

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST

7 Rolls Buildings
Fetter Lane, London
EC4A 1NL

Date: Thursday, 18 April 2024

Before:

MR JUSTICE MARCUS SMITH

Between:

KINGSRIDGE LIMITED	<u>Claimant</u>
- and -	
(1) MR MARIO STAVROU	<u>Defendant</u>
(2) PADDINGTON MANAGEMENT COMPANY	
(SUSSEX GARDENS) LIMITED	

MS D GLEYZE (instructed by **Adams & Remers LLP**) for the **Claimant**
MR D STOCKHILL (instructed by **Keystone Law**) for the **First Defendant**
THE SECOND DEFENDANT did not appear and was not represented

Approved Judgment (Costs)

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MR JUSTICE MARCUS SMITH :

1. I have before me an application for the costs of today. Today has been, in one sense, a helpful hearing in that it has enabled the evidence that will be needed for an effective hearing of the interim application for an injunction to be sorted out, and we have agreed a timetable for the adduction of that evidence, and for the hearing of the substantive application today.
2. Counsel for the respondent, Mr Stockhill, makes the point that given the correspondence, and given the fact that this was not, at least initially, moved as a timetabling question but as a substantive question for an injunction, he has substantially been the winner; or, to put it another way, this hearing has not really been necessary. I consider there is a great deal of force in that point, in that what was touted as an injunction that was sought today has emphatically not been granted, but has been kicked off. It seems to me, therefore, that a large amount of the costs are likely to be relevant to the application heard in the future, and I am not prepared to make a costs order in respect of those, but instead order that costs reserved. I would want, though, to place on the record that there is likely to be a significant degree of costs wasted in this quantum which I hope can be regarded with a degree of generosity in the mind of whoever makes costs orders for the future.
3. It is very difficult for me, except for one item which I will come to, to make a granular costs order as to what costs have unequivocally been wasted. What has been wasted is the fees of counsel. I am going to order those to be paid in the full amount. I am not going to make any deduction. So, £4,500 plus VAT applicable should be paid within 14 days by the applicant to the respondent, and that is, on one level, a generous measure because I am not reducing – not of course that it is not the reasonable figure – but I am not reducing the amount at all. But I am not looking at any of the other figures. I am simply reserving those because I do not want to make the assessment of anything else unreasonably difficult for a future judge.
4. It does seem to me that to the extent, and I am sure it is considerable, that Mr Stockhill has benefited in preparing for this case for next time round, that can be reflected in his brief fee next time round. So, there is no over-compensation here. What I have done is absolutely clearly identify what I think is an unequivocal waste of today, and that is the order that I am making on costs for those reasons. So, costs reserved with the exception of the £4,500 plus VAT (if applicable) which are payable.

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