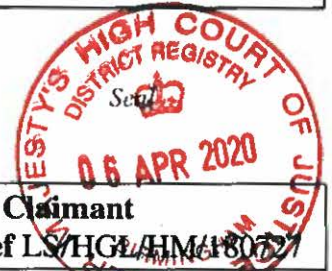


# General Form of Judgment or Order

In the High Court of Justice  
Queen's Bench Division  
Birmingham  
District Registry

Claim Number	F90BM116
Date	6 April 2020



BIRMINGHAM CITY COUNCIL	1 <sup>st</sup> Claimant Ref LS/HGL/HM/180527
MR SHAKEEL AFSAR	1 <sup>st</sup> Defendant * Ref SS/0834
MS ROSIINA AFSAR	2 <sup>nd</sup> Defendant Ref SS/0834
MR AMIR AHMED	3 <sup>rd</sup> Defendant Ref SS/0834
PERSONS UNKNOWN	4 <sup>th</sup> Defendant Ref
MR JOHN WILLIAM ALLMAN	5 <sup>th</sup> Defendant Ref

The Honourable Mr Justice Warby 6 April 2020

**UPON** the court having by its reserved judgment dated 26 November 2019 and bearing the neutral citation [2019] EWHC 3217 (QB) (“the Trial Judgment”) and its Order of the same date (“the Final Order”) determined and ordered that

- the claimant’s claim for an injunction against the First, Second, Third and Fourth Defendants should be granted, to the extent set out in the Trial Judgment; but
- the precise terms of such injunctions should be settled at a further hearing, on a date to be fixed (“the Adjourned Hearing”), with written submissions to be filed “as to the basis and terms of the injunction against the Fourth Defendant and the scope of class of persons included within the definition of ‘persons unknown’”;
- for the purposes of CPR 52.3(2)(a) “the hearing at which the decision is made”, and hence the hearing at which any application to this Court for permission to appeal must be made, shall be the Adjourned Hearing or, in relation to the claims against the Fourth Defendant, the hearing at which any reserved judgment is handed down;
- time for filing an appellant’s notice with the Court of Appeal be extended until 21 days after the hearing at which the decision is made, as so identified
- in the meantime, there should be injunctions in the terms set out in Annex 1 to the Final Order;

**AND UPON** the applications

(1) of the Claimant, for the Court to grant a permanent injunction against the Fourth Defendants in terms annexed to the Claimant’s written submissions (“the Persons Unknown Application”);

The court office at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0121 681 4441. Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

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CJR065C

- (2) of the First and Second Defendants, for the variation of the terms of the injunctions against them contained in Annex 1 to the Final Order, so as to permit visits to family members (“the Variation Application”);
- (3) of the Second and Third Defendants, for permission to appeal (“the Permission Applications”);
- (4) of the Claimant, for the amendment of the Trial Judgment (“the Variation Application”)

**AND UPON** reading the written submissions of Counsel for the Claimant and for the Second, Third and Fifth Defendants

**AND UPON** taking notice of the Covid-19 pandemic and its effects

**WITHOUT A HEARING**

**IT IS ORDERED AND DIRECTED** that

1. The Applications identified above shall be determined without a hearing pursuant to CPR 23.8(c).
2. The Court will give a public judgment on the Persons Unknown Application, the Variation Application, and the Variation Application and a further private judgment (“the Private Judgment”) in relation to the Variation Application.
3. The written submissions of Counsel in relation to the Variation Application (“the Skeleton Arguments”) and the Private Judgment are withheld from the public. The Skeleton Arguments shall be deemed to have been presented and considered at a hearing in private and the Private Judgment shall be treated as handed down at a hearing in private pursuant to CPR 39.2(3)(c) and (g).
4. This Order shall be published on the judiciary website in accordance with CPR 39.2(5).
5. The following reporting restriction is imposed until further order (pursuant to s 11 of the Contempt of Court Act 1981 and s 6 of the Human Rights Act 1998): there must be no reporting of the content of the Skeleton Arguments or the Private Judgment

**PROVIDED THAT** (for the avoidance of doubt) nothing in this paragraph shall of itself prevent or limit

- (1) access to or reporting of any information contained in either the public judgment referred to in this order or any other public judgment of the Court; or
  - (2) the disclosure of the Skeleton Argument or Private Judgment for the purposes of any appeal or application in these proceedings.
6. All parties and any other person affected by the restrictions at 5 above is at liberty to apply to the Court to vary or discharge those restrictions. Any such application must be in writing on at least 3 clear days’ notice to the named defendants, and otherwise in accordance with CPR 23.
  7. The judgments referred to at 2 above (“the Further Judgments”) shall be handed down and an Order giving effect to the Further Judgments shall be made (“the Further Order”) remotely pursuant to the Covid-19 Protocol at a time to be specified on Wednesday 8 April 2020 (“the Hand Down”).

8. The Final Order is varied as follows:-

- (1) for the purposes of CPR 52.3(2)(a) the Hand-Down shall be the hearing at which the decision is made;
- (2) pursuant to CPR 52.12(2)(a), time for any party to file an Appellant’s Notice at the appeal court in relation to the claims against the First, Second, Third and Fourth Defendants is extended until 21 days after the Hand-Down.

9. On Monday 6 April 2020, the court will provide the parties with a draft of the Further Judgments (in accordance with PD40E) and a draft of the Further Order.

10. Any party wishing to make

- (1) any further application for permission to appeal against the Final Judgment, Final Order, Further Judgment or Further Order; or
  - (2) any application for or in relation to costs.
- must do so in writing before the Hand-Down, or apply beforehand for an adjournment to allow a later application, explaining the justification for the adjournment.

11. The Permission Applications and any application in accordance with paragraph 10 above shall be determined at the time of the Hand Down and written notice of the Courts decisions and reasons will be issued as soon as possible thereafter.

**Note: Because this order has been made without a hearing pursuant to CPR 23.8(c), APD23 11.2 and CPR 3.3(5) and (6) apply: any party affected has the right to apply to set aside, vary or discharge any of those parts of the order; any such application must be made by no later than Monday 13 April 2020, by written notice to the Court and to the Judge's clerk, on notice to all other parties.**

Dated 6 April 2020