THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

N/A

BETWEEN:

ATUL ASHOK AMIR CHAND DHAWAN

Claimant

and

ZURICH INTERNATIONAL LIFE LIMITED

Defendant

ORDER WITH REASONS OF H.E. CHIEF JUSTICE WAYNE MARTIN

UPON the Order with Reasons of H.E. Justice Thomas Bathurst dated 9 September 2025 (the "9 September Order")

AND UPON the Defendant's Notice of Commencement of Assessment of Bill of Costs dated 10 December 2025

AND UPON the Claimant's Application No. CFI-019-2025/7 dated 6 April 2026 seeking an extension of time of 21 days to file an Appeal Memorandum and permission to file a "fully reasoned appeal addressing jurisdiction and evidence issues" and an order upholding "the stay of cost application" (the "Application for an Extension of Time")

AND UPON the Claimant's Application No. CFI-019-2025/8 dated 21 April 2026 seeking an order staying enforcement of the Order (the "Application for a Stay of Enforcement")

AND UPON the Claimant's Application No. CFI-019-2025/9 dated 1 July 2026 seeking permission to adduce further evidence and for jurisdictional relief (the "Application to Adduce Additional Evidence")

AND UPON the Order with Reasons of H.E. Chief Justice Wayne Martin dated 28 July 2026 (the "28 July Order")

AND UPON the Defendant's Statement of Costs and Costs submissions dated 18 August 2026

AND UPON the Claimant's submissions in opposition dated 9 September 2026

AND UPON the Defendant's submissions in reply dated 9 October 2026

IT IS HEREBY ORDERED THAT:

1. The quantum of the Defendant's costs to be paid by the Claimant pursuant to the 28 July 2026 Order is assessed in the amount of AED 100,000.

2. In the event that the costs ordered to be paid pursuant to the preceding paragraph are not paid in full within 21 days of the date of this Order, interest shall accrue on any outstanding amount thereafter at the rate of 9% per annum.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 27 October 2026
At: 11am

SCHEDULE OF REASONS

1. On 28 July 2026, the Court made orders dismissing the Claimant's Application for an Extension of Time within which to apply for permission to appeal, an Application for a Stay of Enforcement, and an Application to Adduce Additional Evidence (the "Applications"). The Claimant was ordered to pay the Defendant's costs of all Applications to be assessed on the standard basis by the process of immediate assessment in accordance with directions for the exchange of a Statement of Costs and submissions.

2. In accordance with those directions, the Defendant has provided a Statement of Costs claiming a total amount of AED 146,011.93, including disbursements of AED 8,419.93 in respect of counsel's fees. The Statement claims costs at the rate of AED 2,100/hour in respect of two fee earners of significantly differing seniority for a total of approximately 53 hours.

3. The Claimant has served submissions which are 29 pages in length. Those submissions refer extensively to the merits of the Claimant's claims and to the Defendant's claims for the costs of the proceedings at first instance, which are not costs falling to be assessed in accordance with the orders made on 28 July 2026. Those aspects of the submissions are irrelevant and need not be considered.

4. The Claimant asserts that the hourly rates claimed by the Defendant are suspect because the same rate is charged for practitioners of widely

differing experience. The Claimant further contends that the hours claimed are excessive, having regard to the submissions made in opposition to the applications to the effect that the documents relied upon in their support were not novel and had been before the Court previously, and to the effect that the issues raised had all been considered and rejected by the Court previously.

5. There is no substance in the Claimant's objection to the hourly rate claimed. The hourly rate claimed is well below the guideline rate for the more senior practitioner and slightly below the guideline rate for the more junior practitioner contained in Registrar's Practice Direction no. 1 of 2023. The rate claimed is reasonable for each practitioner.

6. There is however some force in the Claimant's criticism of the total hours claimed. Although there were three separate Applications, the core of each Application was identical and involved matters which had been addressed previously. Further, although the Applications relied upon a significant volume of documents, many of those documents had also been presented to the Court previously.

7. Taking these matters into account, the amount of AED 100,000 provides a reasonable and proportionate allowance for the time and cost reasonably incurred responding to the three Applications by the Claimant, and the Defendant's costs will be assessed in that amount.