

Federal Court



Cour fédérale

Date: 20180802

Docket: T-1422-18

Citation: 2018 FC 815

Ottawa, Ontario, August 2, 2018

PRESENT: The Honourable Madam Justice McDonald

BETWEEN:

RAYAN CANADA INC.

Plaintiff

and

**MEDITERRANEAN SHIPPING COMPANY
S.A, NAJAH JUNDI AKA NAJAH ABOU
AMMO, MOHAMED JUNDI, KSB SHIPPING
& LOGISTICS INC., AND VIZENDER
MOHAN**

Defendants

ORDER AND REASONS

[1] The issue on this motion is who owns four containers of basmati rice currently in the possession of the Defendant Mediterranean Shipping Company (MSC) at the Port of Vancouver. By Order of Mr. Justice Diner on July 26, 2018, MSC was prohibited from shipping the rice until the issue of ownership could be determined.

[2] On August 1, 2018, this Motion was heard by teleconference. Immediately prior to the Motion, the Plaintiff, Rayan Canada Inc. (Rayan) filed an Affidavit of Kamal Ghandour sworn to on August 1, 2018, as an update to his Affidavit of July 25, 2018 filed in support of the Motion. Mr. Ghandour is the general manager of Rayan.

[3] In addition to the Motion materials filed by Rayan, legal counsel for Rayan also made oral submissions during the hearing of the Motion.

[4] The Defendant MSC did not participate in the Motion. The Plaintiff does not seek any relief from them, but they are a necessary party as they are in possession of the rice. The claim as against the Defendants KSB Shipping & Logistics Inc. and Vizender Mohan was discontinued prior to the hearing of the Motion.

[5] The main Defendants, Najah Jundi aka Najah Abou Ammo, and Mohamed Jundi, are mother and son. Ms. Jundi was employed by Rayan as an administrative assistant. Her son, Mr. Jundi was an authorized banking representative of Rayan and had full access to Rayan bank accounts. Ms. Jundi and Mr. Jundi did not file any evidence or documents on the Motion. They made oral submissions at the hearing of the Motion and were self-represented.

[6] The Plaintiff corporation, Rayan, alleges that the Defendants Ms. Jundi and Mr. Jundi unlawfully converted ownership of the four containers of rice from the Plaintiff corporation without the authority or authorization of Rayan. These transactions took place between July 10 and July 19, 2018 when Mr. Ghandour was out of the country.

[7] During her oral submissions Ms. Jundi claims to have purchased the rice from Rayan. However she did not file any evidence to substantiate this claim. For his part, Mr. Jundi states that he is relying upon his mother's submissions. When asked, he indicated that he did not provide any evidence to the Court with respect to his mother's claim to have purchased the rice.

[8] The only evidence before the court demonstrates that the Plaintiff Rayan Canada Inc. is the rightful owner of the four containers of basmati rice currently in the possession of MSC at the Port of Vancouver.

[9] As the successful party, the Plaintiff is entitled to costs against the Defendants Najah Jundi aka Najah Abou Ammo, and Mohamed Jundi.

ORDER in T-1422-18

THIS COURT ORDERS that:

1. The Plaintiff Rayan Canada Inc. is the owner of the four containers containing basmati rice currently in the possession of the Defendant Mediterranean Shipping Company at the Port of Vancouver; and
2. The Plaintiff shall have costs against the Defendant Najah Jundi aka Najah About Ammo in the amount of \$500.00 and shall have costs against the Defendant Mohamed Jundi in the amount of \$500.00. The costs are payable forthwith.

"Ann Marie McDonald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1422-18

STYLE OF CAUSE: RAYAN CANADA INC. v MEDITERRANEAN SHIPPING COMPANY S.A, NAJAH JUNDI AKA NAJAH ABOU AMMO, MOHAMED JUNDI, KSB SHIPPING & LOGISTICS INC., AND VIZENDER MOHAN

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: AUGUST 1, 2018

ORDER AND REASONS: MCDONALD J.

DATED: AUGUST 2, 2018

APPEARANCES:

Andrei Korottchenko

FOR THE PLAINTIFF

Najah Jundi
Mohamed Jundi

FOR THE DEFENDANTS
(ON THEIR OWN BEHALF)

SOLICITORS OF RECORD:

Isaacs & Co.
Toronto, Ontario

FOR THE PLAINTIFF