



IN THE COURT OF APPEAL, CIVIL DIVISION  
APPLICATION FOR A SECOND APPEAL

REF: A2/2012/3287



ILAHY -v- USMAN

**Decision on an application for a second appeal.** The Judge will not give permission unless he or she considers that (a) the appeal would raise an important point of principle or practice or (b) there is some other compelling reason for the Court of Appeal to hear it.

**ORDER made by the Rt. Hon. Lord Justice JACKSON**

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**Decision:** granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Refused

**Reasons**

I agree with the analysis of the provisions of the Pre-action Protocol for Low Value PI Claims in RTAs made by Judge Platts. I also agree with the judge's application of those provisions to the facts of this case.

**Information for or directions to the parties**

If the claimant renews this application for permission orally, then:

- (i) The defendant's solicitors should be notified of the hearing date;
- (ii) The defendant, if so advised, may be represented at that hearing;
- (iii) The hearing should be listed in front of myself with a time estimate of one and a half hours (including judgment).

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories\*. Yes  No

Recommended for mediation Yes  No

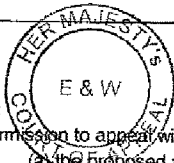
If not, please give reason:

**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment)
- b) any expedition

**Notes**

- (1) Permission to appeal will only be granted in respect of second appeals if the court considers that
- (a) the proposed appeal would raise some important point of principle or practice; or
  - (b) there is some other compelling reason for the relevant appellate court to hear the appeal.
- In respect of second appeals from the county court or High Court, see CPR 52.13.  
In respect of appeals from the Upper Tribunal, see Article 2 of the Appeals from the Upper Tribunal Order 2008 (SI 2008/2834).
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 16(1) of CPR PD 52C.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 7 days of the date of the listing window notification letter and seek to agree the bundle within 21 days of the date of the listing window notification letter (see paragraph 21 of CPR PD 52C).



Signed: *Rupert Jackson*  
Date: 11<sup>th</sup> January 2013

*By the Court*



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**ORDER made by the Rt. Hon. Lord Justice JACKSON**

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**Decision:** granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Refused

**Reasons**

I agree with the analysis of the provisions of the Pre-action Protocol for Low Value PI Claims in RTAs made by Judge Platts. I also agree with the judge's application of those provisions to the facts of this case.

**Information for or directions to the parties**

If the claimant renews this application for permission orally, then:

- (i) The defendant's solicitors should be notified of the hearing date;
- (ii) The defendant, if so advised, may be represented at that hearing;
- (iii) The hearing should be listed in front of myself with a time estimate of one and a half hours (including judgment).

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories\*. Yes  No

Recommended for mediation Yes  No

If not, please give reason:

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**Notes**

- (1) Permission to appeal will only be granted in respect of second appeals if the court considers that
- (a) the proposed appeal would raise some important point of principle or practice; or
  - (b) there is some other compelling reason for the relevant appellate court to hear the appeal.

In respect of second appeals from the county court or High Court, see CPR 52.13.

In respect of appeals from the Upper Tribunal, see Article 2 of the Appeals from the Upper Tribunal Order 2008 (SI 2008/2834).

- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 16(1) of CPR PD 52C.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 7 days of the date of the listing window notification letter and seek to agree the bundle within 21 days of the date of the listing window notification letter (see paragraph 21 of CPR PD 52C).

Signed: *Rupert Jackson*  
Date: 11<sup>th</sup> January 2013

*By the Court*

