THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

BEFORE H.E. JUSTICE ALI AL MADHANI

BETWEEN

TAALEEM PJSC

Appellant

and

(1) DEYAAR DEVELOPMENT PJSC

First Respondent

(2) NATIONAL BONDS CORPORATION PJSC

Second Respondent

ORDER OF H.E. JUSTICE ALI AL MADHANI

UPON reviewing the Appellant's Application Notice CFI-014-2010/21 for reconsideration of refusal of permission to appeal at an oral hearing;

AND UPON hearing Counsel for all parties at a hearing on 29 June 2014;

IT IS HEREBY ORDERED THAT:

1. Permission to appeal is denied.
2. No order be made as to costs, as per Rules 44.28 and 44.29 of the Rules of the DIFC Courts (RDC).

REASONS:

3. This application was lodged by the Appellant (Deyaar) after they submitted an application for permission to appeal against the judgment of Justice Sir David Steel, which was refused by Justice Roger Giles in a detailed judgment without a hearing on 24 April 2014.
4. Justice Roger Giles refused to grant the Appellant permission to appeal against Justice Sir David Steel's judgment after considering the grounds of appeal without a hearing and concluded that the grounds of appeal, whether taken independently or collectively, did not offer any real prospects of success.
5. Although the Appellant submitted grounds of appeal for Justice Roger Giles to consider in dealing with the first application for permission to appeal which was refused as stated above, the Appellant has not submitted any further reasons why permission should be granted notwithstanding the reasons given for the refusal of the first application for permission without a hearing.
6. The Appellant's failure to set out reasons after having their application rejected before Justice Roger Giles contravenes the requirement in RDC 44.19
7. As such, I was not assisted by the Appellant as to why Justice Roger Giles was wrong in refusing to grant permission to appeal in the first place. All I was informed by the Appellant was that they were not pursuing Grounds 1, 5, 6, 7, 14 and 15 of the Grounds of Appeal before me in the hearing of 29 June 2014.
8. On the other hand the Respondents, Taaleem and National Bonds, submitted lengthy Skeleton Arguments as to why Deyaar's application for reconsideration of the refusal of permission to appeal should be dismissed.
9. Despite the Appellant's failure to provide reasons, notwithstanding the reasoned refusal of their first application, I allowed the Appellant to proceed with the hearing.

10. I have considered the Appellant's grounds of appeal, Justice Roger Giles' reasoned Judgment of 24 April 2014, the Appellant's oral submissions and the Respondents' written and oral submissions, and I am not satisfied by the arguments presented before me that the Appellant's grounds of appeal present a real prospect of success.

Issued by:

Natasha Bakirci

Assistant Registrar

Date of issue: 17 August 2014

Time: 3pm