



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA 2025 000569

EE, FF, AA & HH -v- DOHA BANK LIMITED

**ORDER made by the Rt. Hon. Lady Justice Asplin**

CA-2025-000569

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: permission to appeal GRANTED in relation to Grounds 1 and 2. Permission to appeal refused in relation to Ground 3.

Anonymity Application GRANTED

An order granting permission may limit the issues to be heard or be made subject to conditions _____

Reasons

Ground 1 has a real as opposed to a fanciful prospect of success. There is also a compelling reason why this ground of appeal should be heard. In the unusual circumstances of this case, including but not limited to the suggestion that there should be no order as to costs and the fact that the change in circumstances was allegedly brought about by third party conduct, it is arguable that a broader approach than that in *Brookes v HSBC Bank plc* should have been applied and that the judge exercised his discretion on an erroneous basis.

Ground 2 - although I consider this ground to be weaker, it has a real as opposed to fanciful prospect of success and in any event, there is a compelling reason why it should be heard. The standard of proof in relation to third party conduct in circumstances such as these should be considered by this court.

Ground 3 - has no real prospect of success and there is no compelling reason why it should be heard. The judge was entitled to take account of the state of the evidence before him in the manner in which he did.

Anonymity Application - given the background to the proceedings and to this appeal and the fact that the Respondent's legal representatives are within the confidentiality ring, it is appropriate to grant the Application in order to seek to protect the Appellants from grave risk of serious harm. _____

Information for or directions to the parties**Court of Appeal Mediation Scheme (CAMS)**

Where permission has been granted or the application adjourned:

a) Does the case fall within the Automatic Referral Scheme (see below)? No

Automatic Referral Scheme categories:

- | | |
|---|---|
| <ul style="list-style-type: none"> • All cases involving a litigant in person (other than immigration and family appeals) • Personal injury and clinical negligence cases; • All other professional negligence cases; • Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; | <ul style="list-style-type: none"> • Boundary disputes; • Inheritance disputes. • EAT Appeals • Residential landlord and tenant appeals |
|---|---|

b) If yes, is there any reason not to refer to CAMS mediation under the Automatic Referral Scheme? N/A

c) If yes, please give reason: N/A

d) Cases outside the Automatic Referral Scheme: Do you wish to make a recommendation for mediation? No

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment) % to 1 day
b) any expedition No

SIGNED: BY THE COURT

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where -
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPRPD52C).

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