

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250430

Docket: A-237-24

Citation: 2025 FCA 86

**CORAM: GLEASON J.A.
LEBLANC J.A.
HECKMAN J.A.**

BETWEEN:

MOHAMMAD AHMAD CHAUDRY

Appellant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Dealt with in writing without appearance of the parties.

Judgment delivered at Ottawa, Ontario, on April 30, 2025.

REASONS FOR JUDGMENT BY:

GLEASON J.A.

CONCURRED IN BY:

**LEBLANC J.A.
HECKMAN J.A.**

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REASONS FOR JUDGMENT

GLEASON J.A.

[1] The appellant appeals from the order of the Federal Court, issued on May 15, 2024 in Court File No. 24-T-41. In that order, the Federal Court (*per* Gleeson J.) dismissed the appellant's motion to (a) extend the time within which to bring the motion; and (b) reconsider under Rule 397 of the *Federal Courts Rules* an April 11, 2024 order refusing an extension of time to judicially review a decision of the Appeal Division of the Social Security Tribunal (the Appeal Division) made over two years earlier on January 14, 2022.

[2] In its January 14, 2022 decision, the Appeal Division refused leave to appeal an earlier decision of the General Division of the Social Security Tribunal that refused Canada Pension Plan disability benefits to the appellant.

[3] I see no basis to interfere with the Federal Court's May 15, 2024 order, which may only be set aside if the Federal Court erred in law or made a palpable and overriding error of fact or of mixed fact and law. The Federal Court did not make any such error.

[4] The Federal Court correctly held that Rule 397 provides only a very narrow basis to correct slips of the pen or accidental omissions and is not to be used to re-argue decided matters, as this Court held in *Sharma v. Canada (Revenue Agency)*, 2020 FCA 203 at paragraph 3.

[5] Nor did it err in finding that the appellant's submissions expressed disagreement with the Federal Court's April 11, 2024 order and that the motion under Rule 397 therefore could not succeed.

[6] Finally, I see no error in the Federal Court's discretionary decision to decline the requested extension for bringing the reconsideration motion considering the unmeritorious nature of that motion.

[7] I would therefore dismiss this appeal. I would amend the style of cause to correctly name the respondent. I would make no order as to costs as none were sought by the respondent.

“Mary J.L. Gleason”

J.A.

“I agree.

René LeBlanc J.A.”

“I agree.

Gerald Heckman J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-237-24

STYLE OF CAUSE:

MOHAMMAD AHMAD
CHAUDRY v. THE ATTORNEY
GENERAL OF CANADA

DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR JUDGMENT BY:

GLEASON J.A.

DATED:

APRIL 30, 2025

CONCURRED IN BY:

LEBLANC J.A.
HECKMAN J.A.

WRITTEN REPRESENTATIONS BY:

Mohammad Ahmad Chaudry

FOR THE APPELLANT ON HIS
OWN BEHALF

Ian McRobbie

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Shalene Curtis-Micallef
Deputy Attorney General of Canada

FOR THE RESPONDENT