

CITATION: ABDIWAHAN v. RAJASINGHAM, 2012, ONSC #3200
COURT FILE NO.: 06-CV-313613PD1
DATE: 20120605

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: MOHAMED ABDIWAHAN,

AND:

PATHMANATHAN RAJASINGHAM

BEFORE: STEWART, J.

COUNSEL: *Mohamed Abdiwahan*, in person

Cameron D. Neil, for the Defendant

HEARD: In Writing

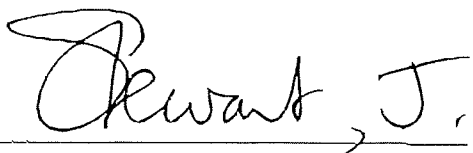
COSTS ENDORSEMENT

[1] In my decision of January 9, 2012, I invited the parties to provide written submissions on costs if that issue could not be agreed upon. I have received submissions from the Defendant only who seeks approximately \$70,000.00 in costs.

[2] Although the Plaintiff achieved some very modest success in the action, such success was far outweighed by the Defendant's ultimate victory in regard to resisting the significant majority of the Plaintiff's claims which were advanced against him.

[3] However, the proceedings would have been shortened had the Defendant not falsely alleged forgery of some of the relevant documentation. This falsehood was admitted by him only shortly before the commencement of the trial.

[4] In all of the circumstances, and taking into account all of the relevant factors concerning costs, including the Defendant's conduct and the overriding principle of proportionality, I consider a fair and reasonable assessment of the Defendant's costs is \$25,000.00, inclusive of all disbursements and applicable taxes. The Defendant shall therefore recover that amount from the Plaintiff as costs of the proceedings.



STEWART, J.

Date: June 5, 2012