Claim No. CFI 058/2024

N/A

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN:

ATUL DHAWAN ASHOK AMIR CHAND DHAWAN

Claimant

and

RAMZI WAHIB EL JAOUHARI

Defendant

ORDER WITH REASONS OF H.E. JUSTICE ROGER STEWART

UPON the Part 7 Claim Form filed on 21 August 2024 (the "Claim")

AND UPON the Judgment of H.E. Justice Roger Stewart dated 5 October 2026, dismissing the Claimant's Claim (the "Judgment")

AND UPON the Defendant filing a statement of costs dated 9 October 2026

AND UPON the Claimant filing a response to the statement of costs dated 19 October 2026

AND PURSUANT TO the Rules of the DIFC Courts (the "RDC")

IT IS HEREBY ORDERED THAT:

1. The Claimant shall pay the Defendant's costs of the action.

2. The costs are summarily assessed in the sum of **AED 78,940**.

3. The above sum is to be paid by the Claimant to the Defendant within 14 days of this Order.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 2 November 2026
At: 12pm

SCHEDULE OF REASONS

1. This Order deals with costs following the Judgment dated 5 October 2026 which dismissed the Claimant's Claim.

2. Pursuant to the terms of the Judgment, the Defendant filed a statement of costs seeking a total of AED 92,308.38 made up as to:

(a) Time claimed by the Defendant for his own time as a litigant in person, 100 hours at a rate of AED 367 per hour - AED 36,700 and time attending the hearing AED 7,340 at the same rate;

(b) Time for a witness attending the hearing - AED 3,366;

(c) Expert witness costs at a total of AED 28,973.20;

(d) 2 DIFC Court applications - AED 2,203.50;

(e) Translation costs for 14 hours totaling AED 2,724.68;

(f) AED 10,000 for what was described as a cheque fine; and

(g) AED 1,000 for a legal opinion.

3. The Claimant filed lengthy submissions in response:

(a) Saying that no costs order should be made or costs should be reserved pending an appeal;

(b) Asserting that the Defendant had not achieved complete success on a number of grounds;

(c) Asserting that the monetary value of the case was only AED 7,600;

(d) Making points as to the costs claimed namely:

(i) The hourly rate for the Defendant's time was excessive;

(ii) The time for a factual witness was not recoverable;

(iii) The expert witness fees were not necessary to the outcome;

(iv) Time for negotiations was not explained or permitted;

(v) The AED 10,000 for the cheque was impermissible;

(vi) The applications were not specified; and

(vii) The costs of the legal opinion were accepted in principle subject to production of an invoice.

4. There is no basis for delaying the making of an interim assessment of costs pending any possible appeal. Furthermore, there is no basis for asserting that the Defendant had only partial success or that the value of the Claim was low. The Claimant chose to persist in the bringing of a Claim running into millions of dirhams which was defeated.

5. As to the remaining points:

(a) I do not consider either the number of hours spent or the rate per hour sought to be claimed by the Defendant to be excessive;

(b) The litigation has been pursued vigorously with even the response to the Claim for costs running to 9 pages;

(c) It is true that the Defendant is a litigant in person and in relation to such costs this Court follows the practice of the English Courts - see *Leedham v Oxford Investment Managers Ltd*;

(d) In that respect, the first question is whether the Defendant has established financial loss. If so, he is, in principle, entitled to make a claim up to two thirds of an appropriate lawyer;

(e) I consider it plain that the Defendant has established loss as a result of the extensive time he has had to devote to the case just as the Claimant did in the *Leedham* case. He is a businessman and time is likely to be his most valuable resource;

(f) The rate claimed is a small fraction of that which would be required to be paid to a lawyer and much less than the two thirds of such a lawyer's fees;

(g) I agree that the time of the factual witness is not recoverable;

(h) I do not agree that the Defendant should not be entitled to the costs of the expert or of translation costs;

(i) The Defendant issued two applications prior to the hearing before H.E. Justice Nassir Al Nasser which he ordered to be costs in the case and are recoverable;

(j) I consider it unnecessary for there to be a voucher for the legal advice; and

(k) The sum for AED 10,000 in respect of the cheque is plainly not recoverable.

6. The consequence is that the sum claimed is reduced in respect of the cheque and the factual witness time so that costs are assessed at **AED 78,940** (rounding down slightly).