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

GROUNDS OF APPEAL

(For Permission to Appeal pursuant to CPR 52.6)
Dated: 13 February 2026

A. BASIS FOR PERMISSION

Permission to appeal is sought pursuant to CPR 52.6 on the grounds that:
1. The appeal has a real prospect of success; and/or
2. There is some other compelling reason for it to be heard, including the proper application of the Equality Act 2010 to disabled litigants in civil enforcement proceedings.

GROUND 1 – FAILURE TO ENGAGE WITH MATERIAL EVIDENCE

The learned judge failed to engage with material evidence concerning service, disability-related participation impairment, and proportionality of enforcement steps and costs. Where relevant evidence capable of affecting the outcome is not engaged with, appellate intervention is justified (Fage UK Ltd v Chobani UK Ltd [2014] EWCA Civ 5 at [114]).

GROUND 2 – FAILURE TO APPLY THE EQUALITY ACT 2010

No structured analysis appears under sections 15 and 20 of the Equality Act 2010 or Schedule 13 despite clear evidence of traumatic brain injury affecting participation. Courts have a proactive duty to prevent substantial disadvantage (Rackham v NHS Professionals Ltd [2015]; ZH v Commissioner of Police [2013]).

GROUND 3 – FAILURE TO DETERMINE SERVICE

Substantive orders were made without conclusively determining disputed service under CPR Part 6. Service affects jurisdiction and participation; failure to determine it first constitutes procedural irregularity.

GROUND 4 – COSTS PROPORTIONALITY

The £80,000 costs order does not demonstrate structured proportionality reasoning under CPR 44.3 (Lownds v Home Office [2002]). Disability status and procedural disputes were not adequately weighed.

GROUND 5 – PARALLEL PROCEEDINGS

The Court did not demonstrate structured consideration of related foreign proceedings affecting enforcement timing. Principles of comity are relevant (Airbus Industrie GIE v Patel [1999]).

RELIEF SOUGHT

1. Permission to appeal.
2. Stay of enforcement pending determination.
3. Such further directions as the Court considers just.

STATEMENT OF TRUTH

I believe that the facts stated in these Grounds of Appeal are true.

/s/ Alkiviades A. David
Appellant in Person (Disabled Litigant)
Dated: 13 February 2026