محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,

Emir of the State of Qatar

Neutral Citation: [2023] QIC (A) 13

IN THE QATAR FINANCIAL CENTRE

CIVIL AND COMMERCIAL COURT

APPELLATE DIVISION

[On appeal from [2023] QIC (F) 32]

Date: 29 October 2023

CASE NO: CTFIC0034/2023

HADI JALOUL

Claimant/Respondent

v

EXPERTS CREDIT SOLUTIONS CONSULTANCY LLC

Defendant/Applicant

JUDGMENT

Before:

Lord Thomas of Cwmgiedd, President

Justice Sir Bruce Robertson

Justice Her Honour Frances Kirkham CBE

Order

1. Permission to appeal is refused.

Judgment

1. The Applicant ('**Experts**') seeks permission to appeal by way of an application made on 11 September 2023 from the judgment of the First Instance Circuit (Justices Dr Rashid Al-Anezi, Fritz Brand and Yongjian Zhang; [2023] QIC (F) 32) given on 27 July 2023 granting summary judgment for QAR 16,875.00 (together with interest calculated at the rate of 5% per annum from 22 May 2022 until the date of payment) on part of the claim brought by the Respondent ('**Mr Jaloul**').

2. As is set out in the judgment of the First Instance Circuit, Mr Jaloul entered into an employment contract with Experts as a Senior Consultant on 24 January 2022. The employment was terminated on 22 December 2022.

3. Mr Jaloul brought two claims: (i) for payment of an incentive bonus of QAR 16,875, and (ii) for payment of arrears of salary of QAR 37,000. The claim was assigned to the Small Claims Track. The Court authorised service by e-mail under Practice Direction No.1 of 2022.

4. Experts did not formally respond to the claim or otherwise appear at the hearing. The First Instance Circuit, after holding that it was satisfied that Experts had been notified of the claim, considered that it was appropriate to approach the claim as an application for summary judgment under article 22.6 of the Court's Regulations and Procedural Rules (the '**Rules**'), read with Practice Direction No. 2 of 2019, despite the absence of a formal application as contemplated by paragraph 4 of that Practice Direction. It did so on the basis that it was in accordance with the spirit and purpose of the Small Claims Track to deal with the claim in an expeditious and cost-effective way.

5. As set out in paragraphs 7-9 of its judgment, the First Instance Circuit accepted the factual account of Mr Jaloul and held that, on that account and the documents before

the Court, an incentive bonus was due in the sum claimed under the terms of the agreement of 24 January 2022. Summary judgment was given for that amount. However, in respect of the claim for arrears of salary, the First Instance Circuit held that given the terse allegations in the Claim Form, summary judgment should not be given; it directed that if Mr Jaloul wished to proceed with the claim for arrears of salary, he had to notify the Court and Experts of his intention to do so within 14 days. No such notification has been given; the claim for arrears of salary cannot be pursued and the claim is now therefore a claim for QAR 16,875 only.

6. Experts seek permission to appeal on two grounds.

Service by e-mail

7. As its first ground of appeal, Experts contended that service by e-mail was not authorised and that in any event, its e-mail servers were not functioning properly on the day on which the e-mail was sent and therefore it had no notice of the Claim Form.

8. The Court, in accordance with paragraph 6 of Practice Direction No. 2 of 2021, authorised service by e-mail as Experts was a company registered and carrying on business in the Qatar Financial Centre. There is no basis therefore on which it can be contended that there was no authority to serve by e-mail. Furthermore, as the whole purpose of the Small Claims Track is to provide an expeditious and cost effective means of resolving small claims, once the Court has authorised service of the Claim Form by e-mail and it has been shown to the Court that an e-mail was sent to the address authorised by the Court, the Court will not entertain an application in which it is contended the e-mail sending the Claim Form was not received, unless the Defendant provides convincing evidence that the e-mail was not received. There was no such evidence in this case. We therefore consider there is no basis for contending that service was not properly effected in accordance with the Court's order.

Significant risk of serious injustice

9. As its second ground of appeal, Experts contended that the incentive bonus was not due under the terms of the agreement of 24 January 2022. In considering this ground of appeal, the Court has had close regard to the provisions of article 35.1 of the Rules. This article provides that permission can only be given where, "*there are substantial*

grounds for considering that a judgment or decision is erroneous and there is a significant risk that it will result in serious injustice".

10. Thus, in seeking permission to appeal, it is for the Applicant not only to show that there are grounds for considering that the decision is erroneous, but also that there is a significant risk that it will result in serious injustice. Where a claim is assigned to the Small Claim Track, this Court will have particular regard to the question of the significant risk of serious injustice.

11. We have considered the argument advanced by Experts and the evidence submitted in respect of the facts. In our view, neither the argument nor the evidence causes us to doubt the correctness of the conclusion reached by the First Instance Circuit, taking into account the fact that in this case the claim is towards the bottom end of the Small Claims Track, namely QAR 16,875 (approximately $4,635); as we have set out, Mr Jaloul can no longer proceed with the balance of his claim. We wish to emphasise that this Court will take a proportionate approach to applications for permission to appeal in such cases to ensure that cost effective and speedy justice is achieved in accordance with the purpose and spirit of the Small Claims Track.

12. The application is accordingly refused. As Mr Jaloul is self-represented and has only made a short written submission to the Court by email from his place of residence overseas, it would not be appropriate to make any Order in his favour as to costs.

By the Court,

[signed]

Lord Thomas of Cwmgiedd, President

A signed copy of this Judgment has been filed with the Registry.

Representation

The Claimant/Respondent was self-represented.

The Defendant was represented by International Law Chambers (Doha, Qatar).