

[2] Mr. Jhanji requires leave to appeal the order because he has been declared a vexatious litigant in this Court (see *The Court of Appeal Act*, CCSM c C240, s 31.2(1); *Re Jhanji*, 2025 MBCA 61). In addition, even if leave were granted, the present application was filed well past the requirement that an appeal from a chambers order must be initiated within fifteen days after the pronouncement of the order (see MB, *Court of Appeal Rules (Civil)*, Man Reg 555/88R, r 46 [the *CA Rules*]).

[3] The complex background of the underlying litigation has been thoroughly reviewed in several decisions; therefore, I will not repeat it here (see the following decisions):

- the *representation decision*;
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd*, 2025 MBCA 24 [the *2025 CA decision*];
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd and Landmhel Real Estate Services Inc*, 2023 MBKB 161 [the *2023 KB appeal decision*];
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd, et al*, 2023 MBKB 79 [the *2023 KB decision*];
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd*, 2022 MBQB 89;
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd*, 2022 MBQB 16; and
- *7602678 Manitoba Ltd v 6399500 Manitoba Ltd*, 2021 MBQB 110).

[4] On May 28, 2024, the Chief Justice heard a motion by the plaintiff asking that Mr. Jhanji be allowed to file documents and appear on its behalf on an appeal before a full panel of this Court.

[5] On July 25, 2024, the Chief Justice pronounced the order denying the motion. As noted above, she ordered that Mr. Jhanji was not allowed to represent the plaintiff before a full panel of this Court and that if the plaintiff did not retain counsel by September 3, 2024, the appeal would be deemed abandoned.

[6] On August 6, 2024, Mr. Jhanji attempted to file a notice of appeal of the order on behalf of the plaintiff. This was rejected by the Court of Appeal registry because the plaintiff had not retained a lawyer as required by the order.

[7] It was not until February 17, 2026, that Mr. Jhanji filed this application for leave to proceed with an appeal of the order.

[8] There are three main reasons why this application for leave to proceed should be denied: (1) the appeal is moot; (2) the appeal is frivolous and has no reasonable chance of success; and (3) even if leave were granted, Mr. Jhanji has not shown that an extension of time should be granted. I will address each of these in turn.

The Appeal Is Moot

[9] A court may decline to decide a case that raises a merely hypothetical or abstract question and where the decision of the court will have no practical effect on the rights of the parties (see *Borowski v Canada*

(*Attorney General*), [1989] 1 SCR 342 at 353, 1989 CanLII 123 (SCC), cited with approval in *Gateway Bible Baptist Church et al v Manitoba et al*, 2023 MBCA 56 at para 21).

[10] In the 2025 CA decision¹, Spivak JA explained that the statement of claim that initiated the proceedings between the same parties as on this application was struck in the Court of King's Bench for failing to disclose a reasonable cause of action, being frivolous and vexatious and being an abuse of process (see the 2023 KB appeal decision; the 2023 KB decision). As a result, an action no longer exists between the parties and there is no live controversy relating to Mr. Jhanji's ability to represent the plaintiff.

[11] In particular, Spivak JA stated (the 2025 CA decision at paras 20-21):

Given that [the plaintiff's] claim has been struck and been deemed abandoned, the issue of Mr. Jhanji's entitlement to represent [the plaintiff] is moot . . . With [the plaintiff]'s action against the defendants now at an end, there is no ongoing proceeding involving [the plaintiff] and no live controversy relating to Mr. Jhanji's representation of that company.

My view of the mootness of the appeal as it relates to [the plaintiff]'s representation is unaltered by Mr. Jhanji's attempt to appeal the Chief Justice's order, which deemed the appeal of the [the 2023 KB appeal decision] abandoned. The Chief Justice's order was an order of this Court that continues in force and applies even when a party attempts to appeal that very order (see *Green v University of Winnipeg*, 2020 MBCA 2; *Klippenstein v Winpark Dorchester Properties*, 2016 MBCA 53). Consequently, for [the plaintiff] to take any further steps in the appeal of the [the 2023 KB appeal decision], which includes appealing the Chief Justice's order that prohibited Mr. Jhanji from representing [the plaintiff] in this Court, it requires a

¹ This is a decision on files 9830 and 9986.

lawyer to do so on its behalf. [The plaintiff] did not retain a lawyer to seek a stay, extend the time to appeal or file an appeal of the Chief Justice's order. Therefore, it remains that the issue of the representation of [the plaintiff] concerns an action that has been extinguished and is accordingly moot.

[12] I am faced with the same circumstances in the application before me. The order that Mr. Jhanji cannot represent the plaintiff continues to be in force. The plaintiff still has not retained counsel to seek a stay of the order, extend the time to file an appeal or to file an appeal of the order. There is no longer an active action between the parties. The question of who can represent the plaintiff is now completely moot.

The Appeal Is Frivolous and Has No Reasonable Chance of Success

[13] In matters where leave is required to bring an appeal, an applicant must first demonstrate that the proposed appeal is not frivolous, that the appeal has a reasonable chance of success or that the applicant is advancing an arguable case (see *Green v University of Winnipeg*, 2020 MBCA 49 at para 9).

[14] This Court follows the common law rule that a corporation must be represented by legal counsel when appearing before a full panel, except where dispensation is granted in exceptional circumstances (see *7451190 Manitoba Ltd v CWB Maxium Financial Inc et al*, 2019 MBCA 28 [*7451190 Manitoba Ltd*]; *2272539 Manitoba Ltd v Manitoba (Liquor Control Commission)*, 1996 CanLII 12428 (MBCA)). In the *representation decision*, the Chief Justice held that there must be clear and unambiguous evidence to establish exceptional circumstances and that onus was not met in this case.

[15] The decision whether to allow an individual to represent a corporation is a discretionary one (see *7451190 Manitoba Ltd* at paras 32, 35; *54129 Man Ltd v MacGillivray*, [1989] 5 WWR 365, 1989 CanLII 7266 (MBQB)). The discretionary decisions of a motion judge are entitled to deference. A panel will not intervene unless the motion judge erred in principle or reached an unreasonable result, or if the motion judge's decision reflects legal error or a misapprehension of material evidence (see *Correct Building Corporation v Lehman*, 2022 ONCA 723 at para 3).

[16] On the material filed and the submissions made before me on this application, Mr. Jhanji has not articulated how he says the Chief Justice erred in principle, committed a legal error or misapprehended material evidence.

[17] Most of Mr. Jhanji's material and submissions focus on his perception that it is unfair that none of the lawyers he contacted would take on the plaintiff's case. He strenuously argued that this Court should empanel a group of lawyers who would be required to take on cases for corporations. In addition, Mr. Jhanji attempts to relitigate matters decided by a panel of this Court in the *2025 CA decision*.

[18] Other than asserting that the Chief Justice should have decided the *representation decision* differently, Mr. Jhanji has not pointed to any errors in the decision. As such, Mr. Jhanji's proposed appeal is frivolous, he does not have an arguable case and the appeal has no chance of success.

Extension of Time

[19] In his written materials, Mr. Jhanji did not address the issue that, even if he were granted leave to proceed, he would also require an extension

of time to file an appeal (see the *CA Rules*, rr 42, 46). I asked him to address that issue at the hearing before me, which he did.

[20] The criteria considered on an application to extend time to file an appeal include: (1) was there a continuous intention to appeal from the time the appeal period started, (2) is there a reasonable explanation for the delay, and (3) are there arguable grounds of appeal (see *R v DBR*, 2005 MBCA 21 at para 6).

[21] Mr. Jhanji attempted to file a notice of appeal of the order on behalf of the plaintiff within fifteen days after the pronouncement of the order. However, the notice of appeal was properly rejected by the Court of Appeal registry because the plaintiff had not complied with the order that it retain counsel to act on its behalf.

[22] Mr. Jhanji now asks, why should the plaintiff have to retain a lawyer when the issue it is trying to appeal is the order that required it to retain a lawyer? Even if that were a valid question (and I do not accept that it is in the present circumstances), Mr. Jhanji has not provided any information to show that he had a continuous intention to appeal or that he has a reasonable explanation for the delay from August 6, 2024, when the notice of appeal was rejected, to February 17, 2026, when this application for leave was filed. I have been provided with absolutely no explanation for the fact that over eighteen months passed before Mr. Jhanji took any further action.

[23] As explained above, I am not satisfied that Mr. Jhanji has shown that there are arguable grounds of appeal and, in addition, the appeal is now moot. For the reasons already set out, I find that his proposed appeal is frivolous and does not have a reasonable chance of success.

[24] Mr. Jhanji has not established that an extension of time to appeal should be granted.

Disposition

[25] The application for leave to proceed with an appeal of the order is denied.

[26] Given that the defendant, Landmhel Real Estate Services Inc., did not participate in this application, I am not making an order of costs.

JA