

IN THE COURT OF APPEAL (CIVIL DIVISION)

Appeal No: CA-2025-002562

High Court Reference: KB-2025-001991

Between

ALKIVIADES DAVID – Appellant

and

MAHIM KAHN & HOWARD KENNEDY LLP – Respondents

REPLACEMENT SKELETON ARGUMENT

(Application for Permission to Appeal)

Dated: 15 February 2026

This application concerns whether the proceedings below complied with fundamental procedural fairness where the Appellant is a disabled litigant in person facing enforcement of a substantial foreign judgment.

Permission is sought pursuant to CPR 52.6 on the basis that:

- The appeal has a real prospect of success; and/or
- There is some other compelling reason for it to be heard.

GROUND 1 – FAILURE TO ENGAGE WITH MATERIAL EVIDENCE

The Appellant placed before the Court documentary material addressing service, participation impairment caused by disability, and proportionality of enforcement steps. The judgment does not engage with this material. Under *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5 at [114], omission of material evidence justifies appellate interference.

GROUND 2 – FAILURE TO MAKE REASONABLE ADJUSTMENTS

The Appellant suffers from traumatic brain injury (TBI) affecting executive function, document processing, and digital filing. The Court was aware of this condition. The judgment contains no structured analysis under the Equality Act 2010 ss 15, 20 and Schedule 13, nor Article 6 ECHR equality of arms principles (*Rackham v NHS Professionals Ltd* [2015] UKEAT/0110/15; *ZH v Commissioner of Police* [2013] EWCA Civ 69).

GROUND 3 – FAILURE TO DETERMINE SERVICE DISPUTE

The Appellant disputed service at his known residential address. Proper service under CPR Part 6 is a precondition to jurisdiction and participation. Failure to determine disputed service before substantive orders is procedurally irregular and arguably unjust.

GROUND 4 – COSTS PROPORTIONALITY

Costs originally advanced at £160,000 were reduced to £80,000. The judgment does not demonstrate a structured CPR 44.3 proportionality analysis, particularly in light of disability, disputed service, and participation impairment (*Lownds v Home Office* [2002] EWCA Civ 365).

GROUND 5 – ENFORCEMENT CONTEXT

Parallel proceedings exist abroad. Enforcement timing requires structured consideration consistent with *Airbus Industrie GIE v Patel* [1999] 1 AC 119. The High Court adjourned Third Party Debt enforcement to after 19 February 2026.

RELIEF SOUGHT

1. Permission to appeal.
2. Stay of enforcement pending determination.
3. Rehearing before a different judge with structured Equality Act consideration.

STATEMENT OF TRUTH

I believe that the facts stated in this skeleton argument are true.

Digitally signed:

/s/ Alkiviades A. David

Disabled Litigant in Person

Dated: 15 February 2026