



**In the name of His Highness Sheikh Tamim bin Hamad Al Thani,  
Emir of the State of Qatar**

**Neutral Citation: [2025] QIC (F) 10**

**IN THE QATAR FINANCIAL CENTRE  
CIVIL AND COMMERCIAL COURT  
FIRST INSTANCE CIRCUIT**

**Date: 3 March 2025**

**CASE NO: CTFIC0042/2024**

**THALES QFZ LLC**

**Claimant/Respondent**

**v**

**ALJABER ENGINEERING COMPANY W.L.L.**

**Defendant/Applicant**

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**JUDGMENT**

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**Before:**

**Justice Fritz Brand**

**Justice Ali Malek KC**

**Justice Dr Muna Al-Marzouqi**

## **Judgment**

### **Background**

1. This ruling sets out the Court's reasons for its decision on 11 February 2025 to adjourn the trial of these proceedings.
2. The background can be shortly stated. The Claimant is Thales QFZ LLC ('**Thales**'), a limited liability company incorporated in accordance with the laws of the State of Qatar and licensed to do business in the Qatar Free Zones. It carries on business as a contractor in defence and security, ground transportation, aerospace, space and digital identity and security sectors. Thales is represented in these proceedings by Al Tamimi & Company (Dubai, UAE) and Laurence Page of 4 Pump Court (London, UK).
3. The Defendant is AlJaber Engineering Company W.L.L. ('**AlJaber**'), a limited liability company incorporated in accordance with the laws of the State of Qatar. It is listed in the commercial registry with the Ministry of Trade and Industry in the State of Qatar. It carries on business as a contractor in the field of major business, construction and contracting. AlJaber is represented by Khalid Alhababi of the Alhababi Law Firm.
4. Several disputes have arisen under a subcontract dated 29 January 2022 between Thales and AlJaber for security equipment and system integration works at the New Port Strategic Food Security Facilities in Hamad Port, Qatar. Thales has brought several claims in these proceedings against AlJaber and AlJaber has counterclaimed.

### **Trial date**

5. On 11 February 2025 the trial was due to take place. This date had been given in a Directions Order of 30 December 2024. The parties had prepared for the hearing, including the preparation of witness statements, trial bundles and skeleton submissions. On 10 February 2025, AlJaber served an additional Skeleton Argument with the permission of the Court.

6. When the case came on for an in-person hearing on 11 February 2025, AlJaber's lawyers were not in Court. They had not attended Court for an adjournment, and they did not write to the Court explaining that they would not be attending the hearing. Thales was ready to proceed with the hearing. Mr Omar Hadid, the Senior Contracts Administrator employed by AlJaber and Mr Fawaz Nakhoul, the Project Manager who had given a witness statement on behalf of AlJaber, were in Court.
7. The State of Qatar observes National Sports Day, an official public holiday celebrated annually on the second Tuesday of every February. This day is dedicated to promoting a healthy lifestyle among citizens and residents through various sporting activities and events. 11 February 2025 was National Sports Day.
8. A Request to adjourn the hearing was made by AlJaber's lawyers on 9 February 2025 referring to National Sports Day and the fact that a "*witness cannot be legally tasked to work by their employer on this day, as doing so would constitute a breach of labor regulations.*" The request was refused.
9. The Court notes that the hearing date had been given as long ago as 30 December 2024 and there was no suggestion that AlJaber's lawyers were unwilling or unable to attend the hearing. In fact, they continued to correspond with the Court on the basis that it would be attending the hearing. As pointed out above, they served an additional Skeleton Argument submission on the day before the hearing.
10. At the beginning of the hearing the Court enquired of the parties whether it should proceed with the hearing in the absence of AlJaber's lawyers. Neither party asked for an adjournment and the case proceeded.

## **Adjournment**

11. The Court is under a continuing duty throughout the proceedings to ensure that the proceedings are dealt with justly. The Court is bound to follow the Overriding Objective under the Qatar Financial Centre Civil and Commercial Court Regulations and Procedural Rules (the '**Rules**').
12. Article 4 of the Rules provides (so far as is relevant):

*4.1 The overriding objective of the Court is to deal with all cases justly.*

*4.2 The Court must seek to give effect to the overriding objective when it exercises its functions and powers given by the QFC Law, including under these Regulations and Procedural Rules and under QFC Regulations.*

*4.3 Dealing with all cases justly includes, so far as practicable:*

*4.3.1 ensuring that litigation before the Court takes place expeditiously and effectively, using appropriately no more resources of the Court and the parties than is necessary.*

*4.3.2 ensuring that the parties are on an equal footing;*

*4.3.3 dealing with the case in ways which are proportionate to the amount of money involved, to the importance of the case, to the complexity of the issues, facts and arguments, and to the financial position of each party;*

*.....*

*4.4 it is the duty of the Court to deal with all cases in accordance with the overriding objective.*

*4.5 It is the duty of the parties to any case before the Court to assist the Court in determining that case in accordance with the overriding objective.*

13. During the opening oral submissions of Thales, several legal issues concerning the subcontract were discussed. In addition, it seemed to the Court that the cross-examination of Thales' witness, Mr Perry was potentially important. The Court was concerned that Mr Hadid (who is not qualified to conduct litigation) would find it difficult to advance AlJaber's case in these proceedings especially when he did not know prior to the day of trial that AlJaber's lawyers would decline to attend the hearing, and did not know that he would have to advance AlJaber's case involving legal issues and cross-examination.
14. At the conclusion of Thales' opening statement, the Court therefore enquired of the parties whether it was necessary for the proceedings to be adjourned. Mr Hadid said that he was prepared to deal with the facts of the case but preferred that the proceedings be adjourned so that AlJaber was represented by lawyers. Mr Page indicated that he did not resist an adjournment having regard to the fact that the hearing was taking place on a national holiday and that AlJaber was unrepresented.
15. The Court decided that the hearing should be adjourned. The reasons for reaching this conclusion are as follows.

16. First, the Court is generally reluctant to adjourn hearings. This is because adjournments disrupt the efficient administration of justice, waste judicial resources, and cause delay, often leading to increased costs for the parties. Court time is a finite resource, and the scheduling of trials requires careful allocation to ensure the timely resolution of disputes. An adjournment not only affects the present case but may also impact other cases awaiting hearing.
17. Last minute adjournments are particularly unsatisfactory where Judges have travelled to Qatar for the hearing. This involves the costs of travel and accommodation.
18. That said, the Court recognises that in exceptional circumstances, an adjournment may be necessary. A duty to adjourn may arise where proceeding with the trial would compromise the fairness of the proceedings, whether due to procedural unfairness, the absence of a party or legal representative for good reason, or other factors that would deprive a party of a meaningful opportunity to present its case. However, any application to adjourn must be justified by compelling reasons, as the default position remains that trials should proceed as scheduled.
19. The Court does not ordinarily sit on public holidays unless exceptional urgency necessitates it. The hearing on 11 February 2025 was scheduled well in advance. The listing of this case considered the fact that the same Judges had already been assigned to hear trials on 9 and 10 February 2025 in Qatar and had travelled there specifically for those proceedings. The scheduling was therefore part of a coordinated effort to ensure judicial efficiency and continuity in the hearings.
20. Second, it was clear to the Court having heard Thales' oral opening that proceeding with the trial was inappropriate because the parties were not on an equal footing.
21. The failure of AlJaber's lawyers to attend the hearing meant that AlJaber would have to conduct the trial without its lawyers. Had the case been purely factual, a fair trial might have been possible. However, there were legal issues, and the case involved cross examination that a non-lawyer would be unable to deal with.

22. After hearing Thales' oral opening, it became apparent to the Court that proceeding with the trial would be inappropriate, as the parties were not on an equal footing.
23. The absence of AlJaber's lawyers meant that AlJaber would be required to conduct the trial without legal representation. While a litigant in person may, in some cases, be able to proceed—particularly where the issues are purely factual—this case involved detailed legal arguments and cross-examination, which a non-lawyer would not be equipped to handle effectively particularly when its representative only found out on the day of the hearing that its lawyers were declining to attend. As a result, it became clear only after the opening submissions that a fair trial would not be possible, necessitating an adjournment.
24. Third, there is nothing to suggest that AlJaber knew that its lawyers would refuse to attend the hearing or that AlJaber itself was seeking to derail the hearing to cause delay. On the contrary, Mr Hadid thought that AlJaber's lawyers would attend the trial and AlJaber's factual witness was in Court. Mr Hadid explained that he had been informed on the day of the hearing that AlJaber's lawyers were not attending for what were called "*logistical reasons*" and that it was a national holiday.
25. The first reason is incoherent as there were no reasons why anyone could not get to Court if they wanted to.
26. The second reason is a bad one in circumstances where the hearing date has been fixed long in advance of the hearing and a request was rejected to adjourn the hearing because of National Sports Day, and that AlJaber had not sought to challenge this decision.
27. In summary, the Court has not been provided with any explanation for the absence of AlJaber's lawyers at the hearing. It is concerning that they failed to attend and did not communicate with the Court to provide reasons for their non-attendance.
28. The Court therefore decided that the proceedings should be adjourned on the following basis:
  - i. The hearing is to be listed for 27 April 2025, with a time estimate of one day. 28 April 2025 is to be held in reserve as a contingency.

- ii. Thales opening oral submissions on 11 February 2025 would stand. Thales were at liberty to file a supplemental skeleton submission (15 pages maximum) on the arguments it raised in opening.
  - iii. The parties are permitted to obtain a recording of the hearing on 11 February 2025. They may also request a transcript at their own expense.
  - iv. The costs of the hearing were reserved.
29. The Court is concerned by the unexplained absence of AlJaber's lawyers at the trial. While the Court makes no comment on this conduct at this stage, it directed the senior partner of Alhababi Law Firm to provide by 17 February 2025 a written explanation to the Court for the firm's failure to attend the hearing on 11 February 2025, its lack of communication with the Court regarding its inability or unwillingness to do so, and its decision to leave its client without legal representation at trial or adequate time to instruct alternative counsel.

**By the Court,**



**[signed]**

**Justice Ali Malek KC**

A signed copy of this Judgment has been filed with the Registry.

### Representation

The Claimant was represented by Al Tamimi & Company (Dubai, UAE) and Laurence Page of Counsel (4 Pump Court, London, UK).

The Defendant was self-represented.