

FOURTEEN

Faraj v Ahmad and IIB Group Holdings WLL [2025] EWCA Civ 468

Michael (leading Tom Haggie) was wholly successful in persuading the Court of Appeal in *Faraj v Ahmad and IIB Group Holdings WLL*, to make the first known instance of an **unless order or Hadkinson order being made on an appeal of a Legal Services Payment Order (LSPO)**. The case underscores the courts' willingness to ensure equality of arms in financial remedy litigation, even at the appellate level.

The LSPO required Mr Ahmad to pay £120,000 + VAT to fund the wife's legal representation for the appeal. Despite his appeal against the LSPO being dismissed in February 2025, Mr Ahmad failed to comply with the order. The wife applied for case management directions, including either an **unless order** (which would result in automatic dismissal of the husband's appeal if not complied with) or a **Hadkinson order** (which would bar him from being heard until he complied).

Following Michael's submissions, the Court of Appeal held that the husband's failure to comply was 'deliberate and wilful,' **rejecting arguments that his alleged impecuniosity should shield him from sanction**. A Hadkinson order was therefore both appropriate and proportionate in the circumstances, allowing the Husband a final opportunity to purge his contempt. Although the court did not make an unless order, they stated that such an order can be appropriate even if failure to comply with it would result in the dismissal of an appeal for which permission has been granted.

This judgment is significant not only for its clarification of the enforcement mechanisms available on appeal but also for its robust affirmation of the principles of fairness and access to justice, particularly where there is a power imbalance in resources between the parties.