

SUPERIOR COURT OF JUSTICE – ONTARIO

7755 Hurontario Street, Brampton ON L6W 4T6

RE: BAJWA, Shaila, **applicant**

AND:

EL HAFIANE, Kamilia,
ESTATE OF BIKRAM SINGH BAJWA, **respondents**

BEFORE: Justice MANDHANE

COUNSEL: SIDDIQUI, Shahzad, for **applicant**
Email: Shahzad@lmklawyers.com

GAERTNER, Arie/ BHATTI, Naveera for **respondents**
Email: arie@gaertnerbaron.com

HEARD: January 6, 2026 by video conference

ENDORSEMENT

1. The Applicant brings a motion to find the Respondent in contempt of court for breach of Justice McSweeney's order. That order, which was made on consent, imposed a timetable for the remaining steps in this action. Those steps included cross-examinations and a mediation. To date, neither of these steps have taken place. Therefore, the Applicant also asks me to find the Respondent in contempt, order a new timetable for cross-examination of the

Respondent, and to set a date for mediation with the litigation guardian for the deceased.

2. Because I had a long motions list, I encouraged the parties to try to resolve this matter in a breakout room while waiting to be called.
3. The parties were also able to agree on consent to a new timetable for cross-examination of the Respondent, to appointment of an estate trustee during litigation, and to appointment of a mediator.
4. However, the parties could not agree on the proper parties to the mediation. After hearing submissions, I ruled that the mediation shall be confined to the parties to the current action. That is the mediation that Justice McSweeney contemplated and ordered on consent on February 13, 2025. The Respondent now says that she wants me to order that the mediation also require the participation of the deceased's corporation. I refuse to do so because the deceased's corporation is not a party to this action and its position on participating in mediation is unknown.
5. Given the Respondent's agreement to substantive terms, the Applicant abandoned its motion for a finding of contempt. However, Applicant asks that I award \$5000 in costs for today's appearance. The Applicant says that this motion was required to move the matter along, since the Respondent did not respond to her requests to schedule cross-examinations or attend mediation, despite consenting to these steps before Justice McSweeney.
6. The Respondent says that I should not order any costs because the motion was waste of time because the parties were ultimately able to resolve the matters. The Respondent says that filing a contempt motion was draconian and required the preparation of voluminous materials, only to be withdrawn before me after the parties came to an agreement on most of the terms.

7. I would order \$2500 in costs for today. The Respondent provided no good reason for refusing to agree to the cross-examination and mediation that had been previously ordered *on consent*. This motion was necessary precisely because the Respondent flagrantly breached a court order to which she had previously agreed. On the other hand, I would not order \$5000 because I agree that the contempt motion was premature given the seriousness of such a finding. It would have been more prudent and cost effective for the Applicant to have moved for directions rather than contempt.
8. Order at Case Centre A490 to go as drafted by counsel and reviewed and signed by this court.
9. I am not seized.

Reimer