

IN THE COURT OF APPEAL OF MANITOBA

BETWEEN:

<i>VIBHU RAJ JHANJI</i>)	<i>V. R. Jhanji</i>
)	<i>on their own behalf</i>
)	
<i>(Applicant) Applicant</i>)	<i>No appearance</i>
)	<i>for the Respondent</i>
<i>- and -</i>)	
)	<i>Chambers motion heard:</i>
<i>THE LAW SOCIETY OF MANITOBA</i>)	<i>March 12, 2026</i>
)	
<i>(Respondent) Respondent</i>)	<i>Decision pronounced:</i>
)	<i>April 8, 2026</i>

TURNER JA

[1] The applicant seeks leave to appeal a costs order from the Court of King’s Bench. Leave is required, pursuant to section 31.2(1) of *The Court of Appeal Act*, CCSM c C240 [the *Act*], because the applicant has been declared a vexatious litigant in this Court (see *Re Jhanji*, 2025 MBCA 61).

[2] For the reasons that follow, the application for leave is denied.

Background

[3] The applicant is a lawyer by training who was called to the bar in Manitoba in 2015. In 2018, the respondent (the LSM) issued an interim suspension against him. In 2019, he appealed the interim suspension to the Court of Queen’s Bench (as it then was).

[4] In the brief filed by the LSM on June 6, 2019, in anticipation of the hearing of the interim suspension appeal, the LSM submitted that the appeal should be dismissed with costs.

[5] After a hearing on June 13, 2019, the Court of Queen's Bench judge (the judge) upheld the applicant's interim suspension, with costs to the LSM (see *Jhanji v The Law Society of Manitoba*, 2019 MBQB 90). The applicant appealed the decision to uphold the interim suspension to this Court (the related costs order was not appealed), and his appeal was dismissed with costs (see *Jhanji v The Law Society of Manitoba*, 2020 MBCA 48).

[6] On June 16, 2025, the LSM filed a bill of costs in this Court and the Court of King's Bench, which detailed its tariff costs and disbursements. On the same date, a certificate of taxing officer was filed, which indicated that the costs of the LSM were taxed and allowed against the applicant.

[7] The parties subsequently disagreed about what was to be included in the order of costs.

[8] On December 19, 2025, the applicant and counsel for the LSM appeared before the judge to seek directions as to costs. After hearing from both parties, the judge held that that the applicant was to pay an identified amount of costs to the LSM.

Analysis

[9] 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).

[10] While most of the applicant's voluminous material on this application repeats the issues he has previously raised regarding his interim suspension, on the issue of costs, he asserts that the judge erred by not inviting further submissions regarding costs after his decision. The applicant says the judge was required to ask for submissions regarding the factors outlined in rule 57.01 of the MB, *King's Bench Rules*, Man Reg 553/88.

[11] An award of costs is a discretionary decision that is entitled to deference. Appellate intervention is only justified if the judge made an error in principle or if the costs award is plainly wrong (see *Hamilton v Open Window Bakery Ltd*, 2004 SCC 9 at para 27). The general rule is that costs go to the successful party in litigation (see *Betts v Porsan*, 2021 MBCA 57 at para 18).

[12] On the material filed and submissions made before me on this application, the applicant's proposed appeal is frivolous, he does not have an arguable case and the appeal has no chance of success. The applicant has not demonstrated that the judge made an error in principle by making the decision on costs or that the decision was plainly wrong.

[13] The applicant was clearly put on notice that the LSM was asking for costs should it be the successful party when the request was included in its written submissions prior to the June 13, 2019 hearing. As a result, the applicant cannot credibly say he was taken by surprise that costs were awarded to the LSM when the applicant's appeal was dismissed or that he did not have an opportunity to make submissions regarding costs.

[14] Rule 57.01 outlines several factors that a court *may* consider when ordering costs; the rule does not mandate that a judge hold a separate hearing on costs. Neither Rule 57.01 nor any other rule requires that a judge seek out further submissions from the parties. While in some situations a hearing on costs may be helpful, the applicant has not pointed me to any authority that indicates a separate hearing is required.

[15] A final note regarding leave. The applicant argues that the judge granted him leave to appeal at the January 2026 hearing; therefore, he should not be required to seek leave in this Court. Near the conclusion of the January hearing, the judge stated: “If I’m wrong, you can go to the Court of Appeal”. The applicant is incorrect that this statement amounts to being granted leave to proceed with an appeal pursuant to section 31.2(1) of the *Act*. Given that the applicant has been declared a vexatious litigant in this Court, he requires leave from a judge of this Court to institute or continue a proceeding.

Disposition

[16] The application for leave to appeal the costs order is denied.

[17] Given that the LSM did not participate in this application, I am not making an order of costs.