



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: B4/2019/2268



M (children) –v–

ORDER made by the Rt. Hon. Lady Justice King

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal and a stay of execution.

Decision:

Stay of execution refused.

Permission to appeal refused as being totally without merit.

Reasons

The judge took into account the views of the applicant (para5,7,8 &9) and set out details of her co-operation in relation to certain matters.(para12).

There is no prospect of the applicant succeeding on an appeal if permission is granted and accordingly permission to appeal is refused as being totally without merit.

Information for or directions to the parties**Mediation:** Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)?

Yes/No (delete as appropriate)

Pilot categories:

- | | |
|--|--|
| <ul style="list-style-type: none"> • All cases involving a litigant in person (other than immigration and family appeals) • Personal injury and clinical negligence cases; • All other professional negligence cases; | <ul style="list-style-type: none"> • Boundary disputes; • Inheritance disputes. • EAT Appeals • Residential landlord and |
|--|--|



- Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; tenant appeals

If yes, is there any reason not to refer to CAMS mediation under the pilot? Yes/No (delete as appropriate)

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation? Yes/No (delete as appropriate)

Where permission has been granted, or the application adjourned

a) time estimate (excluding judgment)

b) any expedition



Signed: *Fleance*
Date: 02-10-19

By the Court

- (1) ... Rule 52.6(1) provides that 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.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 40 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: **B420192288**