Neutral Citation Number: [2025] EWFC 24

Case No. HD12F00211

IN THE FAMILY COURT AT HUDDERSFIELD

On appeal from DJ Rana

Date: 13/02/2025

Before :

MR JUSTICE POOLE

- -

Mayet v Osman (Appeal. Costs of Non-Molestation Order)
Between :

YUSUF MAYET **Appellant**

- and -

SAMIA EL-SAYED HASSAN AHMED OSMAN

Respondent

- -
- -

The Appellant appeared in person
Mr Khan of Ashwells Law LLP appeared for **the Respondent**

Hearing date: 4 February 2025

- -

APPROVED JUDGMENT

This judgment was handed down remotely at 10.30am on 13 February 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

Mr Justice Poole:

1. Exercising the Court's power under FPR r30.12A(2) and (3) I heard this appeal within the Family Court in public but have ordered that, although they are not the subject of the proceedings, no person may publish or communicate the names, places of residence, or schools of the parties' children. The parties have previously been named in a published judgment and there was no objection to their being named in this judgment.

2. Mr Mayet seeks permission to appeal the costs order of District Judge Rana sitting at the Family Court at Huddersfield on 9 October 2024 when his application for a Non-Molestation Order ("NMO") against the Respondent was dismissed and he was ordered to pay the Respondent's costs summarily assessed in the sum of £8,910 inclusive of VAT.

3. By his Appellant's Notice dated 23 October 2024 Mr Mayet sought an order setting aside the orders, including the dismissal of his NMO application and the consequential costs order. HHJ Murden stayed the costs order under appeal and gave directions for a hearing before me of the application for permission to appeal the costs order with the substantive appeal to follow, if permission were given. Mr Mayet had confirmed to HHJ Murden, as he did to me, that he did not seek to appeal the substantive order to dismiss his NMO application.

4. I have been provided with a transcript of the whole hearing before Dr Rana, his judgments, the Respondent's schedule of costs which was put before DJ Rana, skeleton arguments, with statements, court orders, and various other documents.

5. Mr Mayet is an experienced litigant in person. Ms Osman was represented by her solicitor, Mr Khan. For reasons that are not altogether clear to me, but which doubtless have their origins in previous litigation, there is barely concealed animosity not only between the parties but also involving Ms Osman's legal representatives.

6. By his application dated 7 September 2023 the Appellant applied for an NMO and an occupation order against his former wife, Ms Osman, the Respondent. These were the latest of a long line of applications in the Family Court and County Court involving the parties, including Financial Remedy proceedings that had begun in 2015 and were concluded in 2021. There had been unsuccessful appeals against a number of orders. In January 2022 Mr Mayet unsuccessfully challenged a statutory demand. In August 2022 Mr Mayet was committed to prison for six months for contempt of court, having breached a Financial Remedy order. There have been several previous NMOs.

7. The NMO and Occupation Order applications in September 2023 followed an order of DJ Heels dismissing the Appellant's application for permission to re-enter a property owned solely by the Respondent.

8. The applications were initially listed for an on notice hearing on 14 September 2023 on which date DJ Heels noted that the application bore similarities to a civil claim under case number K00HD483 and that the two claims should be "linked". A further directions hearing was listed for 6 November 2023 but the order of that date concerns the civil case only. DJ Heels then made an administrative order, without hearing, listing the NMO application on 8 February 2024 when it came before DDJ Anderson. His order noted that an Occupation Order had also been sought by the Appellant but that he no longer pursued it. He helpfully recorded that the Appellant agreed that the allegations on which his application for an NMO were founded all occurred between 1 August 2023 and 4 October 2023. On the Respondent's application the Judge made a disclosure order against West Yorkshire Police. He fixed the application for a one day final hearing between May to August 2024 with the parties to file dates of availability within two weeks.

9. On 14 February 2025 Mr Mayet wrote an email to the Family Court coping in their Respondent's solicitors. Their email address was spelt incorrectly and Mr Khan told me that the email had not been received. Mr Mayet said in that email that the application for the NMO was sought "during the height of attacks" during "August 2023-November 2023" and that a trial "listed in mid-2024 do not address applications per parties' positions now. Thus the Court to consider whether a trial and WY Police disclosures are necessary now. What will the trial achieve? Costs consequences? (The Applicant is afraid to withdraw applications for he is intimidated with cots should he do so.)"

10. Unfortunately, the Court did not list the final hearing within the identified trial window. Notice of a final hearing on 9 October 2024 was sent to the parties on 20 June 2024. The NMO application and related civil case were not listed to be heard together.

11. On 8 August 2024 the Ms Osman's solicitors wrote to Mr Mayet inviting him to discontinue and to withdraw "all your claims against our client". The proposal covered both the NMO application and the civil claim referred to above. The latter claim is ongoing and so I shall not set out the offer in full but it involved discontinuation of both claims with the payment of costs and agreement to a civil injunction "to prevent any future court applications". The costs which Ms Osman would accept in relation to the NMO application were £14,058.57.

12. On 9 October 2024 DJ Rana gave *ex tempore* judgments without having heard evidence. He gave a judgment dismissing an application to vacate the hearing. He then gave judgment striking out the application for an NMO. He recorded that the hearing had not been listed within the window identified by DDJ Anderson. The Judge noted that Mr Mayet did not withdraw his application but "wanted the Court to vacate the trial" but that he was unsure if Mr Mayet understood what "vacate" meant in legal terms. In any event the Court refused to vacate the hearing. The Judge recorded that Mr Mayet invited the Court to list the case within the original window set down by DDJ Anderson, but of course that time had passed so that was not possible.

13. The Judge noted that Mr Mayet conceded that there had been no incidents since February 2024. Indeed the evidence in support of the application centred on events from the summer of 2023. The transcript of the hearing reveals the following exchange between the Judge and Mr Mayet:

> "Judge: I understand you say that the HMCTS have not done what they should have done. Where does that leave your application then? … Does your application disclose a reasonable ground for bringing the application?
>
> Mr Mayet: It doesn't anymore because had it been listed at the time of the height of altercations which is evidenced by West Yorkshire Police disclosures. Then surely judicial intervention was required…"

14. The Judge noted that the Appellant had raised a number of incoherent and irrelevant arguments before him. These included references to the standing of lawyers representing the Respondent and a civil claim. The Judge also noted that the Appellant had brought a second application for a NMO on 4 October 2023 but that it was for a draft order which, as I understand it, mirrored the NMO sought in the application of 7 September 2023.

15. The Respondent had invited the Judge to consider striking out the application and the Judge reminded himself of the overriding objective and of FPR r4.4, as well as the authority of *C v C (Non-molestation order: Jurisdiction)* [1998] 1 FLR 554. He noted that the sole incident of possible molestation referred to in the Appellant's evidence was one in August 2023 and that the Appellant had confirmed that protection was no longer needed. The Judge then concluded at paragraph [21] that taking the Appellant's case at its highest:

> "I am not satisfied that the evidence is such that [the Appellant] needs protection or that judicial intervention is required. I do so for the following reasons. The incident in question took place in

> August 2023, 14 months ago. By [his] own admission that was at the height of the altercation between the parties and no events have taken place since February 2024."

16. The Judge struck out the Appellant's "statement of case" exercising his powers under FPR r4.4 and then turned to the issue of costs. The Respondent's solicitor sought a costs order in her favour on the basis that costs should follow the event. Mr Mayet submitted that the delay had not been the parties' fault and that had the application been heard promptly then no-one knows what the outcome might have been. He submitted that there should be no order as to costs. The Judge gave a ruling on costs which is transcribed within the record of the whole hearing rather than as a separate judgment. The relevant part is as follows:

> "Okay. Thank you very much. I have heard from both parties about the principle of costs. I have already given my decision about the application itself, please see that. Costs are a matter of discretion. The normal rule is costs follow the event. Mr Khan on behalf of the respondent says the applicant has brought the application, that application has been dismissed, costs should follow the event, which is that his client has been successful and therefore Mr Mayet should pay his client's costs. Mr Mayet disagrees. He says costs should not follow the event because the hearing has been listed sometimes after the event. That delay is not his fault nor the fault of the respondent. Had they been listed in time, the matter would have been dealt with in the usual way, and in those circumstances neither party should be bearing the other party's costs. I take that to mean no order as to costs. I repeat again that costs are a matter of discretion for the Court. Rule 44.2 provides the Court with a discretion. It sets out what the discretion is including the normal order for costs. It seems to me that this is an application that the applicant has made, and that application has been dismissed. He says, well that is not his fault because the application came to be listed some 14 months after the event. Well that may be the case, but even if the application had been listed within the existing time window, the likelihood is the Court would not have considered it to be appropriate to have intervened or have concluded that the applicant required protection. In those circumstances, I am going to order that the applicant pay the respondent's costs, but I am going to look at what the level of those costs are going to be. The question now is what the quantum of those costs are and that is an exercise that must take place in light of my power which is that only costs that have been reasonably incurred and reasonable in amount should be recoverable. Do I have a costs schedule, Mr Khan?"

17. The Judge heard submissions on the Respondent's Schedule of Costs which came to roughly £18,000 inclusive of VAT for 45 hours of work done partly by a Grade A fee earner (at £255 per hour) and partly by a Grade C fee earner (£177 per hour) and £8,390 for work on documents set out in an attached schedule. The Judge reduced the payable costs to 25 hours at grade C rates, and a round £3,000 for work on documents. He accepted that he was taking a broad brush approach taking into account the number of hearings, length of proceedings, and the listing of the final hearing of one day. The total, with VAT, that he ordered the Appellant to pay was £8,910.

Legal Framework

18. By the Family Procedure Rules 2010 r30.3(7):

> "Permission to appeal may be given only where –
>
> (a) the court considers that the appeal would have a real prospect of success; or
>
> (b) there is some other compelling reason why the appeal should be heard."

19. FPR 30.12(3) provides that an appeal may be allowed where either the decision was wrong or it was unjust for serious procedural or other irregularity. The court may conclude a decision is wrong because of an error of law, because a conclusion was reached on the facts which was not open to the judge on the evidence, because the judge clearly failed to give due weight to some significant matter or clearly gave undue weight to some other matter, or because the judge exercised a discretion which "exceeds the generous ambit within which reasonable disagreement is possible, and is, in fact, plainly wrong": *G v G (Minors: Custody Appeal)* [1985] FLR 894.

20. The appellate court must consider the judgment under appeal as a whole. In *Re F (Children)* [2016] EWCA Civ 546 Munby P summarised the approach as follows:

> "22. Like any judgment, the judgment of the Deputy Judge has to be read as a whole, and having regard to its context and structure. The task facing a judge is not to pass an examination, or to prepare a detailed legal or factual analysis of all the evidence and submissions he has heard. Essentially, the judicial task is twofold: to enable the parties to understand why they have

won or lost; and to provide sufficient detail and analysis to enable an appellate court to decide whether or not the judgment is sustainable. The judge need not slavishly restate either the facts, the arguments or the law…

23. The task of this court is to decide the appeal applying the principles set out in the classic speech of Lord Hoffmann in *Piglowska v Piglowski* [1999] 1 WLR 1360. I confine myself to one short passage (at 1372):

"The exigencies of daily court room life are such that reasons for judgment will always be capable of having been better expressed. This is particularly true of an unreserved judgment such as the judge gave in this case … These reasons should be read on the assumption that, unless he has demonstrated the contrary, the judge knew how he should perform his functions and which matters he should take into account. This is particularly true when the matters in question are so well known as those specified in section 25(2) [of the Matrimonial Causes Act 1973]. An appellate court should resist the temptation to subvert the principle that they should not substitute their own discretion for that of the judge by a narrow textual analysis which enables them to claim that he misdirected himself."

It is not the function of an appellate court to strive by tortuous mental gymnastics to find error in the decision under review when in truth there has been none. The concern of the court ought to be substance not semantics. To adopt Lord Hoffmann's phrase, the court must be wary of becoming embroiled in "narrow textual analysis".

21. By s42 Family Law Act 1996:

"42 Non-molestation orders.

(1) In this Part a "non-molestation order" means an order containing either or both of the following provisions—

(a) provision prohibiting a person ("the respondent") from molesting another person who is associated with the respondent;

(b) provision prohibiting the respondent from molesting a relevant child.

(2) The court may make a non-molestation order—

(a) if an application for the order has been made (whether in other family proceedings or without any other family

> proceedings being instituted) by a person who is associated with the respondent; or
>
> (b) if in any family proceedings to which the respondent is a party the court considers that the order should be made for the benefit of any other party to the proceedings or any relevant child even though no such application has been made.
>
> …
>
> (5) In deciding whether to exercise its powers under this section and, if so, in what manner, the court shall have regard to all the circumstances including the need to secure the health, safety and well-being—
>
> (a) of the applicant . . . ; and
>
> (b) of any relevant child.
>
> (6) A non-molestation order may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
>
> (7) A non-molestation order may be made for a specified period or until further order."
>
> (8) A non-molestation order which is made in other family proceedings ceases to have effect if those proceedings are withdrawn or dismissed."

22. A respondent is an "associated person" if they were married to the applicant (other forms of association also apply). In *C v C* [2001] EWCA Civ 1625, Lady Justice Hale considered the meaning of the word "molestation", noting the dicta of:

> "Sir Stephen Brown, President of the Family Division, in *C v C (Non-molestation order: Jurisdiction)* [1998] 1 FLR 554 at page 556H:
>
> "... there is no legal definition of 'molestation'. Indeed, that is quite clear from the various cases which have been cited. It is a matter which has to be considered in relation to the particular facts of particular cases. It implies some quite deliberate conduct which is aimed at a high degree of harassment of the other party, so as to justify the intervention of the court."
>
> The standard definition of molestation upon which that draws is that of Ormerod LJ in *Horner v Horner* [1983] 4 FLR 50 at page 51G:

> "... I have no doubt that the word 'molesting' .... does not imply necessarily either violence or threats of violence. It applies to any conduct which can properly be regarded as such a degree of harassment as to call for the intervention of the court."

23. Thus, when considering an application for an NMO the Court must have regard to "all the circumstances including the need to secure the health, safety, and wellbeing of the Applicant and any relevant child (FLA 1996 s42(5)). The protection that is needed must be protection from molestation of a degree which can properly be regarded as calling for the intervention of the court.

24. Applications for NMO's under the 1996 Act in the Family Court are governed by the Family Procedure Rules ("FPR"). The Family Court has wide case management powers. By FPR rule 1.1 and 1.2:

"The overriding objective

1.1

(1) These rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly, having regard to any welfare issues involved.

(2) Dealing with a case justly includes, so far as is practicable –

(a) ensuring that it is dealt with expeditiously and fairly;

(b) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues;

(c) ensuring that the parties are on an equal footing;

(d) saving expense; and

(e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

Application by the court of the overriding objective
1.2

(1) The court must seek to give effect to the overriding objective when it –

(a) exercises any power given to it by these rules; or

(b) interprets any rule."

25. The FPR provide for a specific power to strike out a statement of case (which includes an application):

> "Power to strike out a statement of case
>
> 4.4
>
> (1) Except in proceedings to which Parts 12 to 14 apply, the court may strike out a statement of case if it appears to the court –
>
> (a) that the statement of case discloses no reasonable grounds for bringing or defending the application;
>
> (b) that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings;
>
> (c) that there has been a failure to comply with a rule, practice direction or court order; or
>
> (d) in relation to applications for matrimonial and civil partnership orders and answers to such applications, that the parties to the proceedings consent.
>
> (1A) When the court is considering whether to exercise the power to strike out a statement of case, it must take into account any written evidence filed in relation to the application or answer.
>
> (2) When the court strikes out a statement of case it may make any consequential order it considers appropriate."

26. FPR Part 28 deals with costs in family proceedings:

> "28.1
>
> The court may at any time make such order as to costs as it thinks just.
>
> 28.2

(1) Subject to rule 28.3 Parts 44 (except rules 44.2(2) and (3) and 44.10(2) and (3)), 46 and 47 and rule 45.8 of the CPR apply to costs in proceedings, with the following modifications –

(a) in the definition of 'authorised court officer' in rule 44.1(1), for the words in sub-paragraph (i) substitute 'the family court';

(b) omitted;

(c) in accordance with any provisions in Practice Direction 28A; and

(d) any other necessary modifications."

27. By the Civil Procedure Rules ("CPR") r44.2:

"Court's discretion as to costs

44.2

(1) The court has discretion as to –

(a) whether costs are payable by one party to another;

(b) the amount of those costs; and

(c) when they are to be paid.

(2) If the court decides to make an order about costs –

(a) the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party; but

(b) the court may make a different order.

(3) The general rule does not apply to the following proceedings –

(a) proceedings in the Court of Appeal on an application or appeal made in connection with proceedings in the Family Division; or

(b) proceedings in the Court of Appeal from a judgment, direction, decision or order given or made in probate proceedings or family proceedings.

(4) In deciding what order (if any) to make about costs, the court will have regard to all the circumstances, including –

(a) the conduct of all the parties;

(b) whether a party has succeeded on part of its case, even if that party has not been wholly successful; and

(c) any admissible offer to settle made by a party which is drawn to the court's attention, and which is not an offer to which costs consequences under Part 36 apply.

By CPR r44.3:

"Basis of assessment

44.3

(1) Where the court is to assess the amount of costs (whether by summary or detailed assessment) it will assess those costs –

(a) on the standard basis; or

(b) on the indemnity basis,

but the court will not in either case allow costs which have been unreasonably incurred or are unreasonable in amount.

(Rule 44.5 sets out how the court decides the amount of costs payable under a contract.)

(2) Where the amount of costs is to be assessed on the standard basis, the court will –

(a) only allow costs which are proportionate to the matters in issue. Costs which are disproportionate in amount may be disallowed or reduced even if they were reasonably or necessarily incurred; and

(b) resolve any doubt which it may have as to whether costs were reasonably and proportionately incurred or were reasonable and proportionate in amount in favour of the paying party.

(Factors which the court may take into account are set out in rule 44.4.)"

Analysis and Conclusions

28. The Appellant is a litigant in person but he is a very experienced litigant. By any standards his skeleton argument in support of his appeal is filled with irrelevant assertions. For example he complains about a costs schedule in

other, civil proceedings. Mr Mayet also says that he has been "belittled" by the Judge when all the Judge did was to say, for example, that Mr Mayet's bundle of documents for the hearing contained some irrelevant material.

29. Mr Mayet has a host of grievances against the Respondent and her solicitors which go back several years. Similarly, as was all too clear during the hearing, there is considerable hostility towards Mr Mayet not only from Ms Osman but also from Mr Khan, her solicitor. To be frank, the Court received little assistance from Mr Khan and had to find a way through the irrelevant assertions from both sides in order to see more clearly the issues in the appeal. Ultimately, Mr Mayet persuaded me that the costs order could not stand. I announced at the hearing that I would allow the appeal and substitute no order as to costs, and that I would give a written judgment at a later date.

30. The fact is that by the date of the hearing before DJ Rana, the Appellant himself effectively conceded that an NMO was no longer required. A full hearing would have been a futile exercise. The court's protection of the Appellant against molestation was no longer required, if it ever had been required. The purpose of the proceedings was not to trigger some wider ranging investigation into the conduct of the Respondent's solicitors or of the Respondent in relation to other proceedings. There was no purpose in continuing the NMO application. There were no reasonable grounds for doing so. The Judge was plainly entitled to dismiss the application and there is no appeal against that decision. I do not need to address any question of whether he was right to strike it out under FPR r4.4.

31. The Judge had a discretion whether to order costs against the Appellant. FPR r28.1 provides the court with a discretion. FPR r28.2 applies CPR Part 44 (except rules 44.2(2) and (3)). CPR r44.2 gives the court a wide discretion on costs. However, CPR 44.2(2), which provides that the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party, does not apply to family proceedings. The NMO application proceedings were "family proceedings" – FLA 1996 s63. Thus in an NMO application, the "general rule" does not apply.

32. The Judge rightly reminded himself of his discretion in relation to costs under CPR r44.2 but made an error of law when he said that, "The normal rule is costs follow the event," and "Rule 44.2 provides the Court with a discretion. It sets out what the discretion is including the normal order for costs." It is quite clear that the Judge took into account the general rule of costs following the event when he exercised his discretion to award costs against the Appellant. That was a material error of law.

33. In those circumstances I must allow the appeal on costs and set aside the costs order made by the Judge.

34. As an appellate Judge I have all the powers that the Judge had. I raised the possible disposals of this appeal at the hearing and both parties agreed that I ought to exercise the discretion as to costs myself. To remit this case would cause delay and further costs. I have therefore considered the costs order that should follow the dismissal of the Appellant's NMO application.

35. The application was the latest of a series of related applications made by Mr Mayet. No determination has been made of whether the application was meritorious when it was made. Ultimately, it was dismissed because the protection of the Court was no longer required. The Appellant accepted that himself and he had written to the Court in February 2024 suggesting, in his own words, that the proceedings were futile by the time they were heard but that he would face a large costs bill if he discontinued the application. The Respondent's offer to the Appellant by letter dated 3 August 2024 rather emphasised that concern and was understandably not accepted. It included the proposal that the Appellant should submit to an injunction "to prevent any future court applications." No Civil Restraint Order has yet been made against the Appellant so far as I am aware. Furthermore, the costs sought by the Respondent on discontinuation of the NMO proceedings were £5-6,000 greater than those recovered on disposal of the application before DJ Rana.

36. Undoubtedly the delay in bringing the case to a final hearing was not the fault of either party. There were a number of directions hearings but the listing of final hearing of an NMO application eight months after the last of those directions hearings was clearly much too late.

37. It is right to observe that the Appellant could have withdrawn his application and he clearly recognised in early 2024 (before the Court did so) that his application would no longer relevant at the date of any hearing later that year. However, he was a litigant in person – albeit a very experienced one – and he sought guidance from the Court – albeit not at a hearing but through email correspondence – and relations with solicitors for Ms Osman were extremely difficult due to the history between them.

38. The rule in *In the matter of S* [2015] UKSC 20 and *In re T (Care Proceedings: Costs)* [2012] UKSC 36 applies to cases involving the welfare of children. The grounds given for the general rule that costs orders are not made in such cases were concerned with the focus on the best interests of the children concerned. Here, the application was made by an adult for his own protection from molestation allegedly being conducted by his ex-wife. The two adults concerned had long since separated. On disposal of an NMO made

by one adult against another, I have a wide discretion as to costs. In the present case I cannot find that the application was wrongly brought. The reason it was dismissed was largely due to delay by the court. I note that DJ Rana said that it would have been dismissed even if heard in the trial window identified by DDJ Anderson, but it would have been dismissed then for the same reason – protection was no longer required – not because the application lacked merit from the outset. The Respondent cannot rely on her offer of August 2024 because the Appellant would have been even worse off accepting that offer than he was once DJ Rana had made his order. The delay put the Appellant in a difficult position and neither the Court nor the Respondent helped him out. Given the delays caused by the Court I am sure that the correct costs order is 'no order as to costs' and I substitute that order for the costs order made by DJ Rana which I set aside.

39. In the circumstances I do not need to address the quantum of the costs order made by the District Judge.

40. There was an interesting coda to the hearing when Mr Mayet asked for his costs of the appeal. Initially he said he had not incurred any costs but then he showed me an Invoice from a registered charity, Learn.Org.UK Ltd. The invoice, dated the day before the appeal hearing was for £2,994.00 inclusive of VAT, addressed to him. The services invoiced included, "Tel costs, admin, collate papers, print and prepare bundle, HMCTS correspondence/order, take instructions … wasted day, and Direct Access Barrister", whose fee was £500 net of VAT. I asked for the fee note for the barrister but Mr Mayet could not provide it. There was no identification of the persons providing the services, their qualifications or hourly rates. Mr Khan then told me an important piece of information which Mr Mayet had not revealed to me: Mr Mayet is a Trustee of the charity.

41. I had considerable reservations about whether the costs had been genuinely incurred, were attributable to the appeal, and should be recovered. I also take into account that the appeal became more focused over time and that the Respondent had to deal with a wider set of challenges and assertions than were necessary. In the circumstances I decided to make no order as to costs of the appeal.

42. Whilst this appeal concerned a narrow point regarding a costs order at the conclusion of an NMO application, there are some important matters that it has drawn out:

    a. An NMO application should, where possible, be listed within a period consistent with the nature of the protection sought. Delay of several

months in determining whether an NMO is required is liable to defeat th object of the application.

b. Proceedings following NMO applications made under the FLA 1996 are family proceedings and thus the general rule as to costs does not apply. However, the court has a wide discretion as to costs and in appropriate cases adverse costs orders may be made. .
c. Litigants in person must not think that by writing emails to a court office during ongoing proceedings, they will receive legal advice in response. Furthermore, an email raising questions about their case is not the same as a formal application for determination by a judge.