

Green Forest Lumber Limited (Plaintiff)*Appellant;*

and

General Security Insurance Company Limited (Defendant) Respondent.

1980: February 14.

Present: Ritchie, Dickson, Estey, McIntyre and Chouinard JJ.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Maritime law — Insurance — Dismissal of appellant's action seeking declaration that it was the proper owner of and beneficiary under an insurance policy respondent was obliged to issue — No error in judgment at trial or on appeal — The Marine Insurance Act, R.S.O. 1970, c. 260, s. 23.

APPEAL from a judgment of the Federal Court of Appeal¹, dismissing an appeal from a judgment of Addy J.² at trial in the matter of a maritime insurance claim. Appeal dismissed.

Peter F. M. Jones and R. G. Keel, for the appellant.

Vincent Prager and Peter Cullen, for the respondent.

The judgment of the Court was delivered orally by

RITCHIE J.—Notwithstanding the persuasive argument of counsel, we are all of opinion that no error has been shown to exist in the judgments rendered at trial and on appeal. This makes it unnecessary to consider the question of damages. The appeal is accordingly dismissed with costs.

Appeal dismissed with costs.

Solicitors for the appellant: McMillan, Binch, Toronto.

Solicitors for the respondent: Stikeman, Elliott, Roberts & Bowman, Toronto.

¹ [1978] 2 F.C. 773.

² [1977] 2 F.C. 351.