



Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Electronically issued : 20-Aug-2018
Délivré par voie électronique
Brampton

SONIA SHETH, PORSHIA MEHTA, SURJIT LUTHRA, PARMESHVAR
LUTHRA, ARJUN LUTHRA and NEELAMJIT LUTHRA

Plaintiffs

and

2120073 ONTARIO INC. O/A BOMBAY BHEL RESTAURANT

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

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TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date _____ Issued by _____
Local Registrar

Address of Superior Court of Justice
court office: 7755 Hurontario Street
Brampton, ON L6W 4T1

TO: 2120073 Ontario Inc. o/a BOMBAY BHEL RESTAURANT
6415 Erinmills Parkway
No. B2
Mississauga, Ontario L5N 4H4

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CLAIM

1. The Plaintiff, Sonia Sheth, claims:

- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
- (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (d) the costs of this proceeding, plus all applicable taxes; and
- (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.

2. The Plaintiff, Porshia Mehta, claims:

- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
- (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (d) the costs of this proceeding, plus all applicable taxes; and
- (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.

3. The Plaintiff, Surjit Luthra, claims:

- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
- (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;

- (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (d) the costs of this proceeding, plus all applicable taxes; and
 - (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.
4. The Plaintiff, Parmeshvar Luthra, claims:
- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
 - (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (d) the costs of this proceeding, plus all applicable taxes; and
 - (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.
5. The Plaintiff, Arjun Luthra, claims:
- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
 - (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (d) the costs of this proceeding, plus all applicable taxes; and
 - (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.
6. The Plaintiff, Neelamjit Luthra, claims:

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- (a) Damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00);
- (b) pre-judgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) post-judgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (d) the costs of this proceeding, plus all applicable taxes; and
- (e) Such further and other relief as counsel may suggest and this Honourable Court may deem just.

THE PARTIES

7. The Plaintiff, Sonia Sheth, resides in the City of Brampton, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

8. The Plaintiff, Porshia Mehta, resides in the City of Milton, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

9. The Plaintiff, Surjit Luthra, resides in the City of Mississauga, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

10. The Plaintiff, Parmeshvar Luthra, resides in the City of Mississauga, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

11. The Plaintiff, Arjun Luthra, resides in the City of Mississauga, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

12. The Plaintiff, Neelamjit Luthra, resides in the City of Mississauga, in the Province of Ontario, and was, at all material times, an invitee on the property located at 5035 Hurontario Street, Mississauga, Ontario, L4Z 3X7 (hereinafter “the Premises”).

13. The Defendant, 2120073 Ontario Inc. o/a Bombay Bhel Restaurant (hereinafter “Bombay Bhel”), is a corporation, duly licenced to carry on business under the laws of the Province of Ontario as a restaurant, and was, at all material times, the owner and/or occupier of the Premises.

THE BOMBING

14. The Plaintiffs state and the fact is that on or about May 24th, 2018, the Plaintiffs were having dinner on the Premises, when suddenly and without warning, they heard a loud blast and felt a severe impact on their bodies, and soon realized it was a bomb explosion (hereinafter the “Bombing”). As a result of the aforesaid bombing, the Plaintiffs will continue to suffer severe and permanent injuries.

THE LIABILITY OF BOMBAY BHEL

15. The Plaintiffs state that, at all material times, the restaurant was maintained and/or controlled by the Defendant, Bombay Bhel, and as such, the Defendant was responsible in law for the general condition, maintenance and safety of the restaurant.

16. The Plaintiffs state that at all material times hereto, the Defendant, Bombay Bhel, was the occupier of the premises within the meaning of the term "Occupier" (in the *Occupier's Liability Act*, R.S.O. 1990, c.O.2 and all amendments thereto) and the Defendant breached its statutory duty to ensure that the persons entering the restaurant were reasonably safe while they were in the restaurant.

17. The Plaintiffs believe that the bombing was carried out by a rival faction in a "turf war" between rival business associates. Therefore, on May 24th, 2018, Bombay Bhel knew or ought to have known that it was targeted directly for bombing.

18. The Plaintiffs state that the defendant, Bombay Bhel, failed to hire sufficient amount of security personnel and/or failed to provide security personnel with appropriate training given that they were aware of the rival business associates.

19. The Plaintiffs state that the defendant, Bombay Behl was wilfully, intentionally and/or negligently blind to the real and actual threat of the bombing.

20. The Plaintiffs state that the bombing occurred at 10:32pm. The doors of the restaurant were supposed to be closed at 10:30pm. Therefore, had the doors been closed on time, the bombing would not have happened inside the restaurant.

21. The Plaintiffs state that the defendant, Bombay Behl, failed to take precautions to prevent the bombing which it knew or ought to have known was likely to occur.

22. The Plaintiffs state that the bombing of May 24th, 2018 was caused by the negligence, fault and/or breach of duty on the part of the Defendant, its agents, servants and/or employees, the particulars of which include but are not limited to:

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- (a) it neglected to see that persons entering the restaurant were reasonably safe while they were inside the restaurant;
- (b) it failed to maintain the restaurant in a safe manner;
- (c) it failed to install and/or maintain a sufficient amount of cameras;
- (d) it failed to hire a sufficient number of security guards to pre-empt and/or respond to situations such as that of May 24th, 2018;
- (e) it failed to inspect the restaurant;
- (f) it allowed the restaurant to be left in a dangerous manner;
- (g) it failed to exercise adequate care and control over a dangerous situation;
- (h) it failed to take reasonable steps necessary to secure the safety of lawful patrons of the restaurant;
- (i) it failed to have a regular system of inspection and maintenance for the restaurant;
- (j) it failed to adequately monitor the restaurant, to ensure the safety of lawful patrons in the restaurant;
- (k) it failed to employ responsible, reasonable or adequate staff to supervise and maintain the Premises;
- (l) it failed to employ responsible, reasonable or adequate security personnel to supervise the Premises;
- (m) it failed to employ a responsible, reasonable or adequate overseeing manager to supervise the Premises;
- (n) it failed to properly train the security personnel, head of security, and/or the overseeing manager;
- (o) it failed to maintain the Premises in a reasonably safe condition;

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- (p) it failed to institute a system to monitor the conditions of the Premises and to respond appropriately to same;
- (q) it failed to provide adequate security on the Premises;
- (r) it failed to monitor the invitees of the Premises;
- (s) it failed to monitor the conditions of the Premises and respond appropriately to same;
- (t) it failed to take reasonable precautions for the safety of persons using the Premises; and
- (u) it failed to take reasonable care to see that persons such as the Plaintiff, would be safe in using the Premises for the purpose for which it was intended.

DAMAGES

23. As a result of the bombing, the Plaintiff, **Sonia Sheth**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to her leg(s);
- (b) injuries to arm(s);
- (c) post-traumatic stress disorder;
- (d) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (e) psychological injuries, including depression, anxiety and psychosis.

24. As a result of said injuries, the Plaintiff, **Sonia Sheth**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in her leg(s);
- (b) ongoing pain and dysfunction in her arm(s);

- (c) headaches;
- (d) chronic pain;
- (e) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;
- (f) a general tearing and straining of the muscles and ligaments throughout her body;
- (g) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (h) insomnia;
- (i) a reduction in the activities which she enjoyed prior to the bombing; and
- (j) a reduction in her enjoyment of life.

25. As a result of the Bombing, the Plaintiff, **Porshia Mehta**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to her ear(s);
- (b) post-traumatic stress disorder;
- (c) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (d) psychological injuries, including depression, anxiety and psychosis.

26. As a result of said injuries, the Plaintiff, **Porshia Mehta**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in her ear(s);
- (b) chronic pain;
- (c) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;

- (d) a general tearing and straining of the muscles and ligaments throughout her body;
- (e) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (f) insomnia;
- (g) a reduction in the activities which she enjoyed prior to the Bombing; and
- (h) a reduction in her enjoyment of life.

27. As a result of the Bombing, the Plaintiff, **Surjit Luthra**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to her ear(s);
- (b) injuries to her leg(s);
- (c) post-traumatic stress disorder;
- (d) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (e) psychological injuries, including depression, anxiety and psychosis.

28. As a result of said injuries, the Plaintiff, **Surjit Luthra**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in her ear(s);
- (b) ongoing pain and dysfunction in her leg(s);
- (c) chronic pain;
- (d) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;
- (e) a general tearing and straining of the muscles and ligaments throughout her body;

- (f) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (g) insomnia;
- (h) loss of appetite;
- (i) a reduction in the activities which she enjoyed prior to the Bombing; and
- (j) a reduction in her enjoyment of life.

29. As a result of the Bombing, the Plaintiff, **Parmeshvar Luthra**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to his ankle(s);
- (b) injuries to his ear(s);
- (c) post-traumatic stress disorder;
- (d) bruising and contusions to his entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (e) psychological injuries, including depression, anxiety and psychosis.

30. As a result of said injuries, the Plaintiff, **Parmeshvar Luthra**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in his ankle(s);
- (b) ongoing pain and dysfunction in his ear(s);
- (c) chronic pain;
- (d) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;
- (e) a general tearing and straining of the muscles and ligaments throughout her body;

- (f) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (g) insomnia;
- (h) severe shivering;
- (i) a reduction in the activities which she enjoyed prior to the Bombing; and
- (j) a reduction in her enjoyment of life.

31. As a result of the Bombing, the Plaintiff, **Arjun Luthra**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to his ear(s);
- (b) injuries to his left foot;
- (c) injuries to his left leg;
- (d) injuries to his right thigh;
- (e) injuries to his pancreas;
- (f) post-traumatic stress disorder;
- (g) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (h) psychological injuries, including depression, anxiety and psychosis.

32. As a result of said injuries, the Plaintiff, **Arjun Luthra**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in his ear(s);
- (b) ongoing pain and dysfunction in his left foot;
- (c) ongoing pain and dysfunction in his left leg;
- (d) ongoing pain and dysfunction in his right thigh;
- (e) ongoing pain and dysfunction in his pancreas;

- (f) chronic pain;
- (g) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;
- (h) a general tearing and straining of the muscles and ligaments throughout her body;
- (i) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (j) insomnia;
- (k) a reduction in the activities which she enjoyed prior to the Bombing; and
- (l) a reduction in her enjoyment of life.

33. As a result of the Bombing, the Plaintiff, **Neelamjit Luthra**, suffered severe, painful and permanent injuries, which include, but are not limited to:

- (a) injuries to her leg(s);
- (b) injuries to her left index finger;
- (c) post-traumatic stress disorder;
- (d) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs; and
- (e) psychological injuries, including depression, anxiety and psychosis.

34. As a result of said injuries, the Plaintiff, **Neelamjit Luthra**, has suffered and will continue to suffer from, among other symptoms:

- (a) ongoing pain and dysfunction in her leg(s);
- (b) ongoing pain and dysfunction in her left index finger;
- (c) headaches;
- (d) chronic pain;

- (e) bruising and contusions to her entire body, including the neck, head, shoulders, lower back, elbows, arms, and legs;
- (f) a general tearing and straining of the muscles and ligaments throughout her body;
- (g) emotional and psychological trauma, post-traumatic stress, anxiety and depression;
- (h) insomnia;
- (i) loss of appetite;
- (j) a reduction in the activities which she enjoyed prior to the Bombing; and
- (k) a reduction in her enjoyment of life.

35. As a result of the Bombing, the Plaintiffs have undergone and will continue to undergo extended therapy, rehabilitation and other forms of medical treatment, and, in addition, have received and will continue to receive medication for their bombing-related injuries.

36. As a result of the Bombing, the Plaintiffs have incurred and will continue to incur attendant care expenses, as well as expenses for medication, therapy, rehabilitation, medical treatment and other forms of care, the full particulars of which will be provided prior to trial.

37. As a result of the Bombing, the Plaintiffs have sustained permanent, serious impairments and/or disfigurement of important physical, mental or psychological functions.

38. As a result of the Bombing, the Plaintiffs have sustained and will continue to suffer loss of income, a reduction in their ability to compete in the labour market, a reduction in their ability to earn an income, and restrictions in the types of employment they will be able to undertake.

39. As a result of the bombing, the Plaintiffs may very well be forced to retire earlier than they would otherwise have done, and will suffer a loss of income as a result.

40. As a result of the bombing, the Plaintiffs are unable to perform household chores to the extent that they were able to before the bombing, and have required and will require assistance in the future to complete such chores.

41. As a result of the bombing, the Plaintiffs have been unable to maintain their previous lifestyle and have experienced a loss of enjoyment of life. The Plaintiffs will continue to experience pain and suffering and will not be able to resume their previous lifestyle for an indefinite period of time.

42. By reason of the negligence of the Defendants, the Plaintiffs have incurred out-of-pocket expenses and losses to date and will continue to incur out-of-pocket expenses and losses into the future.

43. The Plaintiffs plead and rely upon the *Negligence Act*, R.S.O. 1990, c. N.1, the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2 and The *Insurance Act*, R.S.O. 1990, c. I.8, all as amended.

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44. The Plaintiffs propose that this action be tried at Brampton.

(Date of issue)

**DIAMOND AND DIAMOND LAWYERS
LLP**

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SONIA SHETH et al.
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STATEMENT OF CLAIM

DIAMOND AND DIAMOND LAWYERS LLP

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Toronto, Ontario, M2J 1R4

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