Claim No. SCT 319/2021

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE SMALL CLAIMS TRIBUNAL

BETWEEN

LILYMAE

Claimant/Appellant

and

LAIBA

Defendant/Respondent

ORDER OF H.E. JUSTICE NASSIR AL NASSER

UPON hearing the Claimant's Appeal Notice dated 24 February 2022 seeking permission to appeal against the Judgment of H.E. Justice Nassir Al Nasser dated 18 February 2022 (the "Claimant's Application)

AND UPON a hearing having been listed before me on 1 March 2022 (the "Permission Hearing") to determine the Claimant's Appeal Notice

AND UPON reviewing all relevant material in the case file

AND UPON reviewing Rule 53.91 of the Rules of the DIFC Courts (the "RDC")

IT IS HEREBY ORDERED THAT:

1. The Claimant's Application be granted on the grounds that the Claimant has demonstrated that the appeal would have a real prospect of success.

2. Each party shall bear their own costs.

Issued by:
Nassir Al Nasser
SCT Judge and Registrar
Date of issue: 2 March 2022
Time: 10am

SCHEDULE OF REASONS

1. This is an Appeal brought by the Claimant in this Claim, against the order issued on 18 February 2022 (the "Judgment"). The Appeal Notice dated 24 February 2022, sets out the Claimant's request for an oral hearing to determine permission to appeal against the Judgment, which was duly held before me, in the presence of the parties on 1 March 2022.

2. The background of this Claim is relevantly set out in the Judgment and need not be repeated in the course of this decision.

3. In accordance with RDC 53.91, permission to appeal may be granted in limited situations, being when there is a real prospect that the appeal would succeed, or where there is another compelling reason why the appeal should be heard.

4. In review of the Appeal notice filed by the Claimant, I find that the Appeal does meet the requirements under RDC 53.91. I briefly set out my reasons below.

5. In the Appeal Notice, the Claimant states the grounds for appeal to be as follows:

> "the expert incorrectly assessed the MEP work which was relied on in the Judgment".

6. The above statement can be construed to be a position from which the Claimant can argue that there has been error on the part in reaching the conclusion set out in the Judgment.

7. Therefore, in light of the Claimant's submission, I am of the view that the Appeal does have a prospect of success.

8. I also do find that is a compelling reason for the Appeal to be heard, and therefore the Appeal satisfy the requirements of RDC 53.91.

9. Each party shall bear their own costs.