

Date: 20081104

Docket: T-1389-08

Citation: 2008 FC 1232

BETWEEN:

TRIPTA VERMA

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

REASONS FOR ORDER

PHELAN J.

I. INTRODUCTION

[1] These are the reasons for my Order of November 3, 2008 dismissing the appeal of Prothonotary Lafrenière's Order of October 14, 2008 striking the Plaintiff's Statement of Claim.

II. BACKGROUND

[2] This case is linked, in some ill-defined way, to at least three other Court files - T-156-06, T-1696-06 and T-1940-06 - each of which have been dismissed by judges of this Court.

[3] The current proceeding is in respect of a Statement of Claim filed on September 8, 2008 containing numerous, fanciful and legally untenable allegations including that of the “tort of perspective and impending *Charter* breach”, misfeasance in public office by “anticipated application to strike”, the “perspective *Charter* tort of misfeasance in public office” by refusing to admit that the Judicial Administrator of the Federal Court (amongst others) have “not engaged in mischief of Rule 399 motions, in respect of the other Court files listed” [*sic*].

[4] The Statement of Claim goes on in the same nature and style, the details of which are both extensive and unnecessary to outline here.

[5] The learned Prothonotary struck the Statement of Claim. In so doing, the learned Prothonotary described the Statement of Claim as making broad, sweeping and, at times, scandalous allegations that the Crown and others deprived the Plaintiff of access to the provincial and federal courts.

[6] The learned Prothonotary also held that the Statement of Claim failed to comply with Rule 174 of the *Federal Courts Rules* in that it failed to plead the essential elements of each cause

of action. The learned Prothonotary also found that the Statement of Claim was nonsensical, in that it failed to disclose any rational argument based upon material facts or the law.

III. ANALYSIS

[7] As this is an appeal of the learned Prothonotary's judgment, it is one based upon law and is final as against the Plaintiff. As such, the standard of review of the learned Prothonotary's decision is correctness.

[8] I have read the Plaintiff's Notice of Appeal in which she alleges 40 errors in the learned Prothonotary's judgment which consisted of four paragraphs of legal findings.

[9] The hearing of this matter was somewhat unusual. Issues regarding security raised by the Defendant were addressed by the Court.

[10] The Plaintiff requested, on the Friday preceding the hearing of this appeal and again at the hearing, an adjournment in order that she could have the Canadian government provide a translator or alternatively to allow her son, Pradeep Kumar Verma, to assist her in presenting her case and to provide him with a CTR or CART interpreter. The Plaintiff also requested the adjournment on the basis that the Crown was to provide her with a lawyer to assist in the hearing.

[11] The Plaintiff also sought an order requiring the Registry to accept a Notice to Admit and the request for my recusal. There is no merit in either motion. A Notice to Admit is not one which is filed with the Court. There is no reason for my recusal.

[12] As to a translator for the Plaintiff, there is no evidence of the Plaintiff's inability to speak and understand English although it was at times difficult to understand. The evidence before the Court is that the Plaintiff has signed numerous documents of a fairly complex nature without any indication of a lack of ability to read or write English.

[13] As to the request for her son to represent or assist her in her representation, that was denied. Rule 119 of the *Federal Courts Rules* permits only a person to appear on their own behalf or with counsel. Further, the Court was advised that Mr. Verma remains under a guardianship order issued by the Supreme Court of British Columbia and as such, is under a legal disability. Therefore, Mr. Verma is in no position to assist the Plaintiff.

[14] Proceedings in the Court were adversely affected by the Plaintiff's attempt to avoid the ruling in respect of representation by having her son type answers to questions or submissions which the Plaintiff then read, apparently, verbatim.

[15] The Defendant's counsel has advised that to date no proceedings for the declaration of a vexatious litigant have been undertaken. It is the Court's view that it may well be in the public interests for the Defendant to re-visit that issue in the very near future.

[16] Lastly, as to the merits of the appeal, I see no error in the learned Prothonotary's conclusions. This appeal is devoid of any merit whatsoever.

IV. CONCLUSION

[17] Therefore, this appeal is dismissed with costs for the day at \$2,500.00 to be paid forthwith.

[18] The motion for adjournment, the filing of the Notice to Admit and my recusal are also dismissed.

Vancouver, British Columbia
November 4, 2008

“Michael L. Phelan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1389-08

STYLE OF CAUSE: TRIPTA VERMA

and

HER MAJESTY THE QUEEN

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: November 3, 2008

REASONS FOR ORDER: Phelan J.

DATED: November 4, 2008

APPEARANCES:

Ms. Tripta Verma

FOR THE PLAINTIFF

Ms. B.J. Wray
Ms. Valerie Anderson

FOR THE DEFENDANT

SOLICITORS OF RECORD:

SELF-REPRESENTED

FOR THE PLAINTIFF

MR. JOHN H. SIMS, Q.C.
Deputy Attorney General of Canada
Vancouver, British Columbia

FOR THE DEFENDANT