Claim No: CFI-026-2009

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

BETWEEN

(1) RAFED ABDEL MOHSEN BADER AL KHORAFI

(2) AMRAH ALI ABDEL LATIF AL HAMAD

(3) ALIA MOHAMED SULAIMAN AL RIFAI

Claimants

and

(1) BANK SARASIN-ALPEN (ME) LIMITED

(2) BANK SARASIN & CO. LTD

Defendants

ORDER OF JUSTICE ROGER GILES

UPON reviewing the First and Second Defendants' Appeal Notices both dated 6 November 2015 respectively, and the supporting documents;

AND UPON reviewing the Defendants' Skeleton Arguments in support of their respective Appeals, both dated 23 December 2014, and the further submissions filed by the Claimants on 15 January 2015;

IT IS HEREBY ORDERED THAT:

1. The First Defendant is granted permission to appeal pursuant to the Appellant's Notice and Grounds of Appeal dated 6 November 2014.

2. The Second Defendant is granted permission to appeal pursuant to the Appellant's Notice and Grounds of Appeal dated 6 November 2014, subject to determination of whether the grant of permission should be conditional on payment into Court of any judgment sum(s) and costs ordered to be paid at first instance.

3. The Claimants shall file and serve any further submissions in support of the condition in paragraph 2 above by no later than **4pm on Thursday 12 February 2015**.

4. The Second Defendant shall file and serve any submissions responsive to those of the Claimants as per paragraph 3 above by no later than **4pm on Sunday 22 February 2015**.

5. The Claimants shall file and serve any submissions in reply to those of the Second Defendant as per paragraph 4 above by no later than **4pm on Sunday 1 March 2015**.

6. Costs of the applications be costs in the appeals.

STATEMENT UPON MAKING ORDERS

Each of the Defendants applied for permission to appeal from the Judgment of the Deputy Chief Justice dated 21 August 2014 and the Order of the Deputy Chief Justice made on 28 October 2014 (issued on 30 October 2014). The matter having some complexity, I considered it appropriate to request submissions from the Claimants responsive to the Defendants' grounds of appeal and skeleton arguments.

Permission to appeal should be granted to each of the Defendants on the basis of RDC 44.8(2). The Claimants asked that any grant of permission to the Second Defendant be on the condition that it pay into Court any judgment sum(s) and costs ordered to be paid at first instance. I am considering imposing that condition, and should hear from the Second Defendant.

I note that the Claimants have not submitted that the Appellant's Notices were filed out of time.

I propose that the costs of the applications be costs in the appeals. There is a theoretical possibility that, if the condition is imposed, the Second

Defendant will not proceed with its appeal. I will order that the costs be costs in the appeals, but the order is subject to (a) any application for a different order made within seven days; and (b) consideration of a different order in the event that the Second Defendant's appeal does not proceed.

I make the orders as set out above.



Issued by:

Natasha Bakirci

Assistant Registrar

Date of issue: 3 February 2015

At: 3pm