

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Claim no: 2009 Folio 1099

Before the Honourable Mr Justice Cooke
Dated 14 July 2014

B E T W E E N:



JSC BTA BANK

Claimant/
Respondent to Mr Shegai's Application
Cross-Applicant

and

ZHAKSYLYK ZHARIMBETOV

Third Defendant/
Cross-Respondent

and

RADION SHEGAI

Applicant/
Cross-Respondent

ORDER

UPON the application of the Applicant, Radion Shegai ("**Mr Shegai**"), dated 26 April 2013 (the "**Application**")

AND UPON the application of the Cross-Applicant, JSC BTA Bank (the "**Bank**"), dated 6 June 2013 (the "**Cross-Application**")

AND UPON the Court having ordered on 7 November 2013 **(1)** a trial of the issue whether Mr Shegai or Mr Zhaksylyk Zharimbetov (or some other third party) is the ultimate beneficial owner of (a) the property known as and situate at Levens, 9 Broad Walk, Winchmore Hill, London N21 3DA ("**Broad Walk**") and/or (b) the company known as Smaland Property Holdings Incorporated ("**Smaland**") and **(2)** that any declarations made in relation to that issue shall bind Mr Zhaksylyk Zharimbetov ("**Mr Zharimbetov**")

AND UPON Flaux J having on 7 July 2014 **(1)** declared that Mr Shegai became debarred from pursuing the Application and defending the Cross-Application when he failed to comply with the unless order made by Walker J dated 10 June 2014 and **(2)** refused Mr Shegai's application for relief from sanctions

IT IS DECLARED THAT Mr Zharimbetov is the sole beneficial owner of Broad Walk and the entirety of the issued share capital in Smaland

AND IT IS ORDERED THAT:

1. The Application be dismissed.
2. The Cross-Application be allowed.
3. Mr Shegai shall pay the Bank's costs of the Application and Cross-Application, to be the subject of detailed assessment if not agreed. Mr Shegai shall make a payment on account of such costs in the sum of £150,000, by 4pm on 28 July 2014.