
ne	b
d	y
b	ap
y	pl
ap	ic
pl	an
ic	t
an	in
t	fa
in	v
fa	o
v	ur
o	of
ur	re

o	le
w	d
le	ge
d	m
ge	en
m	t
en	of
t	de
of	bt
de	si
bt	g
si	ne
g	d
ne	b
d	y
b	ap
y	pl
ap	ic
pl	an
ic	t
an	in
t	fa
in	v
fa	o
v	ur
o	of
ur	re
of	sp
re	o
sp	n
o	de

ge		
D	ntatio	
ef	n	
au	pertai	
lt	ning	
ju	to	
d	this	
g	applic	
m	ation	
en	have	
t	6. not	
w	been	
as	timeo	"G
gr	usly	oo
an	index	d
te	ed	ca
d	and	use
ag	pagin	sh
ai	ated.	ow
ns		n'
t	T	has
ap	hi	no
pl	s	w,
ic	ap	it
an	pl	see
t	ic	ms
o	at	,
n	io	be
3	n	en
F	fo	acc
	r	ept

ed to les,
mean but
not must
only also
must show
the that
applic he
ant has
seeki —
ng the fair
indul prosp 1.
gence ects the
of of late
condo succe fili
natio ss in ng
n for the of app
the appea lici
late l or ent
filing — is
of the reaso con
heads nable do
of prosp 7. co
argu ects nd
ment of oni
in an succe ng
appea ss." the
l - for fac
an I t
indul fu tha
gence rt t
it he do
undo r cu

menta

tion

pertai

ning

to

this

applic

ation

have

not

been

timeo

usly

index

ed

and

pagin

ated.

8. ap

pl

ic

an

t

to

pa

y

th

e

co

st

of

th