

** Unedited **

Indexed as:

Nantong S.A. v. Katic

Between

Nantong S.A., plaintiff (respondent), and
Vladimir A. Katic and Canadian Triton International Ltd.,
defendants (appellants)

And between

Vladimir A. Katic and Canadian Triton International Ltd.,
plaintiffs by counterclaim (appellants), and
Nantong S.A., Optik Inc., Abolfath Mahvi and Pascal Mahvi,
defendants to the counterclaim (respondents)

[1997] O.J. No. 817

Court of Appeal File No. C25404 and Court File No. 95-CU-88739

**Ontario Court of Appeal
Toronto, Ontario
McKinlay, Catzman and Labrosse J.J.A.**

February 26, 1997.
(2 pp.)

Practice — Judgments and orders — Summary judgments — Setting aside — Bar to application, existence of issue to be tried.

Appeal by the defendants from an order granting summary judgment.

HELD: Appeal allowed. There were genuine issues for trial.

Counsel:

Keith M. Landy, for the appellants.
No other counsel mentioned.

The judgment of the Court was delivered by

¶ 1 **McKINLAY J.A.** (endorsement):— We are of the view that there are genuine issues for trial especially with respect to misrepresentation. The appeal is allowed, the order of Paisley J. set aside and the case remitted for trial. Costs of the motion for summary judgment and the appeal will be in the cause.

McKINLAY J.A.

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