

Civil Appeals Office
Room E307, Royal Courts of Justice
Strand
London
WC2A 2LL

Our ref 061514.00004
Doc ref 66894284.1

By CE File and by email:
E: civilappeals.cmsB@justice.gov.uk

Dear Civil Appeals Office

6 January 2026

Alkiviades David ("Appellant") v Mahim Khan ("Respondent")
CA-2025-002562

1. We refer to the above appeal in which we act for Mahim Khan, the Respondent. For completeness, the Appellant is copied to this correspondence using his three email addresses provided for service in the proceedings brought against the Appellant by the Respondent in case number KB-2025-001991.
2. We refer to the Court's email to the Appellant dated 17 December 2025 and timed at 16:38 hours to which we were copied ("**17 December Email**"). The 17 December Email enclosed, amongst other things, a letter from the Civil Appeals Office dated the same ("**17 December Letter**"). Both the email and letter set out a number of directions which the Appellant was required to comply with by 31 December 2025, which includes but is not limited to, serving the appellant's notice and a copy of your letter and serving an index to the core bundle and any supplementary bundle on the Respondent.
3. **NON-COMPLIANCE OF DIRECTIONS BY THE APPLICANT**

Appellant's Notice and appeal bundle
- 3.1 We confirm that, as at the date of this letter, the Applicant has not been served with **any** of the documents which the Applicant was required to serve in accordance with the directions set out in the 17 December Letter, namely:
 - 3.1.1 A copy of the Appellant's Notice and a copy of the 17 December Letter (*required pursuant to paragraph 1 if not done so already*). We have received a copy of the 17 December Letter from the Court of Appeal Office because we were copied into the email sending the 17 December Letter with enclosures to the Appellant; and



- 3.1.2 the index to the core bundle and any supplementary bundle by 31 December 2025 (*required pursuant to paragraph 5*).
- 3.2 As to paragraph 3.1.2 above, we confirm that the Appellant has not engaged with this firm with regards to the appeal bundle.

Other directions and Skeleton Argument

- 3.3 In connection with the other directions comprised in the 17 December Letter we have not been copied to any correspondence from the Appellant to the Civil Appeals Office. Consequently, we do not know whether those directions have been complied with.
- 3.4 By way of example, we do not know whether by 31 December 2025 the Appellant filed with the Civil Appeals office a certificate of service and lodged a core bundle of documents (*required pursuant to paragraphs 2 and 4 of the 17 December Letter, respectively*).
- 3.5 Paragraph 6 of the 17 December Letter confirms that the Appellant was required to lodge two copies of his skeleton argument by 16 December 2025 and refers to paragraph 4 below¹ which sets out the requirements for the skeleton argument². We note that the directions in the 17 December Email invite the Respondent to file submissions (if any) under paragraph 19 of CPR Practice Direction 52C, to the application with 14 days of receiving the Appellant's skeleton argument or grounds of appeal, whichever is later.
- 3.6 As at the date of this letter, the Respondent has not been served with the notice of appeal, grounds of appeal or the Appellant's skeleton argument. We first became aware of the appeal when we received an email which was addressed to this firm as well as the Court of Appeal dated 16 October 2025 timed at 16:21 which purports to include a notice of appeal within the body of the email itself. We have also been copied into a number of emails to the Court of Appeal. A copy of the email dated 16 October 2025 together with copies of other emails which appear to relate to the Appellant's appeal are enclosed with this letter for your information. Those emails include an email which states that the Appellant purportedly filed a skeleton argument on 23 December 2025:
- 3.6.1 Email dated 26 October 2025 and timed at 16:57 hours: This email purports to be a skeleton argument since the subject is titled "*Re: SKELETON ARGUMENT & SUMMARY OF GROUNDS FOR APPEAL*". There is no skeleton argument or summary of grounds attached to the email, nor does the body of the email contain the same. The email is in any event superseded by the email referred to below (see *pages 21 - 22 of the enclosed emails*).
- 3.6.2 Email dated 24 December 2025 and timed at 02:21 hours: The email states "*For completeness, I confirm that the Appellant's Skeleton Argument in CA-2025-002562 was filed on 23 December 2025. The Appellant's Notice (Form N161) has already been filed and sealed. This email is sent for confirmation only. Parties are copied*" (our underlining) (see *page 23 of the enclosed emails*).

¹ See 17 December Letter, page 3, paragraph 4.

² We assume "16 December 2025" is a typographical error and was intended to refer to "17 December 2025", being the date of the 17 December Letter.

3.7 The second email from the Appellant states that a skeleton argument was filed on 23 December 2024, one week after the filing deadline of 16 December 2025. The Respondent has not been copied to any emails to the court filing the same.

4. **THE RESPONDENT'S POSITION**

4.1 In circumstances where the Respondent has not been served with Appellant's Notice (setting out the grounds of appeal) or the Appellant's Skeleton Argument, the Respondent considers the Appellant's appeal to be out of time.

4.2 Absent receipt of the Appellant's Notice and/or Skeleton Argument, the Respondent is unable to understand the grounds of appeal and is therefore unable (if so advised) to respond to the Notice of Appeal by filing submissions pursuant to paragraph 19 of CPR Practice Direction 52C.

4.3 Accordingly, the Respondent invites the court to dismiss the Respondent's appeal.

5. **NEXT STEPS**

5.1 We kindly request that this correspondence be placed before the Court of Appeal for urgent consideration given the appeal purports to date back to 16 October 2025 and recorded on the court file.

5.2 We should be grateful if you would acknowledge receipt to the following email addresses: Rebecca.Hume@howardkennedy.com; Ajay.Fournillier@howardkennedy.com; and Boniswa.Dzere@howardkennedy.com.

5.3 Please do let us know if we can assist the court further. We look forward to hearing from you.

Yours faithfully



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Encs: As above.