

# Alhamrani v Alhamrani

<b>Jurisdiction:</b>	Jersey
<b>Judge:</b>	H. W. B. Page, Jurats de Veulle, Allo
<b>Judgment Date:</b>	24 September 2009
<b>Neutral Citation:</b>	[2009] JRC 187
<b>Reported In:</b>	[2009] JRC 187
<b>Court:</b>	Royal Court
<b>Date:</b>	24 September 2009

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## Text

[2009] JRC 187

ROYAL COURT

(Samedi Division)

Before:

H. W. B. Page, **Esq., Q.C., Commissioner assisted by** Jurats de Veulle **and** Allo.

In the Matter of The Discontinuance Hearing

Between

- (1) Sheikh Mohamed Ali M Alhamrani
- (2) Sheikh Siraj Ali M Alhamrani
- (3) Sheikh Khalid Ali M Alhamrani
- (4) Sheikh Abdulaziz Ali M Alhamrani
- (5) Sheikh Ahmed Ali M Alhamrani

Plaintiffs

and

(1) Sheikh Abdullah Ali M Alhamrani  
(2) J. P. Morgan Trust Company (Jersey) Limited  
(3) Russa Management Limited  
Defendants

and

(1) Sheikh Abdullah Ali M Alhamrani  
(2) Russa Management Limited  
(3) Allan Peter Johnson  
(4) Sheikh Fahad Ali M Alhamrani  
(5) Lady Noura Ali M Alhamrani  
(6) Lady Adawiya Ali M Alhamrani  
Third Parties

## No Authorities

## OBSERVATIONS

### THE COMMISSIONER:

- 1 There are one or two short observations that the Court itself feels that it is right and proper that it should make following settlement and formal discontinuance of these complex, long-running proceedings. They are as follows:-

(i) First of all, it can rarely be said of any compromise of litigation that it was anything other than a sensible thing for the parties to do. In the present case, the principal protagonists in this litigation, that is to say the First Party, Sheikh Abdullah, JP Morgan and Russa, are certainly wise, in our view, to have reached a settlement. Irrespective of the outcome, it looked likely that none of those parties would emerge wholly un-scathed from the proceedings had they continued to judgment. The Court welcomes the outcome and acknowledges, in particular, the very considerable time and effort that has been entailed in bringing matters to a conclusion.

(ii) Secondly, from the perspective of the trust industry, it has to be said that in the course of the case —irrespective again of any outcome —the Court did become increasingly concerned, among other things, about certain aspects of the way in which the trusts in question appeared to have been administered. And while it is not our intention to refer the trial papers or any aspect of the evidence to the Jersey Financial Services Commission, we are minded to draw the attention of the Commission, in wholly generalised terms, to a number of situations of a kind that appeared to us to be unsatisfactory in principle and potentially dangerous in practice, to which the Commission may wish to have regard for the purpose of future regulation of the industry. Copies of such communication will be supplied to the parties if they

indicate a wish to have sight of it.

(iii) Thirdly, at one stage in the proceedings it was suggested that Advocate Taylor, the lead Advocate for the First Party, had or might have been party to a conspiracy to pervert the course of justice. It is important to record that that suggestion was not in the event pursued, rightly so in our view, and that, so far as this Court is concerned, Advocate Taylor's standing and reputation as an Advocate of the Royal Court remain wholly untouched by this incident. Nor, in the event, was a similar allegation concerning Mr Hamdan Junior, another member of the First Party's legal team, made out.

(iv) Fourthly, after one hundred days of trial, it is not unlikely that some at least of the participating Advocates will have ideas about litigation procedure and how the trial process in this jurisdiction in large cases might be developed to advantage in one way or another; not least with reference to advances in technology. Subject to consultation with the learned Bailiff, it is my intention at some point in the not too distant future to invite all who have had the privilege and burden of involvement in this trial to join an informal discussion of such matters.

(v) Fifthly, we have already mentioned on an earlier occasion, and are only too happy to repeat, expressions of our gratitude to counsel for the way in which they have conducted this litigation and to the staff of the Court service for their unfailing support, sometimes in difficult circumstances.

## **No Authorities**