

IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION

Case No: BV18D17943

Courtroom No. 25

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Thursday, 20th April 2023

Before:  
HER HONOUR JUDGE LAZURUS

B E T W E E N:

MR ANAND VISPUTE

and

MRS KETKI ANAND VISPUTE

MS KOCHAROVA appeared on behalf of the Applicant  
MR STAUNTON appeared on behalf of the Respondent

JUDGMENT  
(Approved)

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*This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.*

JUDGE LAZARUS:

1. I am being asked to consider the applicant's application that his costs in these proceedings should be met by the respondent. The respondent, who has admitted contempt of court, as I have identified in my judgment given this afternoon, and it is now subject to the sanction of this Court, namely a four-month sentence of committal suspended for two years.
2. The statement of costs schedule has been prepared by Mr Vispute, who I appreciate is a litigant in person. Counsel has attempted to clarify it both with me and with her colleague representing the respondent. It totals, with the addition of some preparatory documentation work which is missing from the schedule, to some £13,288.
3. What is pointed out is that of course Mr Vispute is entitled to claim hours in his own right as a litigant in person. It is suggested that some of those lengths of time spent, 10 hours analysing Bankers' Book Act disclosures, 15 hours reviewing two witness statements of the respondent, 20 hours reviewing bundles for two hearings, 20 hours for drafting and reviewing position statement, witness statement and affidavit, five hours for reviewing the respondent's affidavit, are all excessive. However, in the scheme of things, while I might agree with that, that is not the heavier burden of the schedule, coming as it does to less than £1,500.
4. The heavier burden of the schedule is some £3,900 for fees for counsel at hearings. Some just under £5,000 for fees for counsel advice, conference, and documents. £1,100 for notary process server, forensic expert report and similar. Some £2,100 odd for what I assume is counsel's attendance on Mr Vispute over and above the items I have already mentioned.
5. What is argued on the respondent's behalf is that it is difficult given the way the schedule is prepared to determine how much time has been spent on what by which counsel. In particular, in the context of the applicant no longer pursuing counts four and five of the original application, nor indeed count one, but pursuing counts two and three.
6. Count one related to the appearance of the documentation which was resolved by looking at how it appears online when everyone was sitting at Court in December last year. Ms Vispute was able to share the online images using a laptop for everyone to review. Now I note that is not proceeded with but there has been an explanation that has been put forward by Ms Vispute since an early stage of these proceedings.
7. Counts four and five relate to the withholding of the true bank statements under the Bankers' Book matter, which was not pleaded but has in fact been the subject of considerable statements, correspondence, dispute at hearings, contents of preparatory documents, position statements, skeleton arguments, and the like.
8. Until January 2023, the applicant made the assertions relating to the involvement of the respondent's solicitors, Legal Comfort, in the production by the respondent of the false documents with which we have been dealing. Also, I noted in December 2022, following extensive submissions from the parties' representatives, that it was clear at that point, that being my first contact with this case, that there was not sufficient evidence, whether in the form of metadata or otherwise, to satisfactorily identify any active or knowing involvement in the respondent's alleged contempt and additionally that they were not a named party in the contempt application.
9. An application pursued against them would have to be made separately and satisfy the Court as regard the basis of claim, the jurisdiction and so forth, and could not simply be tacked onto the applicant's application to commit the respondent for contempt of court.

10. I considered and pointed out at that date as set out on the December order, that the Court lacked the jurisdiction to require Legal Comfort to provide the disclosure sought by the applicant pursuant to the contempt application. There were applications before me, and before the Court over time for directions for detailed statements from Legal Comfort. It was clear that without that jurisdiction it was not possible to pursue further directions in that respect, although it had in fact been a matter of considerable energy and time spent up to that date.
11. There was also consideration as to whether or not the applicant sought to withdraw those allegations four and five of the application; which on consideration those applications were not pursued, and that was confirmed in accordance with my directions, and an amended particulars of contempt were provided by 6 February.
12. Now, having said all of that, it is important to note normally costs follow the event and in this case the applicant has been successful in pursuing proceedings for contempt of court in the manner pleaded and the principle issues which related to the false statements made and the falsification of the bank statements.
13. The principle gravamen of the claim before the Court, the issues, the proceedings before the Court have been established, admitted, satisfied as per my recent judgment, and accordingly, I will be granting costs to the applicant. In terms of the overall amount, given that items one, four, and five were not pursued, but it took until December/January to get to that point, so therefore, almost a year after the application for committal was issued, also given the amount of time and energy that was spent attempting to pursue the mother's solicitors in relation to the contempt issue, that too must be borne in mind.
14. Accordingly, in looking at the schedule, I will be granting an award of costs that covers the vast proportion of those claimed. The sum claimed is just over £13,200 in total. I am prepared to grant the sum of £11,000 to the applicant. It being the case that, as I say, the substance of the claim has been thoroughly established and these others matters have had to be given up along the way but did not form the principle substance of the claim. However, it nonetheless took up a degree of time and energy that had to be effectively abandoned. I have also borne in mind the relevant guidance and principles in the *White Book* reminding myself thereof.

**End of Judgment.**

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This transcript has been approved by the judge.