



Case No: C2/2015/4069(B)

Neutral Citation Number: [2018] EWCA 3046 Civ
IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE UPPER TRIBUNAL
(IMMIGRATION & ASYLUM CHAMBER)

The Royal Courts of Justice
Strand, London, WC2A 2LL

Thursday, 19 April 2018

Before:

LORD JUSTICE UNDERHILL

Between:

QURESHI

Applicant

- and -

**THE SECRETARY OF STATE FOR THE HOME
DEPARTMENT**

Respondent

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Mrs Debbie Jane Shakoor appeared for the Applicant

THE RESPONDENT DID NOT APPEAR AND WAS NOT REPRESENTED

Judgment

(Approved)

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Lord Justice Underhill:

1. This is an application nominally by the appellant, Mr Qureshi, but more for the benefit of his wife, Mrs Shakoor, that she be joined as a party to this appeal. Singh LJ refused the application on the papers, acknowledging that there was jurisdiction to make the order but saying that he saw no utility in it. I am prepared, exceptionally, to make the order. Like Singh LJ, I am doubtful whether Mrs Shakoor has a formal legal interest in the appeal and, even if she has, I am not sure what the practical advantage to her of being a party is. She has, however, explained to me briefly that she believes that there are circumstances in which she may have a legal interest which she will want to vindicate by a claim for damages, and it does not seem to me to be a useful expenditure of court time to try to analyse whether that is the case. It seems to me that the pragmatic course is to grant her application. There are three other points in particular which I have taken into account.
2. First and foremost, the respondent has said in terms that she has no objection to the Mrs Shakoor being joined.
3. Secondly (and a factor which I am not sure has been noted previously), she was in fact formally nominated in the original claim form as an interested party. (There was also, at the time of the Upper Tribunal judge's decision which is under appeal, an outstanding application by her to be joined in the proceedings, though I doubt that it was necessary, given that she had already been named as an interested party.) This is not therefore a case where she is trying to come in for the first time for the purpose of the appeal.

4. Thirdly, since she, for reasons which I fully understand, feels very closely involved in the proceedings, there seem to me to be advantages in having her as a party so that she is equally bound by the outcome or can take advantage of it, whichever it turns out to be.
5. So, without expressing any view on the underlying question of the extent of her legal interest, it seems to me that the sensible and fair course in this particular case, even it is something of an exception, is to grant the application.
6. My order is that she be joined as a second appellant, and I will see that the court office draws up that order since she is a litigant in person and will not know how formally to do it.

Order: Application granted