

IN THE COURT OF APPEAL OF MANITOBA

Coram: Mr. Justice Marc M. Monnin
Madam Justice Jennifer A. Pfuetzner
Madam Justice Anne M. E. Turner

<i>IN THE MATTER OF:</i>)	<i>V. R. Jhanji</i>
<i>VIBHU RAJ JHANJI</i>)	<i>on his own behalf</i>
)	
)	<i>Motion heard:</i>
<i>AND IN THE MATTER OF:</i>)	<i>June 9, 2025</i>
<i>Section 31.1 of The Court of Appeal Act,</i>)	
<i>CCSM c C240</i>)	<i>Decision pronounced:</i>
)	<i>June 19, 2025</i>

PER CURIAM

Introduction

[1] Vibhu Raj Jhanji (Mr. Jhanji) has brought a multitude of meritless appeals and motions to this Court. After the most recent appeal hearing, we moved to declare him a vexatious litigant pursuant to section 31.1 of *The Court of Appeal Act*, CCSM c C240 [the *Act*]. We provided an opportunity for Mr. Jhanji to file written submissions on the motion and held a further hearing to allow for oral argument.

[2] After considering Mr. Jhanji's written and oral submissions, and the history of the proceedings he has brought to this Court, we are of the view that he is a vexatious litigant. Our reasons follow.

Background

Proceedings with the Law Society of Manitoba

[3] Mr. Jhanji is a lawyer by training. On January 14, 2020, he was found incompetent to practise law in Manitoba by the Law Society of Manitoba (the LSM) (see *The Law Society of Manitoba v Jhanji*, 2020 MBLS 1). On June 23, 2020, he was suspended from the practice of law for a fixed period of three years and, indefinitely, until he could establish his competency to practise law (see *The Law Society of Manitoba v Vibhu Jhanji*, 2020 MBLS 6 [the *suspension order*]).

[4] This Court dismissed Mr. Jhanji's challenges to the LSM's previous order of interim suspension and to the *suspension order* (see *Jhanji v The Law Society of Manitoba*, 2020 MBCA 48; *Jhanji v The Law Society of Manitoba*, 2022 MBCA 78 [*Jhanji 2022*]; *Jhanji v The Law Society of Manitoba*, 2023 MBCA 15 (dismissal of a motion seeking rehearing of the appeal in *Jhanji 2022*)).

[5] After all those challenges were dismissed, Mr. Jhanji filed a statement of claim against the LSM and others (the LSM defendants). The LSM defendants filed motions for summary judgment striking the statement of claim without leave to amend. The motion judge characterized the statement of claim as "an attempt to relitigate [Mr. Jhanji's] suspension from the practice of law which has been upheld numerous times." The motion judge granted the motion and struck the claim, stating that it was "frivolous and vexatious" and "an abuse of the process of the Court" (the striking order).

[6] Mr. Jhanji filed a notice of appeal in respect of the striking order and then brought a motion before a judge of this Court in chambers seeking various relief, including “mid-appeal disclosure” of documents from the LSM (*Jhanji v The Law Society of Manitoba*, 2024 MBCA 64 at para 8 [the *chambers order*]) and disqualification of counsel for the LSM defendants. The motion was dismissed (see *ibid* at para 14).

[7] Mr. Jhanji appealed the *chambers order*. This Court heard that appeal together with the appeal of the striking order. Both appeals were dismissed (see *Jhanji v Law Society of Manitoba*, 2025 MBCA 11). As previously indicated, it was at the end of the hearing of those appeals that we moved to declare Mr. Jhanji a vexatious litigant.

[8] A motion for a rehearing of those appeals was dismissed (see *Jhanji v Law Society of Manitoba*, 2025 MBCA 45).

Proceedings Involving the Manitoba Human Rights Commission

[9] In a parallel proceeding, Mr. Jhanji filed a complaint with the Manitoba Human Rights Commission (the MHRC) against the LSM, alleging systemic bias and that it discriminated against him because of his nationality during the disciplinary hearings that resulted in the *suspension order*. The MHRC declined to investigate the complaint on the basis that it lacked jurisdiction to do so because the matter had already been determined by the courts. The MHRC concluded that the complaint was “frivolous and vexatious”.

[10] Mr. Jhanji sought judicial review of the MHRC decision in the Court of King’s Bench (the KB). His application was dismissed, prompting him to

appeal to this Court. The appeal is currently pending in File No. AI24-30-10039.

Proceedings Involving 7602678 Manitoba Ltd.

[11] Meanwhile, in November 2020, Mr. Jhanji filed a statement of claim naming himself and 7602678 Manitoba Ltd. (760) as plaintiffs in connection with a failed real estate transaction. The defendants (the real estate defendants) moved to strike the statement of claim and to have Mr. Jhanji disqualified from representing 760. The LSM sought and was granted party intervener status on the issue of Mr. Jhanji's standing to represent 760 in light of the *suspension order*.

[12] The master (now referred to as associate judge) struck Mr. Jhanji as a plaintiff and barred him from representing 760 (see *7602678 Manitoba Ltd v 6399500 Manitoba Ltd*, 2022 MBQB 16). Mr. Jhanji and 760 appealed the associate judge's order to the KB and moved for a stay. A judge dismissed the request for a stay. In the interim, the deadline for filing the appeal brief had passed, resulting in the appeal being deemed abandoned.

[13] Mr. Jhanji and 760 then moved before another judge of the KB for an order extending the time to file the appeal brief to revive the appeal of the associate judge's order. That motion was dismissed, prompting Mr. Jhanji to appeal to this Court (the extension appeal). While the extension appeal was pending, Mr. Jhanji and 760 brought a motion in chambers seeking (1) a stay of the KB proceedings, (2) an order disqualifying counsel for the LSM, (3) the issuance of a notice of contempt against counsel for the LSM, and (4) other relief. The motion was dismissed (see *7602678 Manitoba Ltd v 6399500*

Manitoba Ltd, 2023 MBCA 78). That chambers order was appealed to a panel of this Court.

[14] There being no stay granted, the motion of the real estate defendants to strike the statement of claim in its entirety proceeded before, and was granted by, the associate judge (see 7602678 *Manitoba Ltd v 6399500 Manitoba Ltd*, 2023 MBKB 79).

[15] That order was appealed to yet another judge of the KB, who dismissed the appeal (see 7602678 *Manitoba Ltd v 6399500 Manitoba Ltd and Landmhel Real Estate Services Inc*, 2023 MBKB 161). This order was appealed to this Court (the main 760 appeal).

[16] The Chief Justice of Manitoba denied a motion for an order granting leave to Mr. Jhanji to represent 760 on its three related appeals (see 7602678 *Manitoba Ltd v 6399500 Manitoba Ltd*, 2024 MBCA 59). As a result of 760 failing to retain counsel within the time frame set by the Chief Justice, the main 760 appeal was deemed abandoned.

[17] The extension appeal and the appeal from the *chambers order* were heard by this Court on January 20, 2025. Both appeals were dismissed (see 7602678 *Manitoba Ltd v 6399500 Manitoba Ltd*, 2025 MBCA 24). In a now familiar pattern, Mr. Jhanji filed a motion for a rehearing of these appeals, which was recently dismissed (see 7602678 *Manitoba Ltd v 6399500 Manitoba Ltd*, 2025 MBCA 60).

Legal Test for Vexatious Proceedings

[18] The ability to make a vexatious litigant order recognizes the fundamental right of a court to prevent abuses of its own processes. In *Green v University of Winnipeg*, 2018 MBCA 137 [*Green*], Steel JA adopted the well-known *Lang Michener* test (see *Re Lang Michener and Fabian* (1987), 59 OR (2d) 353, 1987 CanLII 172 (Ont H Ct J) [*Lang Michener*]) for determining whether proceedings are vexatious. She wrote (*Green* at para 29):

A leading case in this area is *Re Lang Michener and Fabian* (1987), 37 DLR (4th) 685 (Ont SC (H Ct J)). In that case, Henry J identified the following non-exhaustive factors to assist the Court in ascertaining whether a matter was vexatious (at p 691):

- (a) the bringing of one or more actions to determine an issue which has already been determined by a court of competent jurisdiction constitutes a vexatious proceeding;
- (b) where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief, the action is vexatious;
- (c) vexatious actions include those brought for an improper purpose, including the harassment and oppression of other parties by multifarious proceedings brought for purposes other than the assertion of legitimate rights;
- (d) it is a general characteristic of vexatious proceedings that grounds and issues raised tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;
- (e) in determining whether proceedings are vexatious, the court must look at the whole history of the matter and not just whether there was originally a good cause of action;

- (f) the failure of the person instituting the proceedings to pay the costs of unsuccessful proceedings is one factor to be considered in determining whether proceedings are vexatious;
- (g) the respondent's conduct in persistently taking unsuccessful appeals from judicial decisions can be considered vexatious conduct of legal proceedings.

[19] Mr. Jhanji asserts that he is not vexatious, as he has simply taken proceedings and sought remedies that are available to him at law and under the Court rules. His position is that the LSM is “flouting the law” and has had its decisions “rubber stamped” by the courts.

[20] In our view, most, if not all, of the *Lang Michener* factors are met in connection with the appeals and motions brought by Mr. Jhanji to this Court. He has brought multiple proceedings that seek to relitigate matters that have already been finally determined; it is objectively clear that the proceedings will not result in the relief sought; his written materials refer back to identical or nearly identical grievances from prior hearings and appeals, including allegations of bias on the part of judges of this Court; he has sought the disqualification of counsel acting for the LSM and other responding parties; and he has sought the rehearing of unsuccessful appeals and has appealed unsuccessful chambers motions.

[21] Viewing the entire history of the proceedings brought by Mr. Jhanji to this Court as earlier described, we conclude that this is a clear case of him persistently instituting vexatious proceedings to this Court.

Decision

[22] As a result, pursuant to section 31.1(1) of the *Act*, we order that:

- (1) Mr. Jhanji is prohibited from continuing any appeals or motions already instituted, including his appeal in File No. AI24-30-10039, without first obtaining leave of a judge of this Court.
- (2) Mr. Jhanji is prohibited from initiating any further proceedings before this Court without first obtaining leave of a judge of this Court.
- (3) The registrar of the Court of Appeal is authorized to reject any correspondence or document that is attempted to be filed in contravention of this order, or is deemed not compliant with the *Act*, the rules or any order of this Court.

[23] A copy of this order shall be provided to the parties to the appeals in File Nos. AI24-30-10123 and AI24-30-10060, as well as to the parties to the appeal in File No. AI24-30-10039.

[24] As this order arises out of the Court's own motion, we make no award of costs.

Monnin JA

Pfuetzner JA

Turner JA