



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

17 July 2026

CASE No: AIFC-C/CFI/2025/0035

CASE No: AIFC-C/CFI/2025/0048

MICHAEL WILSON & PARTNERS, LIMITED

Claimant/Applicant

v.

(1) CJSC KAZSUBTON
(2) KAZPHOSPHATE LLP
(3) KAZPHOSPHATE LIMITED

Defendants

JUDGMENT AND ORDER

Justice of the Court:

Justice Tom Montagu-Smith KC

ORDER

UPON the Applicants' application to "vacate, rescind, set aside and / or vary" Judgments dated 17 March 2026, 14 April 2026 and 19 June 2026 ("the Application").

IT IS ORDERED THAT:

1. The Application is dismissed.
2. The Court certifies that the following applications were totally without merit:
 - a. The Application;
 - b. The application for permission to appeal against the Judgment and Order of Justice Sir Stephen Richards dated 6 May 2025 and 13 June 2025 respectively;
 - c. The application for permission to appeal against the Judgment and Order of Justice Sir Stephen Richards dated 23 September 2025.

JUDGMENT

1. This is an application made by Michael Wilson & Partners Ltd (MWP) and Mr Michael Wilson in which they apply to "vacate, rescind, set aside and / or vary" Judgments I issued on 17 March 2026 and 14 April 2026 (the First and Second Judgments respectively) and in two associated costs Judgments dated 19 June 2026 ("the Costs Judgments").
2. By the First Judgment, I refused MWP's application for permission to appeal against an Order made against Mr Wilson requiring him to pay certain costs. By the Second Judgment, I dismissed MWP's application for permission to appeal against an order dismissing a claim by MWP in which it challenged the lawfulness of the Court's role in initiating the enforcement process in respect of certain Execution Orders.
3. In the Costs Judgments, I ordered MWP to pay certain costs of its applications for permission to appeal.
4. In the present application, the Applicants make no attempt to set out the source of the Court's powers to revisit a decision to refuse permission to appeal. The AIFC Court's Rules are, to some extent, modelled on English Court procedure. In England and Wales, the Court has a very limited power to re-open an appeal. The power derives from the inherent jurisdiction of the English Court. As explained in *Taylor v Lawrence* [2002] EWCA Civ 90; [2003] Q.B. 528, the English High Court and Court of Appeal have an inherent jurisdiction to re-open an appeal in exceptional circumstances, to avoid real injustice. The conditions for re-opening an appeal are now set out in CPR r.52.30: (a) it is necessary to do so in order to avoid real injustice; (b) the circumstances are exceptional and make it appropriate to reopen the appeal; and (c) there is no alternative effective remedy.
5. For the purposes of this application, I am prepared to assume (without deciding) that the AIFC Court of Appeal has an equivalent jurisdiction.
6. Where such an application is made, the usual practice in England is that it should be considered by the Judge or panel who made the decision which the Applicant seeks to re-open. That has happened in this case.
7. As a preliminary point, I can see no basis for Mr Wilson having any standing to make the Application. Mr Wilson was not a party to either application for permission to appeal. As I pointed out in the First

Judgment, that was not merely a technical defect. The decision under appeal in the First Judgment was that Mr Wilson should be personally liable for costs associated with claims brought by MWP. In that context, it was plainly important that it be Mr Wilson who advanced any appeal and bore the costs risk associated with it.

8. The Application is set out over 86 paragraphs. No attempt is made to engage either with the reasons set out in the Judgments or with the test for re-opening an appeal.
9. Paragraphs 1 to 6 assert that “material” from law firms acting for the Defendants should have been excluded from consideration. This is said to be on the basis that it relates to English law, in which the firms are not qualified and / or was ghost-written.
10. No explanation is given of what material is being referred to. The Judgments set out my conclusions on the proposed grounds of appeal in each case, as is apparent from the First and Second Judgments.
11. Paragraphs 7 to 11 appear under the heading “inequality of arms”. The Applicants assert that the Defendants have engaged a wide range of professionals in an effort to refuse to satisfy English judgment debts.
12. MWP’s claim for recognition and enforcement of those judgments failed because the Court lacked jurisdiction. It was that failed claim which generated the costs order the subject of the appeal. Judgments which cannot be recognised cannot be relied on. In any event none of that begins to justify re-opening the appeals.
13. Paragraphs 12 to 18 assert that the Defendants have taken steps to render themselves judgment proof. No evidence is offered in support of these assertions. Nor do they bear any relevance to any of the grounds of appeal. Nor is any relevance explained, or even asserted.
14. Paragraphs 19 to 22 assert forgery and back-dating of documents by the Defendants in order to render themselves judgment proof. Again – no evidence is supplied. Nor is there any explanation as to how this relates to the grounds of appeal or justifies re-opening the appeal.
15. Paragraphs 23 to 28 assert that the Defendants can pay the judgment debts, but do not want to do so. That is irrelevant. The Court found long ago that it had no jurisdiction to enforce the judgment debts.
16. Paragraphs 29 to 33 assert that MWP had a right to set off. This is not explained. It appears again to depend on recognition of foreign judgments, which has been refused. It is therefore unarguable in this Court. It also appears inconsistent with Ground 4 referred to in the First Judgment, where MWP argued that the Judge was not entitled to decide the issue of set off. The Applicants’ position appears to be that MWP is entitled to assert set-off and that the Court is bound to accept that assertion. In reality, having refused recognition of the judgments, there is no arguable set off in this Court.
17. Paragraphs 34 to 39 assert some sort of undisclosed contact between the Registry and the lawyers acting for the Defendants. This is asserted in broad and unparticularised terms. Challenges to the lawfulness of certain actions taken by the Registry were the subject of the claim which led to the Second Judgment. However, it is not alleged that any communication has somehow corrupted the process by which that Judgment was issued. Nor could such allegation properly be made.
18. Paragraph 40 alleges actual bias against the AIFC Registry, Justice Sir Stephen Richards and against

me. This is alleged solely on the basis that “MWP is an unpaid lawyer acting for the Judgment Debtors and the Third-Party Debtor, with many judgments and orders in its favour, and that it has been wrongly taken out of its judgment debts for decades”. That does not begin to support the allegation. The complaint appears to be that MWP has failed in its attempts to enforce foreign judgments in this Court. That was not even the subject of the judgments in respect of the which the First and Second Judgments were issued. In any event, an adverse judgment is not evidence of bias.

19. Paragraphs 43 to 47 assert that I have failed to understand the issues raised in the appeals and have not addressed and dealt with the grounds raised. The First and Second Judgments address each of the grounds raised in turn. None had any real prospect of success, for the reasons explained. The Applicants make no attempt to engage with that reasoning, still less to explain how the appeal process has been fundamentally undermined or corrupted.
20. The only specific complaint raised is that:

“the issues relating to potential and actual travel bans, the fundamental principle of limited liability, as to piercing the corporate veil, that all litigants are entitled to legal representation and that mere lawyers acting for clients are not and cannot be liable, as well as the fact that Mr Wilson and has always been a non-resident of the Republic of Kazakhstan, has no presence in and does not do business in the AIFC, and is not subject to the jurisdiction of the AIFC Courts, as is trite law and practice”.
21. MWP argued that the prospect of travel bans meant that making costs orders against him would breach his human rights. However, the prospect of enforcement is not a reason to refuse to make an order for the payment of money. The Court’s jurisdiction and powers to make non-party costs orders was explained in the Judgment and is an ordinary part of civil litigation in common law courts. Ultimately, the Applicants simply disagree with the Court’s conclusions. That is not a basis on which to re-open an appeal.
22. Paragraphs 48 to 51 complain that the judgments were not stayed. That was a natural consequence of refusing permission to appeal.
23. Paragraphs 52 to 57 complain that MWP’s accounts have been blocked. No evidence is advanced. If that is the position, it is a matter for enforcement. The prospect of enforcement is not a reason to overturn an otherwise lawful order, nor to re-open an appeal.
24. Paragraphs 58 to 61 refer to a different claim for recognition and enforcement of a foreign judgment. Nothing there suggests a problem with the handling of these appeals.
25. Paragraphs 62 to 66 assert a “problem... in relation to permission to appeal and actual appeals”. They state that the Judges’ lack of understanding of the appeals demonstrates the need for oral hearings, together with a need for other procedures as to bundles and other matters. There is no automatic right to a hearing on an application for permission to appeal. That is not an unusual feature of a judicial system – the same position exists in England and Wales, for example. The question of whether there should be an oral hearing is a matter for the discretion of the Court. In this case, my clear view was that there was no need for such a hearing.
26. Paragraphs 67 to 70 assert a lack of understanding and qualifications on my part. In each case, no attempt is made to explain what has gone wrong in the First and Second Judgments that could justify re-opening the appeals.

27. Paragraphs 71 to 74 assert that the AIFC Court is not a Kazakh Court and permission is required to enforce its judgments outside the AIFC. What any of that has to do with the appeals is not explained.
28. Paragraphs 75 to 80 assert that the Defendants have failed to disclose their sources of funding. That, it is said, is required by AIFC rules and “applicable law”. Whatever the true position, it is irrelevant to the issues in the appeal and the way in which the permission applications were decided.
29. Paragraphs 81 to 85 refer to the Certificate of Incumbency filed below. This, it is said “proves that Mr Wilson is not and was not a director, officer and shareholder of MWP and, accordingly, was nothing more than a mere lawyer acting for MWP who was not and is not subject to the jurisdiction of the AIFC Courts.”
30. As explained in First Judgment, it was not open to MWP to appeal at all (paragraph 23) and it was too late to challenge jurisdiction (paragraph 53). As to the certificate of incumbency, the Judge’s finding was that Mr Wilson controlled the litigation, not that he owned or controlled the Claimant (see First Judgment, paragraph 67). This is simply an attempt to re-argue the application for permission to appeal. It comes nowhere near the threshold required to re-open an appeal.
31. In the circumstances, the application is dismissed.
32. I further consider that the application is totally without merit. No rational basis for the application is articulated or exists. This is the latest in a long series of applications for which there is no realistic basis. For the reasons set out in the First and Second Judgments, I consider that the arguments raised there were similarly totally without merit.
33. In my view, the time is approaching where it may be necessary to make orders to restrain or restrict the Applicants’ rights to make claims and applications in this Court, in order to protect other litigants and the resources of the Courts.
34. In the circumstances, I will certify this application and the applications for permission to appeal as being totally without merit. If the Applicants persist with other meritless applications and claims, then they run the risk of the Court imposing a civil restraint order of one form or another.

By the Court,

Tom Montagu-Smith KC,
Justice, AIFC Court

Representation:

The Claimant/Applicant was represented by Mr Michael Wilson and Mr Yermek Aubakirov, of Michael Wilson & Partners, Limited, Almaty, Kazakhstan.