IN THE COURT OF APPEAL

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

13 November 2026

CASE No: AIFC-C/CA/2026/0063

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 29 September 2026 (recusal): REFUSED**

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

Introduction

1. All abbreviations are those used in earlier orders and judgments. The proposed appellant is MWP. Although the proposed respondents are KPLLP and KPL, the Second and Third Defendants, the application concerns MWP's unsuccessful attempt to have Justice Sir Stephen Richards ("the judge") recuse himself.

2. The background concerns MWP's failed litigation against KPLLP and KPL. On 16 September 2026 MWP made an oral application for the judge to recuse himself. That was refused for the reasons set out in the judge's judgment of 24 September 2026 at [33]. On 27 September 2026, MWP made a further application for the judge to recuse himself. That was rejected by the judge in his written judgment and order dated 29 September 2026.

3. MWP sought permission to appeal against that order. The appeal was registered on 22 October 2026.

The Procedural Bar

4. 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."

5. In this case, MWP failed to serve either any grounds of appeal or a skeleton argument with the notice of appeal. Instead, the notice of appeal said this:

> "Pursuant to Rule 29.25 of the AIFC Court Rules 2018, MWP will file its Statement of Grounds of Appeal, any evidence in support and Skeleton Argument within twenty-one (21) days after the date of the filing of this Appellant's Notice, as it is impracticable for MWP to comply with Rule 29.24 at this stage and moment in time.

Without waiving privilege and confidentiality, which is expressly reserved and preserved, this impracticability arises, in particular and without limitation from the recognition hearings in MWP -vs- the Emmott Estate in Australia, where the deadline for the finalisation and filing of the Court Books is on 20 October 2026, a hearing listed for 21 October 2026, Australian time, which requires substantial preparation and is occupying significant time and resources that would otherwise be available for preparing the Grounds of Appeal, the Evidence in support and Skeleton Argument required in these proceedings. In addition, the Transcripts of the relevant underlying court hearing of 16 September 2026 are not yet available, although the audio-recordings have been ordered from the Court, and which are also needed to not only address the recusal argument, but to also for the Grounds of Appeal, Evidence in support and Skeleton Argument, as described."

6. 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. There were no such documents here. That is a fatal procedural bar to the application for permission to appeal.

7. 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." (Empasis supplied).

8. 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 22 October 2026. So here, 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 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 can be appropriate.

“Impracticability”

9. Further and in any event, there is no question of “impracticability” having been made out by MWP. The notice of appeal does not explain how preparation for a hearing on 21 October 2026 (before the notice was even filed) could justify an extension of time to 12 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.

10. Further and in any event, on MWP’s own case, they should have provided those documents by 12 November 2026 in any event. They failed to meet their own extended deadline. Impracticability therefore has not been made out, even on MWP’s interpretation of the rules.

11. On 5 November 2026, MWP sent a general email to the court seeking further time, without providing any detail as to why their original request of 21 days was suddenly being extended, or what specific events had created the alleged further “impracticability”. It is not even clear that this request related to this case at all: the appeal notice referred to was not the one in this case. In breach of the rules, the email was not sent to KPL. It can take matters no further forward.

12. MWP’s further email of 10 November 2026 did relate to this case. However, it added absolutely nothing. It said:

> “Without waiving privilege and confidentiality, which is expressly reserved and preserved, MWP and its Counsel Team are working on the required Grounds of Appeal, Reasons in Support of the Applications, Evidence, Skeleton Argument and Core Bundle, all of which takes time, given the fact that, as the AIFC Registry knows, in effect, MWP is up against no less than 4 law firms (≥20 laywers) and ≥3 sets of Counsel (MJHB, GW and SK), and MWP working at the same time as to related principal UK proceedings, plus the various other Appeals from the Judgments/Orders of 24.09.26, as well as this, plus, those of 05.10.26 (x2), 21.10.26 and 22.10.26, as well as MWP’s other long standing prior “heavy” commitments as to Australia and the UK, accordingly MWP hereby seeks an extension of time until Monday, 30.11.26.”

13. In other words, in this email, MWP failed to explain why their own 21-day deadline had not been met, identified not one single specific event or unforeseen occurrence that had made it impracticable to file and serve the relevant documents by 12 November 2026, and seemed to rely solely on matters which MWP should have foreseen (their own professional commitments) in an attempt to seek yet further time. 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.

14. Finally, both the notice of appeal and the email of 10 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.

15. Furthermore, the reference to the need for transcripts in this case betrays the generalised and improper nature of MWP's attempts to obtain more time. The judgment and order of 29 September 2026 were made without any oral hearing. So there are and can be no relevant transcripts in this case in any event.

16. 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.

17. For these reasons, I have concluded that the claim for an extension of time to serve documents that should have been served on 22 October 2026 (and even on MWP's case should have been served on 12 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.

The Application for Permission To Appeal

18. As noted above, in the absence of any grounds of appeal or any skeleton argument, there is no proper basis for an application for permission to appeal. In the case identified above, decided by the Chief Justice, where there were no grounds and no skeleton, he concluded:

> "The appeal court is left with an application for permission to appeal with no substance whatsoever. If there were substance, no doubt it would have been revealed in the application. There is no basis for concluding that the proposed appeal would have a real prospect of success. Still less could there be any other compelling reason why the appeal should be heard. I refuse permission to appeal."

19. Precisely the same reasoning and result applies here. Permission to appeal is therefore refused.

Costs

20. Costs follow the event. Since MWP have failed in both applications, they must pay KPLLP and 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 represented by Mr Bakhyt Tukulov, Partner, and Ms Maria Petrenko, Senior Associate, both of TKS Disputes LLP, Almaty, Kazakhstan.

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