Claim No: CA 005/2022
CA 006/2022

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS
In the name of His Highness Sheikh Mohammad Bin Rashid Al Maktoum, Ruler of Dubai

IN THE COURT OF APPEAL
BEFORE H.E DEPUTY CHIEF JUSTICE ALI AL MADHANI, H.E. JUSTICE SHAMLAN AL SAWALEHI AND JUSTICE SIR PETER GROSS

BETWEEN

THE INDUSTRIAL GROUP LIMITED

Respondent /Claimant

and

Mr ABDELAZIM EL SHIKH EL FADIL HAMID

Appellant /Defendant

ORDER WITH REASONS OF THE COURT OF APPEAL

UPON the judgment of the Court of Appeal in CA-005-2022 dated 20 September 2022

AND UPON reviewing the Claimant's appeal costs submissions dated 19 October 2022

IT IS HEREBY ORDERED THAT:

1. The Respondent is awarded 2/3 of its costs of the Appeals before this Court, to be subject to detailed assessment by the Registrar if not agreed.

2. The Judge's order as to costs below is upheld.

3. The Appellant shall pay USD 50,000 on account towards the Respondent's costs of this Appeal, within 28 days of the date of this Order.

4. The Court remits to the Judge any application the Appellant may wish to make with regard to interest.

5. The parties shall have liberty to apply.

Issued by:
Ayesha Bin Kalban
Registrar
Date of Issue: 30 November 2022
At: 11am

SCHEDULE OF REASONS

1. The Court thanks the parties for their respective submissions on costs.

2. As in the Court's Judgment dated 20 September 2022 (the "Judgment"), the Court refers to the parties as "TIG" and "Mr Hamid" respectively.

3. In exercising the Court's discretion under the Rules of the DIFC Court (the "RDC") as to costs, the Court has had regard in particular to (i) the general (but not invariable) rule that the unsuccessful party will be ordered to pay the costs of the successful party; and (ii) the conduct of the parties before as well as during the proceedings. Ultimately, this is not an arithmetically precise exercise; the objective is to exercise the Court's broad discretion to do substantial justice between the parties.

4. In all the circumstances, the Court awards TIG 2/3 of its costs of the Appeals before this Court, to be subject to detailed Assessment by the Registrar if not agreed. In the Court's judgment, that award properly reflects TIG's success on the Appeals. No further adjustment is called for as to the precise times taken up by the issues advanced before us. The Court is additionally mindful of the observations in the Judgment as to TIG's conduct, not requiring further elaboration here.

5. The Court declines to interfere with the Judge's order dealing with costs below. In this regard, the Court has well in mind the Judge's observations as to TIG's conduct, set out in his judgment. Justice would not be served by any adjustment to the Judge's order.

6. Given the order this Court proposes to make as to the costs of the Appeals, the Court orders Mr Hamid to pay USD 50,000 on account of those costs, within 28 days of the date of this Order (on Costs).

7. The Court remits to the Judge any application Mr Hamid may wish to make with regard to interest.

8. The parties shall have liberty to apply.