

CITATION: Rajaghatta v. Niranjan, 2025 ONSC 6032  
DIVISIONAL COURT FILE NO.: DC-24-2855  
(Ottawa)  
DATE: 20251024

ONTARIO  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT

D.L. Corbett J.

B E T W E E N: )  
)  
NIRANJAN RAJAGHATTA, ) *Mr Rajaghatta*, self-represented  
)  
Appellant / Moving Party )  
)  
- and - )  
)  
HEMA NIRANJAN ) *J. Summers*, for the Responding Party  
)  
Respondent / Responding Party )  
) **Heard in Writing**

2025 ONSC 6032 (CanLII)

**REASONS FOR DECISION**

**D.L. Corbett J.**

[1] In this endorsement, I explain why I am dismissing Mr Rajaghatta’s motions to review orders of Labrosse J. (directing Mr Rajaghatta to perfect his appeal and subsequently dismissing Mr Rajaghatta’s appeal for failure to perfect his appeal, as previously ordered), and I am explaining why I am restricting Mr Rajaghatta’s access to the Divisional Court in future because of his pattern of vexatiousness and ungovernability in this proceeding.

[2] To repeat what this court, and previous courts, have already told Mr Rajaghatta:

1. A court order is mandatory and must be obeyed.
2. Once an order is made, the time for submissions and argument is over.
3. Case management is not a colloquy with the case management judge. Once the case management directions have been issued, they have the effect of a court order and are to be obeyed.
4. The court, not the litigants, directs the court’s process.
5. An appeal is a review in this court of the order appealed from, and not an inquiry into everything that has ever happened in the proceeding below, nor a forum for making original orders in the proceeding below.

6. An appeal from an order of a Superior Court Justice is heard and decided by a panel of three judges of the Divisional Court Justices. The task of a case management judge is to assist the litigants to ready their case for appeal, not to decide the merits of the appeal or to inquire into other matters outside the appeal before the court.

[3] Civil appeals in the Divisional Court generally follow a straightforward process. An appellant is required to perfect the appeal by filing the appeal record and factum. Responding parties file responding factums. Then the appeal may be heard.

[4] The appeal record is generally limited to the record that was before the trial court in respect to the order under appeal. With some exceptions, none of which apply in this case, the appeal is heard and decided by a panel of three judges of the Divisional Court.

[5] Case management in the Divisional Court aims to assist the parties to complete the process described above in order to schedule the hearing of the appeal. In a relatively straightforward appeal, such as the one in this case, case management should not require more than two or three simple email directions from the case management judge specifying the deadline for the appellant to deliver his appeal record, factum and required transcripts, and the deadline for the responding materials.

[6] Mr Rajaghatta simply would not follow the directions he was given, and wanted to engage in a long-running debate about what the process should be, including insisting that he should be able to come before the case management judge, explain the merits of his appeal and his view of the demerits of prior orders in his family law proceeding, and thereby obtain sweeping substantive orders from the case management judge in respect to prior orders made in the case and on the basis of fresh materials.

[7] Justice Labrosse explained the correct process to Mr Rajaghatta and gave directions to implement that process. Mr Rajaghatta was dissatisfied with these directions and so did not obey them. The case management judge issued a fresh order requiring Mr Rajaghatta to perfect his appeal, failing which his appeal would be dismissed. Mr Rajaghatta did not perfect his appeal, and the case management judge convened yet another case management conference to consider whether to dismiss the appeal. Instead of taking that opportunity to bring himself into compliance with the prior case management directions, Mr Rajaghatta appeared at the conference seeking to argue the merits of the appeal, and to obtain findings reversing prior decisions of the trial court. Justice Labrosse declined to hear Mr Rajaghatta's arguments about the merits of his appeal or the demerits of prior orders of the trial court. He concluded that Mr Rajaghatta had had plenty of time to perfect his appeal and had refused to do so.

[8] It is difficult to understand why Mr Rajaghatta would not follow the simple directions he had been given that would have enabled him to argue the merits of his appeal before a panel of this court.

[9] Mr Rajaghatta now moves to review the orders of Labrosse J. before a panel of three judges of the Divisional Court. This he is entitled to do pursuant to s. 21(5) of the *Courts of Justice Act*.

[10] The issues on the review motion are whether Labrosse J. made a reversible error in (a) directing Mr Rajaghatta to perfect his appeal; and (b) dismissing the Mr Rajaghatta's appeal for failure to perfect his appeal as directed. The merits of the underlying appeal will not be decided on the review motion. The merits of prior orders of the trial court will not be decided on the review motion.

Currently, Mr Rajaghatta's appeal is dismissed. The core question for the review motion is not to decide the merits of the appeal, but to decide whether the appeal should be restored, to be heard following this court's process in a subsequent hearing before a panel of three judges of the Divisional Court.

[11] I have case managed the s. 21(5) review motion. Case management has been conducted entirely by email. The history of case management shows that the Appellant has engaged in the same conduct on the review motion that led Labrosse J. to dismiss his appeal for failing to comply with case management directions.

[12] On **July 8, 2024**, Labrosse J. directed as follows:

Further to my Case Conference Endorsement dated June 14, 2024, the Appellant is requesting an appearance by filing a Notice to Settle an Order. It is unclear as to exactly what order he is seeking to settle and no draft Order has been filed other than a draft Order dated May 8, 2024 which has nothing to do with the Case Management Conference held on June 14, 2024.

His notice seeks the following:

- Note all evidence ignored by motion judge of Nov 16<sup>th</sup>, 23.
- Note all admissions and all other evidence/exhibits.
- Other changes/relief that the Appellant may request.

The Notice to Settle an Order is incoherent and does not respond to my June 14, 2024 Endorsement.

It was explained to the Appellant that his appeal is not currently before the Divisional Court. He did not file his Notice of Appeal and related materials in accordance with the Rules of Civil Procedure and as such his filing was rejected. Even if the respondent consents to his motion, the appellant must still present the Notice of Motion to extend time to file his Notice of Appeal and related materials. He must also include an affidavit to address the legal requirements as set out in my June 14, 2024 Endorsement.

The appellant must comply with my June 14, 2024 Endorsement before any further step may take place in this appeal.

[13] On **November 23, 2024**, Labrosse J. directed as follows:

Further to my Case Conference endorsements dated June 14, 2024 and July 8, 2024, the Appellant has now filed a motion to extend the time to file his Notice of Appeal and related materials. He also seeks a series of orders which are not substantiated in law such as relief from getting documents commissioned and interim relief with respect to acknowledging certain evidence.

With respect to the motion to extend time to appeal, the Respondent does not oppose. It is difficult for the court to assess the merits of the appeal without the submissions of the

Respondent and without the reasons of the motion judge. However, given that the motion is not opposed and the failure by the Appellant to file as per the Rules was procedural in nature, the motion is granted.

As for the remaining relief sought by the Appellant, it is dismissed for the following reasons:

1. There is no basis in law to relieve a litigant from commissioning documents or “other procedural requirements”. No such relief is available to a litigant, and it makes no sense. When considering an affidavit of service, for example, if an affidavit is not commissioned, it is not taken under oath and as such, it is not an affidavit. There is no basis for such a request. The Rules require that such documents be commissioned.
2. As for the acknowledgement of various things related to the Superior Court proceedings, including that the Respondent was in default of something, there is no authority presented for a motion judge sitting in the Divisional Court to make acknowledgements prior to an appeal. If the appellant wants to file new evidence on the appeal, he must present such a motion to the panel hearing the appeal as explained in my Endorsement dated June 14, 2024.

Finally, the Appellant has made requests to the Registrar to set a date for a Case Conference. That request is granted, and the Registrar will schedule the Case Conference on a date which is acceptable to all parties.

[14] On **January 15, 2025**, Labrosse J. directed as follows:

[1] This endorsement reflects a Case Management Conference, conducted by Zoom on January 15, 2025. Justice Labrosse is the Case Management Judge for this matter.

[2] The Appellant had filed a Case Conference Brief which raised a number of substantive issues related to the divorce proceedings. By order of Roger J., his pleadings have been struck and that is the issue on appeal. The Respondent was of the view that the Case Conference should be limited to a timetable for the Appellant to perfect the appeal. I agree. The Appellant was advised that the focus of the Case Conference should be to get the Appellant to perfect the appeal.

[3] The parties were advised that this court has concerns about the jurisdiction of this appeal and that the parties must consider ss. 6 and 19 of the *Courts of Justice Act*. There is an argument that the Order of Roger J. finally determines rights under the *Divorce Act* and thus it is not a final order made only under a provision of an Act or regulation of Ontario. Consideration also needs to be given to the fact that the Appellant has been deemed to be a vexatious litigant pursuant to s. 140 of the *Courts of Justice Act*.

[4] There also remains an issue if s. 19(1.2) of the *Courts of Justice Act* applies. If the Order of Roger J. is dismissing a claim that amounts to not more than \$50,000, the jurisdiction would remain with the Divisional Court. I do not have the evidence to assess this criteria.

[5] Thus, the parties need to consider if this appeal should properly be to the Court of Appeal for Ontario.

[6] The Appellant was advised that he must also focus on the steps required to render the appeal ready for hearing. At this point, the Appellant has filed a Notice of Appeal and a Certificate Respecting Evidence. The Respondent must now advise if she agrees with the Appellant's Certificate Respecting Evidence, and she will do so within 7 days.

[7] In order to perfect the appeal, the Appellant must order the transcript of Roger J.'s oral reasons. The Appellant will file proof that he has ordered the transcript within 14 days.

[8] Otherwise, the Appellant has until February 28, 2025, to perfect the appeal in accordance with Rule 61 of the *Rules of Civil Procedure*, with the exception of the transcript of Roger J.'s oral reasons which may follow when it is ready.

[9] If the Appellant seeks to rely upon any other evidence that was not before the motion judge, he must do so in a separate Motion Record and address the test for fresh evidence set out in my June 14, 2024 Endorsement.

[10] This Case Conference shall continue on March 5, 2025, by zoom at 9:00 a.m. to confirm that the appeal has been perfected, determine the timetable for the next steps, and address the jurisdictional issue.

[11] Costs shall remain in the cause.

[15] On **March 5, 2025**, Labrosse J. directed as follows:

[1] This endorsement reflects a Case Management Conference, conducted by Zoom on March 5, 2025. Justice Labrosse is the Case Management Judge for this matter.

[2] Further to my Endorsement dated January 15, 2025, the appellant was ordered to perfect the appeal by February 28, 2025. He has failed to do so. He continues to raise procedural issues where he seeks for a single judge of Divisional Court to grant substantive orders. The appellant has failed to demonstrate that either the *Courts of Justice Act* or the *Rules of Civil Procedure* allow a single judge of the Divisional Court to grant the relief he seeks. Regardless, if he seeks to bring a motion to a single judge of the Divisional Court, he must do so following the Practice Direction and Rules. This does not change his obligation to perfect the appeal.

[3] The appellant has already been told that the appeal is to proceed on the same record as was before the Motion Judge. If he seeks to file fresh evidence, he needs to file a motion for fresh evidence and that motion is made to the panel hearing the appeal and needs to form part of a separate motion record to the panel. I have addressed this in a previous endorsement.

[4] This is the appellant's last chance to fully perfect his appeal in accordance with Rule 61. If he fails to perfect the appeal by March 21, 2025, I will exercise my authority under Rule 61.13(3.1) and dismiss his appeal for failure to comply with an order of the court. The parties were previously advised that this court has concerns about the jurisdiction of this appeal and that the parties must consider ss. 6 and 19 of the *Courts of Justice Act*. I repeat what I previously indicated to the parties. There is an argument that the Order of Roger J. finally determines rights under the *Divorce Act* and thus it is not a final order made only under a provision of an Act or regulation of Ontario. There also remains an issue if s. 19(1.2) of the *Courts of Justice Act* applies. If the Order of Roger J. is dismissing a claim that amounts to not more than \$50,000, the jurisdiction would remain with the Divisional Court. I do not have the evidence to assess this criteria. Thus, the appellant needs to consider if his appeal should properly be to the Court of Appeal for Ontario.

[5] This Case Conference shall continue on March 21, 2025 by Zoom at 9:00 a.m. to confirm that the appeal has been perfected or if it shall be dismissed. If the appeal is perfected, a timetable will be fixed for the appeal to proceed to a panel. The parties shall confirm their availability with the Registrar based on the next available hearing dates.

[6] Costs shall remain in the cause.

[16] Mr Rajaghatta then commenced a motion pursuant to s. 21(5) of the *Courts of Justice Act* to review the case management judge's order of March 5, 2025 (among other things). By email direction dated **March 19, 2025**, I directed as follows respecting the s. 21(5) motion:

D.L. Corbett J. is seized of this, and any future motions to review orders of the Case Management judge (Labrosse J.).

The moving party is directed to advise the court, by email, forthwith, of the date by which he will serve, file and upload to Case Centre complete motion materials for the motion to review the order of Labrosse J., following which the court will provide further directions for the review motion.

The court notes that the orders and directions of Labrosse J. are not stayed pending the motion to review. The parties are required to comply with the orders made below unless and until a review panel of this court intervenes or this court directs otherwise.

In particular, Labrosse J. directed continuation of the case management conference before him on March 21st, and that conference should proceed in accordance with the directions of Labrosse J. A copy of this direction shall be provided to Labrosse J. prior to March 21st.

[17] The case conference proceeded before Labrosse J. on **March 21, 2025**, and His Honour provided the following direction to the parties:

[1] A further Case Conference was held in this matter. The Appellant and counsel for the Respondent were present by Zoom.

[2] Further to my Endorsement dated March 5, 2025, the purpose of this Case Conference was to confirm that the Appellant had perfected his appeal and if so, a timetable would be set. The Appellant has again confirmed that he is of the opinion that he is not required to perfect his appeal in accordance with Rule 61. He has been clear with the court that he refuses to do so and that his view is that the appeal should be granted by a single judge of the Divisional Court as a result of certain motions brought by him. Specifically, he relies on sections 21 and 134 of the *Courts of Justice Act* in support of his position that a single judge of the Divisional Court can either grant his appeal or set aside the November 23, 2023 decision of Roger J. which is the subject of this appeal. This court has made every effort to explain to the Appellant that a single judge does not have the authority to grant his appeal or set aside the decision of Roger J. The Appellant does not accept the court's position.

[3] Accordingly, the Appellant has been clear in his refusal to perfect his appeal, and he is currently in breach of my March 5, 2025 endorsement which required him to perfect his appeal by March 21, 2025. While the Appellant has brought a review motion pursuant to s. 21 of the *Courts of Justice Act* to set aside/vary my March 5, 2025 endorsement, that endorsement has not been stayed. The Appellant's obligation to perfect his appeal continues. This court also offered the Appellant a further extension of time to allow him to perfect his appeal and he did not accept the court's offer.

[4] Accordingly, the Appellant continues to be in breach of my March 5, 2025 order requiring him to perfect his appeal and the Registrar is therefore directed to dismiss his appeal pursuant to Rule 61.13(3.1) for failure to comply with an order of the court.

[5] The Respondent sought an order for costs. The court allowed the parties to make oral submissions. For oral reasons given, the court orders the Appellant to pay costs to the Respondent fixed in the amount of \$750.00, payable forthwith.

[18] Mr Rajaghatta then initiated a motion to review March 21, 2025 order of Labrosse J. and sought an appointment with the registrar to settle the form of Labrosse J.'s order. The draft order submitted by Mr Rajaghatta bore no resemblance to the order made by Labrosse J., and included 17 operative terms of the order, none of which had been made by Labrosse J., and all of which Labrosse J. had previously ruled were not available from a case conference judge in the Divisional Court.

[19] Labrosse J. subsequently settled his own order, without the need of a further conference with the parties, and directed the Registrar to issue the order, which was done. The effect of the order was to dismiss Mr Rajaghatta's appeal to the Divisional Court.

[20] This court then directed as follows on **March 28, 2025**:

The court has received a proposed draft order from the Appellant respecting the decision of Labrosse J. dated March 21, 2025.

The Respondent is directed to provide the court, forthwith, by email, with their version of a draft order respecting the decision of Labrosse J. dated March 21, 2025, following which the court will provide further directions.

[21] On **March 30, 2025**, the Respondent provided a draft order, the operative terms of which were as follows:

**THIS COURT ORDERS THAT** the Registrar is directed to dismiss the Appeal pursuant to Rule 61.12(3.1) for failure to comply with an order of the court.

**THIS COURT ORDERS THAT** the Appellant shall pay costs to the Respondent fixed in the amount of \$750.00 payable forthwith.

[22] On **March 31, 2025**, Mr Rajaghatta sent the following an email to the court attaching a “List of Exhibits” filed by him in the Superior Court proceedings in April 2024, and stating as follows:

Good day,

Please bring this email to the attention of J Corbett.

I am concerned and object to the filing of a draft order by Respondent as it leads to further abuse:

1. The evidence, law & jurisprudence demonstrate that the Respondent never had a prima facie case and abused the court process by initiating prohibited claims and then misleading the court on multiple occasions by concealing material information since 2016.
2. Allowing the Respondent to file a draft order further perpetuates this cycle of abuse by the Respondent – the law, jurisprudence requires the court to end abuse wherever and whenever it is shown by evidence.
3. There is no evidence to show that the Respondent had/has a prima facie case since 2016. If there is such evidence I am requesting that this evidence be brought forward.

[23] On **April 2, 2025**, Labrosse J. directed the Registrar to issue the directed dismissal order, which was done. The effect of the order was to dismiss Mr Rajaghatta’s appeal to the Divisional Court. Labrosse J.’s direction was as follows:

1 Further to my endorsement dated March 21, 2025, the Appellant has made a request to settle the order arising from my endorsement. He submitted a draft order. The Respondent also submitted a draft order.

2 There is no basis to settle the order. This is simply a Registrar’s dismissal order. The *Rules of Civil Procedure* already provide for a form of order in this situation. Further, the Appellant’s draft order is nonsensical as it attempts to address matters that were not before me. It seeks 17 different orders or declarations from the court.

3 The court orders that the attached form of Order Dismissing Appeal be used to give effect to my Endorsement dated March 21, 2025.

[24] The attached dismissal order is as follows:

The appellant has not complied with the orders of the court requiring that the appeal be perfected within a certain timeframe.

IT IS ORDERED THAT THIS APPEAL be dismissed for failure to comply with an order of the court pursuant to Rule 61.13(3.1) of the Rules of Civil Procedure, with costs to the respondent fixed at \$750, despite rule 58.13.

[25] Mr Rajaghatta then sent the following email to the court on **April 3, 2025**:

Good Day,

I am the Appellant in this matter and I have reviewed the endorsement dated Apr 2<sup>nd</sup>. Please bring this email to the attention of J Labrosse for his response.

1. In para 2 of this endorsement, J Labrosse has noted that I am seeking 17 different orders or declarations from the court.
2. The evidence, law and jurisprudence that makes it mandatory for the court to make these orders. I am requesting reasons from J Labrosse the reasons as to why he believes it is not mandatory to make the orders I requested.
3. There is no law, evidence, jurisprudence that prevents the court from making these orders. If there is such evidence, law that prevents me from obtaining these orders I am requesting that J Labrosse provide those reasons.
4. J Labrosse has been provided evidence to make these orders on previous occasions, specifically on July 15<sup>th</sup>, 2024, Jan 5<sup>th</sup>, 2025 and other events. I am requesting that J Labrosse to clarify/confirm/deny that he has received evidence related to these 17 orders
5. J Labrosse is ignoring the evidence that demonstrates that the Respondent never had a prima facie case and her claims were/are void from the very inception in 2016 – I would like to know the reasons for ignoring that evidence.
6. J Labrosse is ignoring the evidence that the Respondent obtained the order of Nov 16<sup>th</sup> by concealing material evidence – I would like to know the reasons for ignoring this evidence.

I am requesting a case conference in this matter.

[26] By email on **April 4, 2025**, I directed as follows:

Mr Rajaghatta has requested a case conference before Labrosse J., following dismissal of his case by the Registrar at the direction of Labrosse J.

Subject only to a possible review motion, as set out below, the Divisional Court has now finished its work in respect to this case, and no purpose would be served by a further case conference before Labrosse J.

Mr Rajaghatta may move to set aside the Registrar's order, and to review the order of Labrosse J. directing the Registrar to issue that order. Mr Rajaghatta has already indicated that he wishes a panel of the Divisional Court to review the prior order of Labrosse J., directing him to perfect his appeal.

Taking all of this into account, if Mr Rajaghatta wishes to pursue a challenge to the dismissal of this proceeding, he should bring a motion to a panel of three judges of the Divisional Court pursuant to s 21(5) of the *Courts of Justice Act*. This should all be done in one motion, and heard by one panel. I will case manage the process to assist the parties to ready the motion for hearing by the panel.

The usual time to deliver a notice of motion for a panel review pursuant to s.21(5) of the Courts of Justice Act is four days. Mr Rajaghatta is self-represented, and I am prepared to give him more time to deliver his notice of motion. In this respect, he is directed as follows:

1. Mr Rajaghatta is directed to serve and provide the court, by email, with a notice of motion pursuant to s.21(5) of the Courts of Justice Act by April 18, 2025.
2. Mr Rajaghatta is directed to advise the court, by email, by April 18, 2025, of the date by which he will serve his complete motion materials for the review motion.

Following completion of the directions set out above, the court will provide further directions for the review motion.

D.L. Corbett J. is seized of any further steps in this matter prior to a panel hearing, unless the court subsequently directs otherwise.

[27] On **April 16, 2025**, Mr Rajaghatta provided the court by email with a Notice of Motion and advised that he “intend[s] to file related documents 30 days before the scheduled hearing date.” The Registrar advised Mr Rajaghatta that the schedule for motion materials would be set by the court, and his deadline would not likely be “30 days before the scheduled hearing date”.

[28] On **April 16, 2025**, counsel for the respondent emailed the court as follows:

I simply wanted to raise my objections to the filing of any further motions. The appeal was dismissed and Justice Roger's order remains in effect, meaning that Mr. Rajagahtta requires leave of the court to file any motions in this matter.

[29] By email of **April 17, 2025**, I directed the parties as follows:

Justice Corbett directs me to advise you as follows:

1. Mr Rajghatta shall advise the court, by email, by April 26, 2025, of the date by which he will file his complete motion materials to review the impugned orders.
2. Mr Rajaghatta shall advise the court, by email, by April 26, 2025, of his response to the responding party's submission that permission is required before Mr Rajaghatta may bring any further motions.

The court will then provide further directions.

The impugned orders are not stayed pending the motion to review them.

[30] By email of **April 24, 2025**, Mr Rajaghatta advised as follows respecting when he would file his motion materials:

Rule 67.16 provides the procedure for motions in an appellate court which states that Rule 37 applies with exceptions. The timeline is provided in Rule 37.10 (1).

The next sitting of the panel in Ottawa is starting in the week of Sept 8. The Appellant will file his materials as per the Rules by Aug 15<sup>th</sup>.

[31] Also in his email of **April 24, 2025**, Mr Rajaghatta addressed the objection made by the respondent's counsel, and then goes on to address, in 51 paragraphs, numerous other issues that were not responsive to this court's direction of April 17<sup>th</sup>, including, for example (all quoted verbatim),

- (a) J Corbett's direction to respond to Respondent's objection presumes that the order of Nov 16<sup>th</sup>, 2023 and Mar 21<sup>st</sup>, 2025 are legally valid and supported by evidence (para. 4)
- (b) I am requesting J Corbett to admit, accept and acknowledge all the evidence provided as of Mar 19<sup>th</sup>, 2025 (para. 8)
- (c) If there is evidence that the Respondent did not obtain the order of Nov 16<sup>th</sup>, 2023 by misleading the court, concealing evidence and uttering false affidavits, I am requesting J Corbett to point out that evidence (para. 12)
- (d) There is no evidence that demonstrates that the Respondent did not engage in various acts of crime and domestic violence since 2015 – Appellant requests that the court accept, acknowledge this evidence and the facts (para. 15)
- (e) Appellant requests J Corbett acknowledge that the Respondent has obtained orders through concealing evidence, false pretence, misleading the courts and thereby obstructing the course of justice, abusing the judicial process (para. 19)
- (f) As of Feb 26<sup>th</sup>, J Labrosse is unable to deny/does not dispute that the Respondent has no prima-facie case, does not dispute the evidence of perjury, theft, false pretence, fraudulent concealment, misleading the court and thereby that the Respondent is subverting and/or obstructing the course of justice (para. 26)
- (g) Appellant requests that J Corbett acknowledge, admit, accept the evidence that the Respondent misled the court on multiple occasions about receiving disclosures, including the false affidavit for the motion of Nov 16<sup>th</sup>, 2023 to obtain the order of Nov 16<sup>th</sup>, 2023 (para. 31)
- (h) Appellant requests that J Corbett acknowledge, admit, accept the evidence that the Respondent misled the court to start her case in 2016, concealed evidence and

refused to disclose evidence that proved that she was declaring herself as “separated” since 2005 (para. 35)

[32] By email of **April 24, 2025**, I directed as follows:

1. Mr Rajaghatta misunderstands case management in the Divisional Court. The court directs the process; not Mr Rajaghatta.
2. The proposed date for motion materials for the review motion is unacceptable. Mr Rajaghatta shall serve, file and upload to Case Centre, all of the motion materials upon which he relies in respect to the review motion by May 16, 2025.
3. Mr Rajaghatta takes the position that the order restricting his ability to bring motions without prior leave from a judge does not apply to motions in the Divisional Court. Mr Rajaghatta should address this issue in his motion materials, and should bear in mind that the Divisional Court is a part of the Superior Court of Justice.
4. The impugned orders are not stayed pending the review motion.
5. Mr Rajaghatta should understand that a case management direction from a judge takes precedence over provisions in the Rules of Civil Procedure: he is to comply with this scheduling direction, failing which his review motion may be dismissed for failure to comply with the court's directions.
6. If Mr Rajaghatta seeks an extension in the deadline for delivering his materials in this direction, he should request the extension prospectively, with full particulars as to why he is unable to meet the deadline established by the court.

[33] By email dated **April 25, 2025**, Mr Rajaghatta asked the court to advise of the date / week for hearing of his motion.

[34] By separate email dated **April 25, 2025**, Mr Rajaghatta again attached an exhibit list filed in the Superior Court proceedings in April 2024, and wrote as follows:

Please bring this to the attention of J Corbett

1. The panel sitting is in Ottawa starting Sep 8<sup>th</sup> – please clarify/confirm
2. Before asking for extension of the submission deadline, I would like to understand the reasons as to why the proposed date for submission of materials is unacceptable – I am requesting the reasons, rationale, juristic reasons. What are the laws, Rules, regulation or other legally valid reasons ?
3. How was the date of May 16<sup>th</sup> arrived at ? I have no idea how this was arrived at.

4. In my email as of Apr 24<sup>th</sup>, I requested that J Corbett acknowledge the existence of the evidence submitted to him as of Mar 19<sup>th</sup>. I am requesting that the list of documents are admitted, acknowledged and accept as evidence – the list is attached.
5. Acknowledging, admitting, accepting evidence does not require the Divisional Court panel.

[35] The court then directed as follows by email on **April 25, 2025**:

Justice Corbett directs me to advise you as follows:

The court is losing patience with Mr Rajaghatta. Case management is not a discussion or debate. The court has issued directions; Mr Rajaghatta shall follow them.

The court will provide further directions scheduling delivery of responding materials and a return date in due course.

[36] By email dated **May 7, 2025**, Mr Rajaghatta requested an extension in his filing deadline to June 30, 2025 and set out a list of materials he intended to include in his motion materials. The court granted the requested extension pursuant to the following emailed direction on **May 7, 2025**:

Justice Corbett directs me to advise you as follows:

The requested extension to June 30<sup>th</sup> is granted; Mr Rajaghatta should understand that a further extension will not likely be granted; he shall comply with the new deadline.

In granting the extension the court has not ruled on the availability or admissibility of proposed materials Mr Rajaghatta intends to file on the review motion; any objections may be addressed after materials have been filed.

[37] Mr Rajaghatta had further communications with the court asking that various orders be issued, that transcripts be prepared from case conferences before Labrosse J., and that Labrosse J. provide “reasons/rationale” for His Honour’s April 2, 2025 direction to issue the dismissal order, all of which requests were denied. I then issued the following direction by email on **May 23, 2025**:

Justice Corbett directs me to advise you as follows:

Mr Rajaghatta has a deadline for his materials for the review motion that has been extended at his request to June 30, 2025.

There is no proceeding in Divisional Court other than Mr Rajaghatta's review motion. Any request Mr Rajaghatta has in respect to that review motion shall be directed to Justice Corbett, who is seized of case management of the review motion. Mr Rajaghatta is directed not to transmit any further correspondence to Justice Labrosse on these matters: Justice Labrosse is *functus officio* in respect to this matter, and any concerns Mr Rajaghatta may have may be directed by him to the panel hearing his review motion. Any concerns Mr Rajaghatta wishes addressed prior to the review motion shall be made to me as the case management judge.

In respect to the requested transcripts, it is open to Mr Rajaghatta to ask the review panel for an order for production of transcripts. It is also open to Mr Rajaghatta to seek to file evidence, in the form of his own affidavit, addressing events that took place at a case conference, both in support of his request for an order from the panel for the transcript, and to support his arguments at the review motion. Any issue about the propriety or admissibility of affidavit evidence filed on the review motion by Mr Rajaghatta may be raised by the respondent with the review panel and will be for the review panel to decide.

A copy of this direction shall be provided to the review panel.

[38] Mr Rajaghatta emailed the court again on **May 29, 2025**, attaching a draft order setting out 31 paragraphs of relief, and stating as follows:

Please bring this to the attention of J Corbett.

I do have concerns about the review by the panel

1. The Rules 1.04 (“least expensive and expeditious”), 59.06 (set aside order obtained from fraud) and 77.01.(2).1 (parties have greater responsibility to progress a case towards resolution), FLR 25.19 (set aside order obtained from fraud) allow/provide for the Appellant to progress the proceeding in a “least expensive and expeditious” manner, especially when an order is obtained by fraud and/or the court ignores issues, evidence that was before the court.
2. The direction of J Corbett to exercise the option for a review by the panel is not the “least expensive and expeditious” option.
3. The evidence, law, jurisprudence all clearly demonstrate that the Respondent initiated a lawsuit on a false premise, by misleading the court, filing false affidavits/documents. There no evidence to show that the Respondent ever had any legal claims/standing.
4. There is no provision in the law to initiate a lawsuit on prohibited/false grounds.
5. J Labrosse orders/dispositions are not supported by the evidence, law, jurisprudence etc.,. He was not “functous officio” on Feb 26<sup>th</sup>, Mar 2<sup>nd</sup> and Mar 26<sup>th</sup> when he was asked about the evidence and the Respondents’ various violations – however, he has been unable to deny the existence of evidence that demonstrates that the Respondent has no valid case, committed various offences, obtained orders by concealing evidence etc.,
6. Respondent has no defence, admits to all the evidence that incriminates her, and her evidence is self-incriminating. The evidence is simple, “pain and obvious” and there is not a need for a panel.
7. The law, jurisprudence, principles require that courts, parties are allowed to deviate from the normal when fraud is involved.

8. I am requesting that the court admit/acknowledge/accept the evidence and the applicable law – I have attached a draft order for that purpose.
9. As of Feb 19<sup>th</sup>, J Corbett has evidence before him that the Respondent has no standing in either the Superior Court or the Divisional Court due to misleading of the court, concealing evidence, uttering false affidavits/perjury and other violations of the FLA, CC, FCA.
10. I have the following concerns - does J Corbett:
  - a. deny the evidence that the Respondent initiated prohibited claims by concealing evidence and misleading the court by filing a false statement in the Superior Court in 2016 (Form 8) ?
  - b. deny the evidence that the Respondent obtained the order of Nov 16<sup>th</sup>, 23, by concealing evidence and misleading the court by filing a false affidavit ?
  - c. deny that the Respondent has no prima facie case and her initial application in 2016 was “*void ab initio*” ?
  - d. deny that the motion of Nov 16<sup>th</sup>, 23 was not authorized by the case management judge and the motion judge was not permitted by the case management judge to adjudicate the motion ?
  - e. deny that the Respondent, not permitted to schedule the motion of Nov 16<sup>th</sup>, 23, orchestrated the motion by conspiring with court staff and schedule the motion without filing the affidavit of service (required before scheduling a motion) ?
  - f. deny that the Respondent admits to all the evidence of the various violations of the FLA, FCA, Cc and to the actual violations as well ?
  - g. deny that there are no laws, rules, jurisprudence that prevent J Corbett from admitting, acknowledging the evidence, and applying the law and issuing the orders that I am requesting ?
  - h. deny that the Appellant is a victim of crime and domestic violence and it is mandatory to assist victims of domestic violence, identify, deter and denounce domestic violence and crime ?

[39] On **May 29, 2025**, the court made the following direction to the parties by email:

Justice Corbett directs me to advise you as follows:

The court has given its directions. Those directions are clear. The parties shall follow them.

Case management is not a debate or colloquy. Any concerns Mr Rajaghatta has with the case management process followed in this court may be raised by him with the Divisional Court panel at the hearing of his review motion.

No further response will be given to Mr Rajaghatta's most recent email or his draft "Order" (which will not be made by the court). Mr Rajaghatta should not expect the court to respond to any further similar inquiries from Mr Rajaghatta.

[40] Mr Rajaghatta delivered a motion record and factum on **June 30, 2025**, by email. On **July 4, 2025**, I directed Mr Rajaghatta to upload his motion materials to Case Centre and gave further directions respecting the proper format of materials so uploaded. I also directed that the responding party not deliver responding materials pending further directions from the court.

[41] The court read Mr Rajaghatta's motion materials and then provided the following direction by email on **July 9, 2025**:

Justice Corbett directs me to advise you as follows:

This proceeding in Divisional Court is a motion to a panel of three judges of the Divisional Court to review orders of Labrosse J. requiring the moving party to perfect his appeal (direction of March 5, 2025), and then dismissing the appeal because the moving party failed to perfect the appeal as previously directed (direction of March 21, 2025).

In his notice of motion, the moving party seeks the following relief:

1. Set aside/vary the order of Nov. 16th, 2023;
2. Set aside the order of Mar. 21st, 2025
3. Acknowledge, admit evidence of Respondent's violations/offences, admissions, exhibits and related evidence.
4. Dispense with compliance requirements to reduce legal burdens imposed on the Appellant.
5. Order costs for the Appellant.
6. Other orders that the Appellant may seek and the court may permit.

The "order of Nov. 16th, 2023" was the subject-matter of the Moving Party's appeal in the Divisional Court. It is an order of the Superior Court of Justice in family law proceedings between the parties. The moving party's appeal from this order was dismissed by Labrosse J. on March 21, 2025. Unless and until the order of Labrosse J. is set aside or varied, it has continuing effect: the motion to vary or set aside the order of Labrosse J. is not a basis on which a panel of this court may hear and decide and appeal from "the order of Nov. 16th, 2023". The relief sought in para. 1 of the notice of motion is struck out as frivolous, vexatious and an abuse of process, without leave to

amend, without prejudice to any order the review panel may make that such an appeal be restored and heard in future.

The relief sought in para. 3 of the notice of motion is not a cognizable claim before the Divisional Court, and in any event is immaterial to a review of the order of Labrosse J. That relief is struck out as frivolous, vexatious and an abuse of process, without leave to amend.

The relief sought in para. 4 is too vague. It is struck out, with leave to seek relief from the case management judge: if the moving party is seeking waiver of compliance with any part of the court's process for the pending review motion, he must clearly specify what he is asking for, and why. This may be done by way of a concise email to this court, copied to the other side. If no such request is made then the relief sought in para. 4 of the notice of motion will be deemed to have been abandoned.

The relief sought in para. 6 may be a common pleading at the trial level, but not in an appeal court. This court requires the moving party to specify the precise relief he is seeking in his notice of motion. If the moving party subsequently wishes to seek other or additional relief, he is required to seek to amend his notice of motion. While the court sees no need to strike out para. 6 of the moving party's request for relief, he should understand that the presence of this request in his notice of motion will not relieve him from giving timely notice of any additional relief he may ask the court to order.

The relief sought in para. 2 of the notice of motion is the primary relief sought on the motion and is proper. Although the moving party has not also identified the order of March 5, 2025, it is implicit in the moving party's request for review that he challenges the order requiring him to perfect his appeal by March 21, 2025, and this court directs that this request for relief is implicit in the notice of motion: the court sees no need to require formal amendment of the notice of motion to this effect.

The relief sought in para. 5 is a proper request.

These errors are repeated and compounded at the start of the moving party's factum. Paras. 4 and 8 of the factum are proper (mirroring grounds 2 and 6 of the notice of motion). The rest are not properly before the review panel and are frivolous, vexatious and abuses of process.

### **Substance of the Review Motion**

Labrosse J. dismissed the appeal because the moving party failed to perfect the appeal as he had been directed to do. The issue for the review motion is whether Labrosse J. made a reviewable error in making the dismissal order and in making the earlier order to perfect the appeal.

The moving party's motion materials and factum fail to address the basis for the order of Labrosse J. or to present a tenable argument that the order was wrong. Rather, the argument seems to be, distilled to its essence, that the order appealed from (November 2023) is wrong, that the responding party has behaved badly throughout, and that Labrosse J. ought to have seen that and granted the appeal himself.

Labrosse J. found that he, as a single judge of the Divisional Court, had no jurisdiction to decide the appeal on its merits. On its face this conclusion appears unassailable: *Courts of Justice Act*, s. 21(1). On the pending review motion, it appears that the moving party has two lines of argument available to him: either (i) Labrosse J. was wrong about his conclusion respecting jurisdiction and should have decided the main appeal himself; or (ii) Labrosse J. was right about his jurisdiction, but the moving party should be excused his misunderstanding about the proper process followed in appeals and should be given another chance to pursue his appeal on the merits.

Neither of these arguments can be found in the moving party's materials, and in particular, they cannot be found anywhere in his factum. The moving party does argue that "a final order of a judge... is also a final order of an associate judge" (Factum para. 18(iii)). That argument is manifestly devoid of merit. The moving party has also identified cases where Divisional Court motion judges have dismissed appeals summarily, on motion (Factum, para. 17): this does not assist the moving party with the proposition that a single motion judge has no jurisdiction to grant a contested appeal from the decision of a Superior Court judge.

The November 2023 order of Roger J. is a serious matter. Among other things, it struck out the moving party's pleadings, it directed that the moving party was not entitled to notice of future steps in the case, was not entitled to participate in the case in any way, that the court could deal with the case in the moving party's absence, and that a date could be set for an uncontested trial. It directed that the moving party could not bring any further proceedings against the applicant except with leave of a judge of the Superior Court pursuant to s. 140 of the *Courts of Justice Act*.

The substance of the moving party's appeal - now dismissed by Labrosse J. - was important to the parties.

The court prefers to see appeals of substance decided on their merits.

In that spirit, I am affording the moving party a further opportunity to place his review motion before a panel of this court on a proper basis.

The moving party's factum is struck out, with leave to amend, so that the moving party may address the issues properly before the panel on a review motion from the order of Labrosse J. The moving party shall have until August 29, 2025 to deliver a fresh factum. Once he has done so, and uploaded it to Case Center, he shall so confirm to the court by email. The court will then give further directions in respect to the scheduling of the review motion.

The responding party need not file materials until the moving party has delivered a fresh factum in accordance with this direction.

Lest there be any confusion on this point - the order of Roger J. is not stayed and there is no impediment to the SCJ proceedings continuing pending decision on the moving party's review motion.

At the risk of repetition - the merits of the moving party's appeal from the order of Roger J. will not be decided on the review motion. The question in issue on the review motion is whether Labrosse J. made a reviewable error in his decisions of March 5 and March 21, 2025, and thus whether the moving party's appeal from the order of Roger J. ought to be reinstated.

[42] By email on **July 9, 2025**, Mr Rajaghatta wrote to the court as follows:

I am requesting that today's email be provided in the form of an endorsement with numbered paragraphs.

[43] The court issued the following direction by email dated **July 9, 2025**:

Justice Corbett directs me to advise you as follows:

The court will not re-issue its case management directions in some format more pleasing to Mr Rajaghatta. The directions are clear; the parties shall follow them.

Any issue Mr Rajaghatta has with the case management directions may be raised by him before the panel deciding the review motion; pending the hearing of that motion, Mr Rajaghatta shall comply with the court's case management directions.

[44] On **July 9, 2025**, Mr Rajaghatta wrote to the court by email as follows:

Please bring this to the attention of J Corbett.

1. The motion record of the Appellant submitted on Jun 30<sup>th</sup>, was and is for a motion pursuant to s.21 (5) of the CJA and to be adjudicated by a Divisional Court Panel.
2. J Corbett is a single judge of the Divisional Court and by himself does not constitute a panel and/or has not been delegated by a Divisional Court Panel to act on it's behalf and/or represent a Panel.
3. Further, a Divisional Court panel has not delegated, authorized J Corbett to whet, adjudicate motions or motion materials submitted to the Panel.
4. As a consequence, J Corbett does not have jurisdiction, authority and is not entitled to review, what, adjudicate motion materials submitted for adjudication by the Panel.
5. Further, there are no written laws, Rules, jurisprudence, case-laws, practice direction etc., that permit, allow, enable a single judge of the Divisional Court to review, adjudicate material intended for/submitted to a panel of the Divisional Court.
6. As such, J Corbett's email as of July 9<sup>th</sup>, is ultra vires

7. If there are such written laws, Rules, jurisprudence, case-laws, practice direction etc., I am requesting J Corbett to make me aware of the same – I will review and respond.
8. The Appellant's motion materials are submitted for motion to be heard by a Panel of the Divisional Court for an in-person meeting in a courtroom where arguments by the Appellant are to be presented.
9. The materials are not intended as a motion to be heard in writing, in absence of the Appellant, without arguments made by the Appellant.
10. The materials submitted has to be evaluated in conjunction with the Respondent's reply/response, especially to the evidence that the Respondent does not have prima facie case, evidence and admissions of various violations of the law, evidence of fraud on the court and obstruction and/or perversion of justice by the Respondent. Until now the Respondent has not responded to this evidence and/or the admissions and are as a consequence, the violations are admitted and proven as such.
11. Without the full picture of the Respondent's position on the admissions and the Appellant has not had a chance to counter the Respondent's reply, if any.
12. To-date the Respondent, has not denied the evidence of the violations, the actual violations of the law and the evidence is self-incriminating and the Respondent admits to all the violations of the law and hence has no standing, no prima facie case either in this court or the Superior Court and her case was and is void-ab-intio since its inception in 2016.

The views expressed by J Corbett on Jul 9<sup>th</sup> are not supported by the evidence, laws and jurisprudence. Since J Corbett has reviewed the materials submitted, is J Corbett:

13. Able to deny that the Appellant is a victim of crime and domestic violence since 2015 ?
14. Able to deny the evidence that the Respondent initiated the lawsuit on a false premise and by concealing material evidence ?
15. Able to deny that the Respondent obtained the order of Nov 16<sup>th</sup>, 2023 by concealing material evidence and misleading the court ?
16. Able to deny the evidence of the Respondent various violations of the FLA, CC ?
17. Able to deny that there is no evidence, laws, Rules, jurisprudence preventing the court from issuing the orders requested ?

[45] On **July 11, 2025**, I directed the Registrar to issue a notice pursuant to r. 2.1 that the court is considering dismissing Mr Rajaghatta's review motions as frivolous, vexatious and an abuse of process:

Justice Corbett directs me to advise you as follows:

The Registrar is directed to issue a notice pursuant to r. 2.1 that the court is considering dismissing Mr Rajaghatta's motion to review decisions of Labrosse J. (and for other relief specified in the notice of motion) because the motion appears to be frivolous, vexatious and an abuse of process, and because Mr Rajaghatta has proven to be ungovernable in case management.

The basis for the court's substantive concerns is set out in prior directions from this court; the court's concerns about Mr Rajaghatta's ungovernability is reflected in his refusal to follow the case management directions given in this case.

This court is seized with the r. 2.1 proceedings.

The respondent shall not provide responding submissions in the r. 2.1 process unless this court subsequently directs otherwise.

[46] Also on **July 11, 2025**, after I had directed the notice be given pursuant to r. 2.1, but before that direction was transmitted to the parties, Mr Rajaghatta delivered a notice of motion seeking to review my directions of July 9, 2025 before a panel of the Divisional Court pursuant to s. 21(5) of the *Courts of Justice Act*.

[47] On **July 17, 2025**, Mr Rajaghatta emailed the court as follows:

I am trying to understand the concerns and I don't recall "refusing to follow case management directions". I would like to know from J Corbett which specific case management direction I did not follow.

[48] On **July 17, 2025**, the court provided the following direction by email:

Justice Corbett directs me to advise you as follows:

Mr Rajaghatta delivered motion materials for a s. 21(5) motion to review case management directions of the court managing his s. 21(5) motion to review the orders of a judge that he perfect his appeal, and dismissing his appeal for non-compliance with case management directions. This motion was received by the court half an hour before the court-directed r. 2.1 notice was sent by the court to Mr Rajaghatta.

This court directs that the r. 2.1 notice also apply to Mr Rajaghatta's most recent motion. In addition, the court is now considering restricting Mr Rajaghatta's access to process in the Divisional Court by reason of his vexatious conduct in this proceeding, and Mr Rajaghatta may address this concern in his response to the r. 2.1 notice. The deadline for response shall run from the date on which this additional notice is given, and Mr Rajaghatta may have an additional five pages in which to respond to all r. 2.1 issues.

[49] On **July 25, 2025**, Mr Rajaghatta sent the following email to the court:

Good Day,

Please bring this to the attention of J Corbet.

I have reviewed emails in this matter and what/how exactly lead to the s.21(5) review motion situation:

On Apr 3<sup>rd</sup>, I requested a case conference to settle the order Mar 21<sup>st</sup> based on the merits – however, on Apr 4<sup>th</sup>, J Corbett suggested a review motion pursuant to s.21(5) instead – the review motion is/was not my first preference and not the only option. I would like to request a case conference.

In an email on July 9<sup>th</sup> J Corbett stated that the “appeal should be decided on the merits” – I agree and this is what I have been saying all along.

For the above reasons I would like to request a case conference/email exchange where the merits of the appeal can be presented.

[50] On **August 1, 2025**, Mr Rajaghatta emailed the court as follows:

Good Day,

Pursuant to s.21(4) of the CJA, I am suggesting that J Corbett refer all the allegations about the Appellant to a Divisional Court Panel.

In the alternative, pursuant to s.106 of the CJA I am requesting a stay of proceedings of the review by the panel

Pursuant to Rule 2.03 I am requesting relief from compliance to various procedural requirements

J Corbett does not bring forward any evidence, rationale, reasons to demonstrate that the Appellant has acted vexatiously and/or frivolously and/or is in abuse of process.

Urging the court to admit evidence, apply the law to the evidence is not an abuse of process or evidence of acting vexatiously and/or frivolously

The Appellant has presented evidence of the Respondent’s various violations of the law since 2016, Respondent’s abuse of the courts, misleading of the courts, violations of the law and commission of acts of domestic violence.

The Appellant is a victim of crime and domestic abuse, as shown by the evidence and the law, jurisprudence, doctrines, principles etc.,

J Corbett is required by law, jurisprudence to act against offenders and deter, denounce and punish offenders.

J Corbett is unable to deny the evidence and the associated offences and that the Respondent has initiated this case on a false premise, has no prima facie case, is in

abuse of process, has acted vexatiously and frivolously, misled the court and committed many acts of domestic violence and crime.

J Corbett is unable to deny that the Respondent obtained the order of Nov 16<sup>th</sup>, 2023 by misleading the court and concealing evidence.

The Court is required to conduct a merits based evaluation of the Appellants and Respondent's relative strengths.

[51] On **August 7, 2025**, Mr Rajaghatta emailed the court attaching a notice of motion, a draft order, and again attaching an exhibit list filed in the underlying proceedings in April 2024. The motion seeks an order setting aside my directions of July 9, 2025, setting aside the r. 2.1 notice, and various other relief consistent with Mr Rajaghatta's prior requests that the court grant sweeping substantive relief in the underlying proceedings. The draft order is consistent with prior draft orders previously rejected by the court in the Divisional Court proceedings. The email states:

Good Day,

Please bring this email with attachments to the attention of the Court.

In the email of July 9<sup>th</sup>, J Corbett stated that "The court prefers to see appeals of substance decided on their merits" – this is the expected, normal functioning of the court.

1. The phrase "on the merits" is defined as –
  - a. refers to a case whose decision rests upon the law as it is applied to the particular evidence and facts presented in the case ([https://www.law.cornell.edu/wex/on the merits](https://www.law.cornell.edu/wex/on_the_merits)).
  - b. referring to a judgment, decision or ruling of a court based upon the facts presented in evidence and the law applied to that evidence (<https://dictionary.law.com/Default.aspx?selected=1398>)
  - c. A judgment or decision made by a court, rooted in the factual evidence presented and relevant laws applied (<https://dictionary.justia.com/on-the-merits>).
2. The "merits" of this case based on the facts, evidence and the relevant laws applied demonstrate that:
  - a. The Respondent initiated a lawsuit in Dec 2016, on a false premise by concealing evidence and misleading the courts, through false pretence. The Respondent's claims were prohibited by the FLA.
  - b. Prior to initiating the case, in July 2015, the Respondent committed various acts of domestic violence and violations of the FLA and the CC. The Respondent concealed these facts in her filings with the court.

c. The Respondent obtained the order of Nov 16<sup>th</sup>, 2023 by concealing evidence and misleading the court.

d. From 2016 onwards the Respondent filed contradictory affidavits, statements that mislead the court on multiple occasions about the separation date, receipt of disclosures and other items.

e. However, the Respondent now admits to the evidence of false declarations, misleading the court and to the various violations of the FLA, CC.

3. J Labrosse has not denied these facts, evidence and applicable law

4. J Corbett has not denied these facts, evidence and applicable law

5. It is “beyond any reasonable doubt” that any other judge will be able to deny, dispute the evidence, the applicable laws – essentially, the “merits”.

6. Pursuant to 21(3) & 134(1)(a), (b) & (c) of the CJA, Rule 1.04, 77.01.(2).1, 59.06 I am requesting that the merits of the case as borne out by the facts, evidence, exhibits and the applicable law be acknowledged as set out in the draft order.

7. If the draft order cannot be issued I would like to know the legally valid reasons and if required I am requesting a case conference or a motion to discuss the merits. Attached is a notice of motion.

8. On Apr 3<sup>rd</sup>, I requested a case conference to settle the order Mar 21<sup>st</sup> based on the merits – however, on Apr 4<sup>th</sup>, J Corbett suggested a review motion pursuant to s.21(5) instead – the review motion is/was not my first preference and not the only option. Hence the request for a case conference/motion.

[52] On **August 8, 2025**, Mr Rajaghatta emailed the court again, as follows:

Thanks – please confirm/clarify that my email has been forwarded to a judge.

Please also to inform the court:

1. J Corbett had the same evidence before him since Feb 21<sup>st</sup>, 2025 for the merits to be assessed.

2. J Rogers, the motion judge for Nov 16<sup>th</sup>, 2023, has not denied the evidence, applicable laws and has not provided any reasons as to why the evidence was ignored.

As an FYI, the acknowledgement of the evidence, applicable laws (“merits”) should be given priority, since the evidence and laws were available since 2016. Not deterring the offenders has allowed them to perpetrate repeated offences.

[53] On **August 13, 2025**, Mr Rajaghatta emailed the court as follows:

Good Day,

I would like to request an urgent case conference with that judge to see if there are any hurdles for acknowledging the merits. The evidence and the law have not been acknowledged since 2016 and hence the urgency.

[54] On **August 22, 2025**, Mr Rajaghatta emailed the court as follows:

Good Day,

Please bring this email to the attention of a judge:

1. This request is WRT to the r.2.1 notice dated 18/07/25.
2. Despite several requests since July 17<sup>th</sup>, no evidence has been brought forward by J Corbett and/or others to demonstrate that the Appellant is ungovernable and/or that he has acted in a vexatious manner and/or that he has acted in a in a frivolous manner and/or has exhibited abusive conduct.
3. In contrast, however, evidence has been brought forward by the Appellant to demonstrate that the Respondent has acted vexatiously and/or frivolously and/or in an abusive manner since 2016.
4. I am requesting that the Divisional Court suo motu withdraw/set-aside the Rule 2.1 notice immediately, since it is unsubstantiated.
5. I am also requesting that the court review the evidence and law (“the merits”) that demonstrates that the Respondent has acted vexatiously, frivolously and abused the judicial process since 2016.
6. Pursuant to Rule 2.03, I am requesting that I be relieved of filing all motion materials for the withdrawal.
7. If, however a motion is required, please let me know.

[55] On **October 15, 2025**, Mr Rajaghatta emailed the court attaching another notice of motion seeking to set aside the r. 2.1 notice. The email states as follows:

Good Day,

J Corbett has not provided evidence and/or the jurisprudential basis to support this Rule 2.1 notice – I am requesting a motion to set aside the Rule 2.1 notice (attached).

Please schedule a motion at the earliest.

If motion cannot be scheduled, please provide legal reasons for the same.

[56] This summary of communications does not include the extensive efforts of the Registrar to guide the Appellant. These efforts include:

1. August 20, 2025:

Please wait until a response is received by Justice Corbett. The first endorsement received by His Honour informed the parties that it was case managed by Justice Corbett. The court cannot bypass that direction and forward your matter to another Judge.

D.L. Corbett J. is seized of any further steps in this matter prior to a panel hearing unless the court subsequently directs otherwise.

2. August 25, 2025:

The urgent request was going to be sent to Justice Jensen when they returned from vacation but after reviewing all of Justice Corbett endorsement, the court cannot request another Judge to review your file.

D.L. Corbett J. is seized of any further steps in this matter prior to a panel hearing unless the court subsequently directs otherwise.

Justice Corbett is case managing this file.

Please file your response to the Rule 2.1 (see the endorsement below of July 17, 2025). The court is waiting for you to follow all the directions from Justice Corbett.

This endorsement was sent to you on May 29, 2025.

Justice Corbett directs me to advise you as follows:

The court has given its directions. Those directions are clear. The parties shall follow them.

Case management is not a debate or colloquy. Any concerns Mr Rajaghatta has with the case management process followed in this court may be raised by him with the Divisional Court panel at the hearing of his review motion.

No further response will be given to Mr Rajaghatta's most recent email or his draft "Order" (which will not be made by the court). Mr Rajaghatta should not expect the court to respond to any further similar inquiries from Mr Rajaghatta.

Also, the endorsement from July 17, 2025, informs you on how to set aside the Rule 2.1 Notice:

Justice Corbett directs me to advise you as follows:

Mr Rajaghatta delivered motion materials for a s. 21(5) motion to review case management directions of the court managing his s. 21(5) motion to review the orders of a judge that he perfect his appeal and dismissing his appeal for non-

compliance with case management directions. This motion was received by the court half an hour before the court-directed r. 2.1 notice was sent by the court to Mr Rajaghatta.

This court directs that the r. 2.1 notice also apply to Mr Rajaghatta's most recent motion. In addition, the court is now considering restricting Mr Rajaghatta's access to process in the Divisional Court by reason of his vexatious conduct in this proceeding, and **Mr Rajaghatta may address this concern in his response to the r. 2.1 notice. The deadline for response shall run from the date on which this additional notice is given, and Mr Rajaghatta may have an additional five pages in which to respond to all r. 2.1 issues.**

3. September 12, 2025:

Justice Corbett is waiting for your written submissions concerning the notice that was issued against you under Rule 2.1. (see attached).

Justice Corbett gave you clear directions for the motion before a Panel and now you must address the issue of dismissal.

Very important that you read the rule and follow the direction; see below the website: [R.R.O. 1990, Reg. 194 RULES OF CIVIL PROCEDURE | ontario.ca](https://www.ontario.ca/rro-1990-reg-194-rules-of-civil-procedure)  
Please email your written submissions for Justice Corbett to review. Thank you.

4. October 17, 2025:

Nothing will be accepted except your written submissions to deal with the Notice under Rule 2.1.

Justice Corbett is waiting for your written submissions concerning the notice that was issued against you under Rule 2.1.

Very important that you read the rule and follow the direction; see below the website: [R.R.O. 1990, Reg. 194 RULES OF CIVIL PROCEDURE | ontario.ca](https://www.ontario.ca/rro-1990-reg-194-rules-of-civil-procedure)

Please email your written submissions for Justice Corbett to review. Thank you.

5. October 21, 2025:

The written submissions are the document you need to file to challenge the Rule 2.1 Notice.

Once you file that document it will be forwarded to Justice Corbett and it will be decided if your case is dismissed or if you can proceed with the motion before a Panel of Judges.

6. October 22, 2025:

The emails have been forwarded to Justice Corbett, the Judge case managing this matter.

Please file the affidavit, written submission for the Rule 2.1 notice that was filed for this case.

Very important that you read the rule and follow the direction; see below the website: R.R.O. 1990, Reg. 194 RULES OF CIVIL PROCEDURE | ontario.ca

## **RULE 2.1 FRIVOLOUS, VEXATIOUS OR ABUSIVE PROCEEDINGS** **Stay or Dismissal of Proceedings**

### ***Court May Stay, Dismiss***

**2.1.01** (1) The court may make an order staying or dismissing a proceeding that appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court. O. Reg. 322/24, s. 1.

### ***Summary Determination***

(2) The court may make a determination under subrule (1) in a summary manner, subject to the procedures set out in this rule. O. Reg. 322/24, s. 1.

### ***On Own Initiative or On Request***

(3) An order under subrule (1) may be made by the court on its own initiative or on the request of a party to the proceeding under subrule (4). O. Reg. 322/24, s. 1.

### ***How to Request***

(4) A party may seek an order under subrule (1) by serving a request in Form 2.1A on every other party and filing it with proof of service. O. Reg. 322/24, s. 1.

### ***Registrar May Notify Court***

(5) If, in the registrar's opinion, there is reason to believe that a proceeding may be frivolous or vexatious or otherwise an abuse of the process of the court, the registrar may, in the absence of a request under subrule (4), notify the court. O. Reg. 322/24, s. 1.

### ***Notice to Parties***

(6) If, on review of a request under subrule (4) or on its own initiative, the court determines that it may be appropriate to make an order under subrule (1), the court shall direct the registrar to give notice to the parties in Form 2.1B that the proceeding may be stayed or dismissed. O. Reg. 322/24, s. 1.

### ***Effect of Notice***

- (7) Once the registrar gives notice to the parties,
- (a) the proceeding is automatically stayed until the court either makes an order under subrule (1) or an order declining to stay or dismiss the proceeding; and
  - (b) no party may take any step in the proceeding other than the steps in this rule, unless the court orders otherwise. O. Reg. 322/24, s. 1.

### ***Procedures***

(8) Unless the court orders otherwise, an order under subrule (1) shall be made on the basis of written submissions, if any, in accordance with the following procedures:

1. The plaintiff or applicant may, within 15 days after receiving the notice, file with the court a written submission, no more than 10 pages in length, responding to the notice.
2. If the plaintiff or applicant does not file a written submission that complies with paragraph 1, the court may make the order without any further notice to the plaintiff or applicant or to any other party.

7. October 22, 2025:

This email has been sent to Justice Corbett. Please email the written submissions required pursuant to Rule 2.1 Notice that has been issued against you.

[57] Mr Rajaghatta has not provided a response to the r. 2.1 notice and has not delivered a factum for the underlying review motion, as had been directed after I struck out his first factum. Mr Rajaghatta has engaged in a running correspondence with the court, which I have considered to the extent that it might be responsive to the r. 2.1 notice.

### **Analysis**

#### **(a) r. 2.1**

[58] Dismissal pursuant to r. 2.1 should only be ordered in the “clearest of cases”. This is such a case. Before Labrosse J., and again before me, Mr Rajaghatta has made it clear that he will not comply with directions if he disagrees with them. Matters cannot proceed in an ordered fashion where a litigant will not follow the court’s directions. Mr Rajaghatta has been afforded more than a reasonable opportunity to identify an arguable basis on which a panel could interfere with the orders of Labrosse J. He has not done so.

[59] A review motion is “frivolous” if it is “lacking a legal basis or legal merit” (2024 ONCA 398, para. 21); *Currie v. Halton Regional Police Services Board* (2003), 2003 CanLII 7815 (ON CA).

[60] The Appellant's review motion is brought from decisions of Labrosse J. The first is an order that the Appellant perfect his appeal. There is no legal basis or merit to the Appellant's position that he should not have been required to perfect his appeal. The second is an order dismissing the appeal for failing to perfect it as directed. Labrosse J. gave the Appellant numerous opportunities to perfect the appeal, and at the end, on March 21, 2025, offered the Appellant another opportunity to do so. The Appellant declined this opportunity. In these circumstances, there is no legal basis or merit to the Appellant's argument that Labrosse J. should not have dismissed the appeal for non-compliance with the court's directions, and failure to discharge his responsibility as an appellant to perfect his appeal with reasonable promptitude.

[61] There is no legal basis for the Appellant's position that Labrosse J. could, or should, have decided the appeal, and other substantive issues in the underlying family law proceedings, at a case conference. Labrosse J. found that he had no jurisdiction to grant such orders at a case conference, and there is no legal basis or merit to the Appellant's argument to the contrary. Even so, Labrosse J. did explain to the Appellant how he could bring motions within the appeal – on proper motion materials – but that bringing such motions would not change the fact that (a) the Appellant was required to perfect his appeal; and (b) having been directed to perfect his appeal by a judge, the Appellant was required to comply with the court's directions. There is no legal basis for the Appellant's position that he was not required to follow the directions he had been given to perfect his appeal.

**(b) R. 2.1, Case Management and Review Motions Pursuant to CJA, s.21(5)**

[62] Prior to 2020, case management was the rare exception, rather than the rule, in the Divisional Court. The parties drive their own processes, with the Rules of Civil Procedure providing the structure for the process. Only if a party sought assistance from a judge by way of a motion would the court ordinarily intervene prior to a matter coming before a panel of the court.

[63] This all change when the COVID-19 pandemic required the court to take a hands-on approach to pre-hearing processes to adjust to conducting hearings virtually. This was borne of necessity at the time, but it also showed that case management led to a more efficient and effective process, with faster disposition of cases, and fewer expensive and time-wasting motions.

[64] Thus, now, judges are involved in Divisional Court cases shortly after those cases are initiated up to the time that they are scheduled for hearing before a panel. The task of the case management judge is to assist the parties to complete their pre-hearing preparation so that their matters are ready for a hearing on the merits. Where parties cooperate in this process, schedules may often be established and hearing dates identified within a few weeks of the matter commencing.

[65] Where parties do not cooperate, and particularly, where one party will not follow the court's directions, and instead argues relentlessly with the court's case management directions, a particular set of problems can develop that leads to cases being mired in pointless procedural conflict. Such a situation is not in the interests of the parties or the administration of justice, and so the court has developed two ways of dealing with the issue:

1. Directing that objections to case management directions may be raised with the panel hearing the appeal or application; and

2. Where appropriate, disposing of procedural objections by recourse to r. 2.1.

[66] The primary reason for these two approaches to addressing pointless and endless procedural conflicts during case management is s. 21(5) of the *Courts of Justice Act*.

[67] Subsection 21(5) provides:

A panel of the Divisional Court may, on motion, set aside or vary the decision of a judge who hears and determines a motion.

[68] Case management directions are treated as analogous to decisions on a motion – they have the same effect as decisions on motions – they result in orders – usually (but not always) interlocutory – and their effect can range from incidental (such as most orders directing particular deadlines) to significant (striking out impermissible materials, striking out grounds of appeal, or dismissing proceedings) – all things a motion judge could do on a motion. The operating principle here is that case management directions can be made where there is a sufficient basis in the information provided to the case management judge by the parties, and the issue is not one that should be left for the panel to decide at the hearing, or it is one that a reasonable litigant could not oppose.

### **This Case**

[69] The Appellant’s underlying appeal was from an order of Roger J. striking out his pleadings in the Superior Court of Justice family law proceedings, granting additional related relief in those proceedings, and designating the Appellant as a vexatious litigant pursuant to s. 140 of the *Courts of Justice Act*. As I noted in case management directions, the order of Roger J. “is a serious matter”. Appeal rights from that order are substantive rights: in the ordinary course, the Appellant is entitled to have his appeal proceedings from the decision of Roger J. heard and decided on the merits.

[70] The task of the case management judge – in this case Labrosse J. – was to assist the parties to ready the Appellant’s appeal for a hearing before a panel of three judges of the Divisional Court. As Labrosse J. explained to the Appellant (as reflected in His Honour’s written directions), an appeal is based upon the record that was before the court below. It was the Appellant’s responsibility to prepare the Appeal Record, and his factum, in order to “perfect” his appeal, so that it would be ready for hearing by a panel.

[71] It is clear from the case management directions, and the Appellant’s communications with the court, that he had different ideas about how the process should unfold. He wanted to seek orders from this court far beyond those available on an appeal from the decision of Roger J.: he wanted this court to make findings of fact based on an original record, to review the history of proceedings going back to 2016, to review orders that pre-date the order of Roger J.: effectively he wanted this court to weigh in on the entire process below on the basis of an original record produced to this court. But more than that, he wanted Labrosse J. to do all of these things as a single case management judge of the Divisional Court.

[72] As reflected in the case management directions, Labrosse J. explained to the Appellant that his appeal was in respect to the order of Roger J., and that if the Appellant was seeking to add to the record below, or to pursue additional issues beyond an appeal from the order of Roger J., the Appellant would have to bring a motion seeking to do those things: he could not simply lump

everything into his appeal from the order of Roger J. Labrosse J. also told the Appellant that – whether the Appellant decided to bring motions to tender fresh evidence, or raise issues additional to his appeal of the order of Roger J., he still had to perfect his appeal from the decision of Roger J. The Appellant disagreed. He wanted to file his papers before Labrosse J. and have Labrosse J. make sweeping orders about the substance of the Superior Court of Justice case on the basis of those materials.

[73] Labrosse J. gave clear, comprehensible directions to the Appellant, and warned him that his appeal would be dismissed if he did not follow the directions he had been given. Still, the Appellant did not comply, and so finally Labrosse J. dismissed the appeal for failure to perfect the appeal in a timely manner and failure to comply with the court’s directions.

[74] The current proceeding is a motion to review the orders of Labrosse J., pursuant to s. 21(5). In this process, the Appellant has engaged in precisely the same conduct that he did before Labrosse J.: failing to follow this court’s clear directions, seeking to expand the issues before the panel from those properly under consideration of the s. 21(5) review motion, and engaging in relentless debates with the case management judge.

[75] The factum delivered by the Appellant by the June 30<sup>th</sup> deadline failed to identify an arguable basis to interfere with the orders of Labrosse J. The Appellant was given until August 29<sup>th</sup> to deliver a fresh factum for the s.21(5). There is no apparent basis to interfere with the order of Labrosse J.: the requirement that the Appellant perfect his appeal is contained in the Rules of Civil Procedure and was the subject of repeated prior directions. The Appellant had no excuse for failing to comply with the requirement to perfect the appeal: his disagreement with the order was not an excuse for not complying with the order. All of this was explained to the Appellant by Labrosse J., and the Appellant was offered a fresh deadline to perfect his appeal, which he declined.

[76] In the process of this review motion, the path forward for the Appellant was explained to him, again, repeatedly. He did not follow that path.

[77] There is no apparent merit to the review motion, and the Appellant has proven himself ungovernable. No point would be served giving the Appellant yet further opportunities to perfect and argue the review motion. This is one of those “clearest of cases” where the proceeding should be dismissed pursuant to r. 2.1, and the Appellant’s access to the Divisional Court limited in future.

### **Disposition**

[78] The Appellant’s motions to review the orders of Labrosse J. are dismissed pursuant to r. 2.1. The Appellant may not commence or continue any proceedings in the Divisional Court in future unless (a) he obtains permission from an administrative judge of the Divisional Court or their delegate; and (b) he is represented by a lawyer in the Divisional Court proceedings.

[79] “Permission” described in the preceding paragraph shall be sought by way of a letter which shall be no longer than five pages, which shall attach a copy of the decision to be appealed or reviewed in the Divisional Court, a draft of the Appellant’s Notice of Appeal or Notice of Application for Judicial Review, and a copy of an order granting the Appellant leave to bring Divisional Court proceedings (as required by the order of Roger J.). No other documents may be attached to the letter.

[80] These requirements are in addition to, and are not in place of, the requirements imposed upon the Appellant by the order made by Roger J. pursuant to s. 140 of the *Courts of Justice Act*.

[81] The Responding Party was not put to the expense of responding to the motion to review the orders of Labrosse J., or to responding to the r. 2.1 issues. However, the Responding Party was put to the expense of her counsel reviewing the communications between the court and the Moving Party on these issues over a period of more than six months. As reflected in this endorsement, these communications were protracted. In these circumstances, I order the Moving Party to pay the Responding Party costs of the review motions and r. 2.1 proceedings in the amount of \$1,500, inclusive, payable within thirty days.

### **An End to Divisional Court Proceedings**

[82] This decision is not reviewable before a panel of Divisional Court judges. Mr Rajaghatta's only recourse from this decision is by way of a motion for leave to appeal to the Court of Appeal: *Hemchand v. Toronto (City)*, 2016 ONSC 7134; *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 3207; 2024 ONCA 398 per Gomery JA.

[83] These reasons are the only explanation this court will provide to the parties for the court's decision. Mr Rajaghatta is directed not to email the court seeking further reasons, or challenging the reasons that have been given: at this point matters are concluded in the Divisional Court, and Mr Rajaghatta's only further recourse is a motion for leave to appeal to the Court of Appeal.

[84] There shall be no further process in this court to settle the formal order reflecting this court's decision; this court shall arrange for the appropriate order to be issued, entered and sent to the parties in due course.

“Corbett J.”

**Released:** October 24, 2025

**CITATION:** Rajaghatta v. Niranjan, 2025 ONSC 6032  
**DIVISIONAL COURT FILE NO.:** DC-24-2855  
(Ottawa)  
**DATE:** 20251024

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT**

**D.L. Corbett J.**

**BETWEEN:**

NIRANJAN RAJAGHATTA

Appellant

**AND:**

HEMA NIRANJAN

Respondent

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**REASONS FOR DECISION**

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**D.L. Corbett J.**

**Released:** October 24, 2025