

514

No. 527/72

IN THE SUPREME COURT OF ONTARIO

THE HONOURABLE  
MR. JUSTICE PENNELL }  
}

Thursday, the 13th day of July, 1972.

BETWEEN:

MANSOOR ALI JUDGE and KHAWJA M. ASGHAR  
on behalf of themselves and all members  
and adherents of the Jami' Mosque of  
Toronto,

Plaintiffs

and

MUSLIM SOCIETY OF TORONTO INC. and  
AYUBE ALLY and SATALI B. KERIM

Defendants

AND BETWEEN:

MUSLIM SOCIETY OF TORONTO INC.  
AYUBE ALLY and SATALI B. KERIM

Plaintiffs by  
Counterclaim

and

MANSOOR ALI JUDGE and KHAWJA M. ASGHAR  
and MURZA QADEER BAIG on behalf of  
themselves and all members and adherents  
of the Jami' Mosque of Toronto

Defendants by  
Counterclaim

O R D E R

Upon Motion made the 17th day of May, 1972, unto this Court on behalf of the Defendants for an Order restraining the Plaintiffs and the Defendant by Counterclaim, Murza Qadeer Baig, from attending at or near the premises of the Muslim Society of Toronto, Inc. situate at 56 Boustead Avenue, in the City of Toronto in the Municipality of Metropolitan Toronto and from picketing the premises and the like;

Upon Motion made this day unto this Court on behalf of the Plaintiffs and the Defendants by Counterclaim for an Order restraining the Defendants from

selling, mortgaging or otherwise dealing with the said premises at 56 Boustead Avenue, Toronto, being described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto, and being composed of that part of Lot Number 19 according to registered Plan Number 367, more particularly described as follows:- Commencing in the north limit of Boustead Avenue (formerly Howard Street) at the intersection of that limit with the westerly limit of Plan 473; Thence northerly along the said westerly limit of Plan 473, 252 feet more or less to the southerly limit of Radford Avenue; Thence westerly along that limit 66 feet; Thence southerly parallel to the said westerly limit of Plan 473, 252 feet more or less to the northerly limit of Boustead Avenue; Thence easterly along that limit 66 feet to the place of beginning.

Upon reading the proceedings herein, the Notices of Motion herein dated respectively the 8th day of May, 1972, and the 15th day of May, 1972, the affidavits of Ayube Ally sworn the 21st day of April, 1972, and the 5th day of May, 1972, filed, and the affidavit of Walter Howell sworn the 16th day of May, 1972, filed, and the affidavit of Murza Qadeer Baig sworn the 15th day of May, 1972, filed, and the affidavit of Mansoor Ali Judge sworn the 15th day of May, 1972, filed, in the presence of Counsel for the Plaintiffs and for the Defendants, upon hearing what was alleged by Counsel aforesaid and the Court reserving its decision thereon until this day:

1. This Court doth order that the Plaintiffs and the Defendant by Counterclaim, Murza Qadeer Baig be and the same are hereby restrained until the trial of this action from interfering with the locks, doors and fixtures of the said premises, 56 Boustead Avenue, Toronto, provided that this Order is suspended if the said Plaintiffs and the Defendant by Counterclaim give an

undertaking not to interfere with the said doors, locks and fixtures pending the trial of this action.

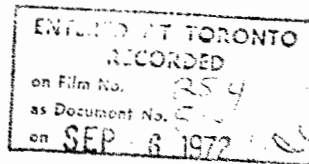
2. And this Court doth further order that the Defendants be and the same are hereby restrained until the trial of this action from selling or mortgaging the said premises at 56 Boustead Avenue, Toronto, provided that this Order is suspended if the Defendants give an undertaking not to sell or mortgage the said premises pending the trial of this action.

3. And this Court doth further order that pleadings herein may be delivered and examinations for discovery held during Long Vacation.

4. And this Court doth further order that the trial of this action be expedited.

5. And this Court doth further order that the costs of these motions be costs in the cause.

*W.A. McKinnon*  
*Deputy Registrar*



157663WG

JUDGE et al

157663WG

TORONTO (No. 63)

I CERTIFY THAT THIS INSTRUMENT IS REGISTERED AS OF 3.56.1972

7 SEP 1972 IN THE

Registry Office at Toronto Ontario  
M. J. ...  
REG. 1107

and

MUSLIM SOCIETY OF TORONTO INC. et al

*1000*

39101

39101

CERTIFIED COPY OF ... FOR REGISTRATION

SEP 3 56 7 1972

PROPERTY OF THE REGISTRY OFFICE

ALEX C. THOMPSON  
12 Becho ...  
Toronto