



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

Neutral Citation: [2026] QIC (A) 16

**IN THE QATAR FINANCIAL CENTRE
CIVIL AND COMMERCIAL COURT
APPELLATE DIVISION**

[On appeal from [2026] QIC (F) 51]

Date: 22 October 2026

CASE NO: CTFIC0032/2024

IBRAHIM AL-NASR

Claimant/Applicant

v

NEXUS FINANCIAL SERVICES WLL

Defendant/Respondent

AND



CASE NO: CTFIC0033/2024

ALI AL-MAADEED

Claimant/Applicant

v

NEXUS FINANCIAL SERVICES WLL

Defendant/Respondent

JUDGMENT

Before:

Lord Thomas of Cwmgiedd, President

Justice Chelva Rajah SC

Justice Tan Sri Nallini Pathmanathan

Order

1. Application dismissed.

Judgment

1. The Applicants apply to appeal against the decision of the First Instance Circuit (Justice Fritz Brand) made on 5 August 2026 ([2026] QIC (F) 51) refusing an application under



article 34.5 of the Rules and Procedures of the Court (the ‘**Rules**’) for the review of a costs order made by the Registrar ([2026] QIC (C) 6) on 25 June 2026.

The order made by the Registrar and the decision of the First Instance Circuit

2. The costs order arose out of very substantial claims brought by the Applicants against the Respondent for damage arising out of investment advice and transactions. These claims failed before the First Instance Circuit ([2025] QIC (F) 15 and 16).
3. Permission to appeal was refused by this Court following an oral hearing ([2026] QIC (A) 5). The First Instance Circuit and this Court made orders that the Applicants should pay the costs.
4. The Order for the assessment and determination of the costs was made by the Registrar after a review of the submissions made by the parties and in accordance with the decisions on costs codified in Practice Direction No. 2 of 2024 (Costs). His judgment sets out his detailed reasons for making the Order.
5. That Order was then reviewed by the First Instance Circuit. The First Instance Circuit made clear in its judgment that the function of the First Instance Circuit under article 34.5 of the Rules was one of review of the decision of the Registrar. As the determination of the Registrar was essentially an exercise of discretion, it was reviewable only on the basis that the Registrar had failed to exercise his discretion properly. The judgment of the First Instance Circuit set out the reasons for its conclusion that there had been no failure to properly exercise the discretion.

The application before this Court

6. The application to this Court for permission to appeal against the judgment of the First Instance Circuit is supported by written submissions of over 100 pages. The Applicants seek to set aside that decision on costs but rely in support on submissions that the previous judgments in these proceedings were wrongly made.
7. By far the greater part of the written submissions contains (i) arguments as to why the decisions made by the First Instance Circuit in the judgments on the merits of the claims



([2025] QIC (F) 15 and 16) contained extensive and numerous errors, and (ii) an extensive analysis of the decision made by this Court when refusing permission to appeal ([2026] QIC (A) 5), submitting that it has made a large number of errors.

8. As to the submission in respect of the judgments on costs given by the Registrar and the First Instance Circuit, there were 18 separate submissions. These included submissions that the Registrar's role was administrative and did not empower him to exercise any discretion or to issue a judgment, that the Registrar was not entitled to make an order for joint and several liability, that the Respondents had only succeeded because of errors made by the First Instance Circuit and this Court in the judgments on the merits of the dispute, and that the award of costs did not comply with the law as the amount awarded was not reasonable. It was further submitted that the First Instance Circuit had misunderstood its function as it should have come to its own decision and made a full judicial determination of the costs to be awarded; and that the First Instance Circuit was a judicial authority which should have exercised its discretion in assessing the costs in contradistinction to the Registrar's function which was a purely administrative role.
9. We have carefully considered all the grounds of the application in respect of the judgments of the Registrar and of the First Instance Circuit on costs. No grounds exist for holding that the Registrar was in any error. His judgment was right in holding in a meticulously considered and analysed judgment:
 - i. that he was only able to take the merits of the case into account insofar as the merits might be relevant to his assessment of the amount of costs to be awarded at paragraph 6 of the Registrar's judgment;
 - ii. it was settled law that unless otherwise ordered by the Court that determines which party is to pay costs, the amount of the costs must in all the circumstances of the case be reasonable (see the cases and Practice Direction set out in *Azmeh & Nicol on the Law and Practice of the QFC Civil and Commercial Court* and Regulatory Tribunal (1st edition, LexisNexis 2025) at paragraph 13.4);



- iii. one of the factors relating to what was reasonable is whether the amount awarded is proportionate to the claim made;
- iv. an important factor in proportionality for monetary claims was the amount of costs awarded in relation to the amount claimed – see *Azmeh & Nicol* at paragraph 13.5:
 - a. In the present case the amount claimed was (Al-Nasr):

1. Refund of amount invested:	\$300,000
2. Interest	\$200,000
3. Quarterly returns and profit:	<u>\$200,000</u>
	\$700,000
 - b. Mr Al-Nasr also claimed an additional \$10m for “*lost profits and material and moral damages that contradict the requirements and objectives of the insurance*”. This made his total claim \$10.7m. Mr Al-Maadeed claimed a similar sum.
 - c. The total amount of costs assessed by the Registrar as payable by Mr Al-Nasr was QAR 294,778 (circa \$81,000), QAR 329,557 (circa \$90,500) by Mr Al-Maadeed, and QAR 283,115 (circa \$78,000) jointly and severally (which is equivalent to some \$250,000 in total, set against combined claims of over \$22,000,000); and
 - d. the costs awarded more than meets the proportionality requirement.
- 4. The only order that was for joint and several liability related to the appeal application where the appeals of both Applicants were heard together. In making that order, the Registrar was entitled, as part of his assessment under article 34.5 of the Rules, to determine how the liability was to be borne between the paying parties. The direction for joint and several liability made by the Registrar was plainly appropriate, since the work done in response to each Applicant could not rationally be apportioned.



5. The Applicants also contend that the First Instance Circuit misunderstood its function under article 34.5 of the Rules and should have assessed the costs afresh. The submission has no merit. Article 34.5 of the Rules provides that the Registrar’s assessment is “*subject to review if necessary by the Judge*”. “Review” is the same term article 36.6 of the Rules uses for appeals to this Court, which are “*by way of review*” and not a rehearing. The assessment of costs is an evaluative exercise for which the Registrar, with the papers and the parties’ submissions before him, is particularly well placed to undertake. A Judge reviewing that assessment will interfere only if it is wrong in principle, took account of irrelevant matters or failed to take account of relevant matters, or if the sum assessed falls outside the range of reasonable assessments. The First Instance Circuit correctly identified and applied that approach. For the reasons given at paragraph 17 below, the Registrar’s function is a judicial one, and review rather than rehearing is the appropriate standard.
6. It follows that the First Instance Circuit was plainly right in upholding the Registrar’s judgment. The submissions to this Court in relation to the earlier decisions of the First Instance Circuit and this Court on the merits of the dismissal of the Applicant’s claims are irrelevant to the determination of costs and hence to this application.

Principles for second appeals

7. Although we have considered on this occasion the arguments put forward on behalf of the Applicants in submissions of over 100 pages, there is a wider public interest to consider – the basis on which an appeal to this Court should be permitted when that appeal is an appeal from the First Instance Circuit on a judgment on costs or other issue decided by the Registrar.
8. We have found helpful guidance in:
 - i. Part 52 of the Civil Procedure Rules of England and Wales (CPR 52.7) – a second appeal is only permitted if it raises an important point or principle or practice; this was to reflect the public interest and give effect to the principle of proportionality—see John Sorabji, *A Model Civil Procedure Code for England and Wales* (Oxford University Press 2024).



- ii. Rule 172 of the ELI-UNIDROIT Model European Rules of Civil Procedure (2021) which provides that a second appeal should only be heard if it is necessary to correct a violation of a fundamental right, to secure uniformity in the law, to decide a fundamental question which is not limited to the case in issue, or to develop the law. The commentary explains this limitation on the basis that second appeals are concerned with the public interest and therefore should be limited to cases which raise fundamental questions of general importance. We have noted that the ALI-UNIDROIT Principles of Transnational Rules of Civil Procedure (2004) do not make specific provision for second appeals.
9. In our view it is plainly in the public interest that a second appeal should only be permissible under the Rules in this jurisdiction if it raises an arguable point or principle or practice of general public importance or there is some other compelling reason in the public interest why a second appeal should be heard in this Court.
10. Second appeals delay finality in the resolution of disputes, incur additional costs for litigants and consume the resources of this Court. In exercising its power under article 36.1 of the Rules to grant or refuse permission to appeal, and having regard to the Overriding Objective in article 4.1, this Court will therefore not grant permission to appeal against a decision of the First Instance Circuit made on review of a decision of the Registrar unless:
- i. the application meets the ordinary test for permission to appeal; and
 - ii. either (i) the appeal raises an important point of principle or practice, or (ii) there is some other compelling reason for this Court to hear it.
11. The only general principle raised on behalf of these Applicants was the nature of the office of the Registrar. The office is established by article 7 of the Rules. It is clear from that article and other articles in the Rules where the duties and functions of the office of Registrar are expressly mentioned that the Registrar is a Judicial Officer who takes judicial decisions and exercises discretion on a judicial basis. Article 34.5 of the Rules gives the Registrar the function of assessing costs where the parties cannot agree, and makes that



assessment “*subject to review if necessary by the Judge*”. That function requires the Registrar to decide whether costs were reasonably incurred and are reasonable and proportionate in amount, applying article 34, Practice Direction No. 2 of 2024 (Costs) and the case law of this Court. That is an evaluative judgment, and it is a judicial function exercised in accordance with judicial standards. Although therefore the issue as to the office of Registrar is a point of law and practice of general public importance, the submission made by the Applicant is plainly unarguable and wrong.

12. For the future, this Court will only consider an application for a second appeal if the application identifies at the outset of the application in clear terms an arguable point or principle or practice of general public importance or some other compelling reason in the public interest why a second appeal should be heard in this Court. If it fails to do so, the application will simply be dismissed by this Court.

Conclusion

13. The application is refused and dismissed.

By the Court,



[signed]

Lord Thomas of Cwmgiedd, President

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



Representation

The Applicants were represented by the Said Al-Mansoori Law Office (Doha, Qatar).

