IN THE COURT OF APPEAL

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

12 November 2026

CASE No: AIFC-C/CA/2026/0062

MICHAEL WILSON & PARTNERS, LIMITED

Claimant

v

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

Defendants

- and -

MICHAEL EARL WILSON

Added Party

JUDGMENT

Justice of the Court:

Justice The Rt. Hon. Sir Peter Coulson

ORDER

1. **MWP's Application for an Extension of Time to serve grounds of appeal, a skeleton argument and evidence: REFUSED**

2. **MWP's Application for Permission to Appeal the Judgment and Order of 24 September 2026: REFUSED**

3. **MWP to pay KPL's costs of both Applications.**

Introduction

1. All abbreviations are those used in earlier orders and judgments. The proposed appellant is MWP. The proposed respondent is KPL, the Third Defendant.

2. This litigation stems from the unsuccessful claim brought by MWP against (amongst others) KPLLP and KPL. In consequence, MWP were ordered to pay their costs. They failed to pay the sums ordered. Michael Wilson was joined as a party in order that the costs claims could be made against him personally.

3. By an order dated 13 May 2025, Justice Sir Stephen Richards ("the Judge") ordered Michael Wilson to pay the costs of KPLLP. His reasons were set out in a detailed judgment dated 6 May 2025, which itself arose out of a contested hearing on 23 May 2025.

4. MWP sought permission to appeal that order. The application was refused, for a variety of reasons, by Justice Tom Montagu-Smith KC in a judgment dated 17 March 2026. An application to "vacate, rescind, set aside and/or vary" that Judgment was dismissed by a Judgment and Order of the same Judge dated 17 July 2026 (Cases No. 35 and No. 48 of 2025). That was therefore the procedural 'end of the road' for the attempts to avoid the order of 13 May 2026 concerning Michael Wilson's liability to pay KPLLP's costs personally.

5. Unsurprisingly, KPL made a similar application that Michael Wilson pay their unpaid costs personally. That raised the same or similar issues as the KPLLP claim. There was a hearing of that application on 16 September 2026. By a judgment of the judge dated 24 September 2026, he ordered Michael Wilson to pay KPL's costs personally. It is against that judgment and the consequential order (of the same date) that MWP now seek permission to appeal.

Procedural History

6. The relevant rules of the AIFC Court are as follows:

Appellant's notice

> "29.23 An appellant's notice shall be filed in all cases other than an application for permission to appeal made orally as referred to in Rule 29.8(1).
>
> 29.24 Subject to Rule 29.25, an appellant's notice shall: set out the grounds of appeal relied on and include or be accompanied by a skeleton argument.

29.25 Where it is impracticable to comply with Rule 29.24, a statement of the grounds of appeal and the skeleton argument shall be filed within 21 days of filing the appellant's notice."

7. The notice of appeal in this case was dated 15 October 2026 and filed on 20 October 2026. It contained neither any grounds of appeal nor a skeleton argument. The notice claimed that it was "impracticable" to file such documents and sought an extension of time of 21 days to do so. That period (21 days from filing) expired yesterday, 10 November 2026. By an email dated 6 November 2026, which was not copied to KPL, MWP purported to seek a further extension of time until 26 November 2026 to serve such documents.

8. On 9 November 2026, MWP served a "Core Bundle". This contained an "Outline Grounds of Appeal" which made plain at the outset that

> "This document sets out MWP's Outline Grounds of Appeal from and against the Judgment/Order. MWP reserves the right to supplement, vary and/or amend these Outline Grounds of Appeal when the typed-up and verified transcript of the underlying court hearing becomes available (the "Transcript")…"
>
> Other documents in the Core Bundle were also labelled "Outline" or "Draft". There was no skeleton argument, which was said to be "pending".

9. The covering letter from MWP made plain the incomplete nature of such documents as were being provided. That said:

> "As noted and explained in our prior messages, MWP is working further, including with counsel, to settle the final versions of the Outline Grounds of Appeal and Outline Reasons in Support, as well as its Outline Skeleton Argument and further evidence…"

The Application for an Extension of Time

10. Rule 29.24 is clear: the notice of appeal must be accompanied by grounds of appeal and a skeleton argument. The word "shall" is mandatory.

11. MWP's attempt to obtain an extension of time by relying on rule 29.25 (and the narrow exception concerned with "impracticability") was misconceived. What is more, I find that MWP knew that it was misconceived. That is because they sought to adopt precisely the same tactic in Case No. AIFC-C/CA/2025/0004. In that case, the Chief Justice explained in his judgment of 28 May 2025 at [9] how and why they could not do so. He said:

> "The starting point in the Rules is that an appellant's notice must be filed in all cases other than when an application for permission to appeal is made orally to the first instance judge: Rule 29.23. The usual position is that the appellant's notice shall contain or be accompanied by grounds of appeal and a skeleton argument: Rule 29.24. However, there is an exception where that is impracticable: Rule 29.25. That rule provides that where it is impracticable to provide grounds of appeal and a skeleton argument with the appellant's notice they "shall be filed within 21 days of filing the appellant's notice". **The rule is designed to give the person seeking to bring an appeal, but for practical reasons cannot comply with Rule 29.24, a period of grace to comply. What it does not do is enable a litigant to seek to impose a condition on his opponent (or the court) which has the effect of suspending the rule which requires the service of grounds and a skeleton argument.**

Moreover, it does not enable a litigant to pursue what amounts to satellite litigation for disclosure. The reliance of MWP on Rule 29.25 was entirely misconceived. It should not be forgotten that Sir Stephen's Judgment and Order of 15 January 2025 was on an application brought by MWP. MWP was partially successful in that application but did not get all that it wanted. If it considered that Sir Stephen was wrong, MWP was in a position to articulate grounds of appeal. It has failed to do. Requests made earlier for documents were irrelevant." (Emphasis supplied).

12. As the Chief Justice made clear, it was not for MWP to impose a condition on KPL or the court by the simple assertion of impracticability in the notice of appeal filed on 20 October 2026. So, just as in that case, there has here been a failure to provide grounds of appeal or a skeleton argument with the notice of appeal, and that is therefore fatal to the appeal. The documents sent on 9 November 2026 do not change that conclusion, because there is still no skeleton argument, and the "outline" grounds of appeal are expressly said to be provisional and subject to modification and amendment. They are therefore incomplete and not in accordance with the rules.

13. For these reasons I find that the entire methodology adopted by MWP in their notice of appeal in respect of the provision of documents was an abuse of process, and so no extension of time to serve such documents is appropriate.

14. Further and in any event, I find that the assertion of impracticability (on which the claim for an extension of time rests) is hopeless. The notice of appeal asserts:

    "The impracticability arises, in particular, from the hearing in MWP v KPLLP and KPL in the United Kingdom, listed for 15 October 2026 at 14:30 Astana time for full day, which requires substantial preparation and is occupying significant time and resources that would otherwise be available for preparing the Grounds of Appeal and skeleton argument in these proceedings. In addition, the transcripts of the relevant underlying court hearing of 16 September 2026 are not yet available, although they have been ordered from the Court. Their absence materially impedes the proper and sufficiently detailed formulation of the Grounds of Appeal, skeleton argument and the supporting submissions."

15. The notice of appeal does not explain how preparation for a hearing on 15 October 2026 (before the notice was filed) could justify an extension of time to 10 November 2026. Moreover, it is entirely normal for a firm of solicitors engaged in civil litigation to have more than one case ongoing at any one time. So the fact that there may be a hearing in another case during the preparation of a notice of appeal is entirely foreseeable. It certainly does not make it "impracticable" to serve the relevant documents in accordance with the rules.

16. Further and in any event, on MWP's own case, they should have provided those documents by 10 November 2026. They failed to meet their own extended deadline. Impracticability therefore has not been made out, even on MWP's interpretation of the rules.

17. It may well be inappropriate to consider the email of 5 November 2026 because it was not copied to KPL. But even if it were, it adds nothing. It is almost deliberately vague, referring to "longstanding prior ('heavy') commitments and filings this month". There is simply not enough practical information in that email to get an "impracticability" argument off the ground. I also note that no mention was made of any commitments in November in the notice of appeal and its request for an extension to 10 November 2026. The clear impression is given that MWP will provide the documents as and when it suits them, regardless of the AIFC Court Rules. That is not a permissible approach.

18. Finally, both the notice of appeal and the email of 5 November 2026 refer to the need to consider transcripts of the hearing before finalising the grounds of appeal, and the possibility of providing further evidence. Neither are appropriate. It is never necessary for an appellant who is in receipt of a detailed judgment to refer to a transcript of the hearing in order to *draft* grounds of appeal. Any errors that may be appealable will be apparent on the face of the judgment. They are therefore what matters for the purposes of preparing the grounds of appeal; things that may or may not have been said during argument may support pre-existing grounds, but they can never be free-standing. Moreover, the rules make no allowance for, and do not envisage, endless delays whilst transcripts are prepared.

19. Any application to rely on further evidence must be made under rule 29.46 and requires an order of the court. There has been no application under rule 29.46, and therefore no order of the court. Further evidence is therefore irrelevant to this application.

20. For these reasons, I have concluded that the claim for an extension of time to serve documents that should have been served on 20 October 26 (and even on MWP's case should have been served on 10 November 2026) but which have never been provided, cannot be justified. The attempt in the notice of appeal to assert impracticability was an abuse of process and that had been expressly pointed out to them by the Chief Justice in an earlier case. It would be inappropriate to extend time in those circumstances. Furthermore, impracticability has not been made out on MWP's own documents. The application for an extension of time is therefore refused.

Three Threshold Reasons for Refusing Permission to Appeal

21. There are three threshold reasons for refusing permission to appeal. The first, of course, is that the failure to serve the grounds of appeal and the skeleton argument with the notice, and the concomitant failure to justify an extension of time for the provision of such documents, means that there is nothing of substance to support the application for permission to appeal. It must therefore be refused.

22. Secondly, the application for permission to appeal is made by MWP. They have no *locus* to make that application because the order is against Michael Wilson personally. The judgment of Justice Tom Montagu-Smith KC (referred to above) explains that that was one reason why MWP's application for permission in the KPLLP claim was doomed to fail. He said at [23]:

> "There is a threshold issue which arises. The appeal purports to be made by the Claimant [MWP], not by Mr Wilson. In my view, the Claimant has no standing to appeal against the Judgment and Order which are made against Mr Wilson and not against the Claimant. In some cases, this might appear rather technical. However, the entire issue at stake is whether Mr Wilson should be liable for the costs of various actions taken by the Claimant in the AIFC Court. It may subsequently be argued that Mr Wilson should not be liable for the costs of this exercise, because the Claimant made the application for permission to appeal. This approach could well therefore be an attempt to ensure that Mr Wilson faces no further adverse costs orders. In any event, Mr Wilson has not sought to appeal the Order or the Judgment. In my view, this is fatal by itself."

23. Precisely the same reasoning applies again here in relation to KPL. It is again fatal to MWP's application for permission to appeal.

24. The third threshold reason why this application for permission to appeal must fail is because there is no significant difference between the issues raised by MWP in their KPLLP appeal, and their appeal as against KPL. This point was made by the judge in his judgment of 24 September 2026 at [49] – [51], where he set out a lengthy passage from his earlier judgment in the KPLLP case. No arguments have been identified by MWP that cast any doubt on the correctness of this analysis. MWP failed on those issues in the KPLLP action, and those proceedings have come to an end. They cannot be reopened. In accordance with the Overriding Objective (and in particular the need to deal with cases expeditiously and proportionately), the same outcome must follow in respect of the purported appeal by MWP in respect of KPL.

25. For these three reasons, the application for permission to appeal against the judge's judgment and order of 24 September 2026 therefore fails.

Other Matters

26. For completeness, I have looked at the outline grounds of appeal. They contain numerous fanciful assertions (including irrelevant and personal criticisms of the judge, allegations of fraud against KPL, and allegations of plagiarism and the like against their lawyers), most of which were not raised at the hearing on 16 September 2026 and certainly do not arise from the judgment of 24 September 2026. Many of the remainder are susceptible to being struck out as an abuse of process, since they raise arguments (particularly about KPLLP) which have already been rejected by the court in other MWP cases. They are all without merit. That is a further reason to dismiss the application for permission to appeal.

Costs

27. Costs follow the event. Since MWP have failed in both applications, they must pay KPL's costs of both applications.

By the Court,

The Rt. Hon. Sir Peter Coulson
Justice, AIFC Court

Representation:

The Claimant was represented by Mr Michael Wilson and Mr Yermek Aubakirov, Michael Wilson & Partners, Limited.

The Second Defendant was not represented.

The Third Defendant was represented by Mr Usen Tastanbekov, Associate, Kinstellar LLP, Almaty, Kazakhstan.