



ORDR-1475070326-0806



Claim No. CFI 095/2024

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) ROMAN ABRAMENKO

(2) VADIM MISEVICH

Claimants

and

IGOR CHUPRIN

Defendant

**REASONS OF THE INJUNCTION ORDER OF H.E. JUSTICE ANDREW MORAN DATED
25 MARCH 2026**

Introduction

1. By their Application No. CFI-095-2024/15, the Claimants seek a proprietary injunction in relation to funds held and/or previously held in the Bank Accounts listed in the third recital to the Order now made (the "Injunction Application"). Secondly, they seek an order for the provision of information specified in Schedule 1 to the Draft Order submitted and an affidavit verifying the same (the "Information and Affidavit Application"). Thirdly, they seek an order pursuant to Rule 25.1.17 of the DIFC Courts ("RDC") (b) for surrender and delivery up to his solicitors by Mr Chuprin, of all passports and travel documents held in his name and an order restraining him from obtaining or attempting to obtain any replacements. This last-mentioned application has been modified to seek an order requiring the Defendant Mr Chuprin to provide Trowers & Hamlins 96 hours' notice if he

intends to leave the UAE and so is now here referred to as the “Notification Application” and all three applications together are referred to as the “Applications”.

2. Without notice and ex tempore at the hearing, the Claimant’s counsel Mr Walsh KC faintly applied for an order directing Mr Chuprin to reconstitute the alleged trust fund that had been deposited in the Bank Accounts before a large proportion of it was admittedly removed by him. This late-coming application was not advanced with any further argument and in view of the orders made hereafter on the Applications, no order was made upon it. It would be inappropriate to consider it further in these reasons.
3. The Parties on the opposing sides of this litigation have presented their respective cases in full at the trial which is proceeding before me, apart from expert evidence regarding alleged forgery or manipulations (as it has been put) of Any Talk chats and messages which the Claimants rely on in support of their case; and written and oral closing submissions. There are also extant applications for relief against sanctions, regarding certain further evidence, which the Defendant seeks to place before the Court. It should be obvious, and if not, I make it absolutely clear, that I cannot make and have not made any decisions on the issues before me in the trial. It should be equally apparent from all of the evidence led before me, and the written and oral submissions already presented, that the Claimants and Defendant each have what I am satisfied are good arguable cases outlined previously, giving rise to serious issues to be tried on the merits, which I will, in due course, decide.
4. In the meantime, the Applications are made and will be determined in accordance with the established law and principles applicable in this Court, found in the law, rules and authorities placed before me.

The Grounds of the Applications

5. The grounds of the Applications are set forth in detail in the twelfth witness statement of Matthew Showler. It is sufficient to state that his evidence and supporting documents, particularly two tables of financial transactions in the Bank Accounts, which are exhibits in the trial proceeding before me, show that Mr Chuprin has withdrawn or transferred to known or unknown recipients, including family members, very substantial funds claimed to be in excess of USD 28m, which the Claimants contend are unauthorised withdrawals of trust funds from trust accounts held in his name and/or controlled by him.

6. In support of their application, the Claimants have relied on substantial transfers of and withdrawals (large amounts in cash now placed in deposit locker/s at Bank/s obtained and controlled by the Defendant), from what they claim to be trust Bank Accounts and the Defendant's unreasonable, persistent and , refusal to provide information about what he has done with the money. This is against a background of a claimed failure to be open and frank with the Claimants and the Court, when giving "hollow" undertakings designed to reassure the Claimants, relating to the funds in those accounts in February and March 2025. Also, when not responding to a pleading of the amounts held in the various accounts, which had been depleted by the Defendant of approximately 90% of the funds last reported by him to the Claimants, and believed by the Claimants to be in the Bank Accounts, until the Court ordered disclosure of Bank Statements.
7. The Claimants have also produced as an appendix to their skeleton, a chronology of relationship between the transfers and withdrawals from the Bank Accounts by the Defendant, with actions taken by them in the dispute and in these proceedings against the Defendant to exert their rights. This, they claim, shows a thief in action, attempting to put funds he was stealing out of their reach. The basis for all of these claims and allegations (which, I repeat, the Court has made no findings on, but which are serious issues to be tried and which I am presently trying) is summarised in paragraphs 3 and 4 of the Claimants' skeleton argument and developed in oral submissions before me which have been transcribed. Time does not permit further recital or summary of those submissions here nor is such required for the Defendant to understand the reasons for my decisions which follow.

The Defendant's Response

8. Mr Chuprin's response to the application and the evidence in support of it, provided in his tenth witness statement, may be sufficiently summarised for present purposes as follows (without detracting from the fact that I have weighed and considered every sentence of it carefully):
 - (a) He disputes that the net outflow from the Bank Accounts amounts to USD 28m.
 - (b) He contends the undertakings he has given provide significant protection for the Claimants.
 - (c) He contends the list of assets in sub-paragraphs 1 (c) and (d) of the order would end up covering assets that even on the Claimants' own case, are not traceable trust assets and would hinder his legitimate business and personal financial

dealings including with investments and ordinary living expenses. He further contends the list of assets would cover and freeze funds paid out of the accounts prior to August 2023 in relation to which Mr Misevich has waived all of his rights. Still further he contends that it would cover and freeze funds received into the Bank accounts which are personally held by him and unconnected to purported trust monies – as listed in paragraph 15 of his statement. Use of his own funds would be significantly impeded and require a significant tracing exercise to establish the extent of any interest which the Claimants could trace if they are successful at trial. He claims that an injunction in the terms sought would significantly hamper his ability to use assets which are indisputably his own, with accompanying impact on his business and family life and his conduct of these legal proceedings.

- (d) He explains his reasons and justification for transferring substantial funds before giving his undertaking in March 2025 and asserts he has not attempted to mask the transfers and was looking to protect his assets. He points to the Claimants dissipation of assets that he claims belong to him without restraint. He relies on the fact that no undertaking as to the substantial damages he claims he would sustain if the order was wrongly made, is being offered by the Claimants; and that there is no prospect of recovery of such damages from the Claimants.
- (e) The proposed disclosure order is draconian, impossible to comply with in the time proposed and any attempt to comply with it, will unfairly prejudice him in conducting his defence at what is left of the trial. It is, he claims, a large-scale tracing exercise, at its most draconian encompassing many thousands of transactions in the period since 2021. The risk of irreparable damage is significant. He relies on the intimidation he claims the Claimants have been responsible for, of himself and his witnesses, and argues that it is not beyond the realms of possibility that the Claimants would use the very considerable confidential data sought in the Application to further target and intimidate him, his business associates and his family members.
- (f) He explains that he has not provided the information sought in the Application because: (i) the existence of the trust is in dispute and the Claimants are not entitled to such a vast amount of personal information at this stage of proceedings (and may never be); (ii) to disclose it now would potentially cause irreparable damage to him, his business associates and family members, for which damages would not be an adequate remedy; and (iii) the exercise is so vast that he could not have complied with it by the date of his statement, and indeed could not

meaningfully comply with it before the conclusion of these proceedings without causing prejudice to his ability to robustly defend this litigation.

- (g) In relation to the passport order he explains (as he did in evidence before me) why he has been applying for a Vanuatu passport and his purposes of obtaining residency in Greece. None of this is a secret and he is committed to remaining in Dubai subject to the unstable situation in the Middle East worsening and making it necessary for him and his family to evacuate on short notice to a place of safety.

The Applicable Principles

9. The principles for the grant of a proprietary injunction and provision of information in support, which I now apply are as follows.
10. An applicant for a proprietary injunction must satisfy the Court as to the same three threshold requirements identified by Lord Diplock in *American Cyanamid* for the grant of an interlocutory injunction:

- “1) There is a serious issue to be tried on the merits.
- 2) The balance of convenience is in favour of the grant of an injunction.
- 3) It is just and convenient (which bears the same meaning as “appropriate” in Article 24 of the DIFC Courts Law No. 2 of 2025) to grant the injunction.”

11. As already noted, the first requirement has been satisfied in this application.
12. I adopt the approach to deciding whether the balance of convenience tilts in favour of the grant of the injunction and the other orders sought or not; and whether it is just and convenient or appropriate to grant them (assessing the balance separately in the case of each order sought), which was adopted by Justice Sir Richard Field in *Larmag Holding BV v First Abu Dhabi Bank and Others [CFI-030-2019]* in his order and reasons of 2 September 2019.
13. The learned Judge followed the approach explained by Lord Hoffman holding as follows:

“Balance of convenience

19. In *National Commercial Bank Jamaica v Olint Corporation* [2009] 1 WLR 1405, Lord Hoffmann said at [16]-[17]:
16. “The purpose of such an [interlocutory] injunction is to improve the chances of the court being able to do justice after a determination of the merits at the trial. At the interlocutory stage, the court must therefore assess

whether granting or withholding an injunction is more likely to produce a just result. As the House of Lords pointed out in *American Cyanamid Co v Ethicon Ltd* [1975] AC 396, that means that if damages will be an adequate remedy for the plaintiff, there are no grounds for interference with the defendant's freedom of action by the grant of an injunction. Likewise, if there is a serious issue to be tried and the plaintiff could be prejudiced by the acts or omissions of the defendant pending trial and the cross-undertaking in damages would provide the defendant with an adequate remedy if it turns out that his freedom of action should not have been restrained, then an injunction should ordinarily be granted.

17. In practice, however, it is often hard to tell whether either damages or the cross-undertaking will be an adequate remedy and the court has to engage in trying to predict whether granting or withholding an injunction is more or less likely to cause irreparable prejudice (and to what extent) if it turns out that the injunction should not have been granted or withheld, as the case may be. The basic principle is that the court should take whichever course seems likely to cause the least irreparable prejudice to one party or the other. This is an assessment in which, as Lord Diplock said in the *American Cyanamid* case [1975] AC 396, 408:

“It would be unwise to attempt even to list all the various matters which may need to be taken into consideration in deciding where the balance lies, let alone to suggest the relative weight to be attached to them.”

14. On the question of whether it is just and convenient or appropriate to grant the injunctions sought, the same decision of Justice Sir Richard Field is instructive and provides all the guidance necessary for the Court to answer this question. He held as follows:

25. “The opening part of Article 32 of the DIFC Court Law 2004 [the predecessor of the now applicable law which has replaced it] uses the word “appropriate” and I agree with the view of DCJ Sir John Chadwick in *Bocimar International NV v Emirates Trading Agency LLC* [2015] DIFC CFI 008 at [7] that that test does not differ materially from the “just and convenient” test in the equivalent provisions in the law of England and Wales.
26. In my judgment, it is appropriate (i.e. just and convenient) to extend the Original Injunction by a further eight weeks given that I have concluded that Larmag has a good arguable proprietary claim against the Respondents and that the balance of convenience favours the extension.
27. In *Republic of Haiti v Duvalier* [1990] 1 QB 202 at 213, 214 Staughton J (as he then was) said:

A proprietary claim is one by which the plaintiff seeks the return of chattels or land which are his property or claims that a specified debt is owed by a third party to him and not to the defendant.

Thus far there is no difficulty. A plaintiff who seeks to enforce a claim of that kind will more readily be afforded interim remedies, in order to preserve the asset which, he is seeking to recover, than one who merely seeks a judgment for debt or damages.

28. In the instant case I find myself to be in the same position as was Flaux J in *Madoff Securities International Ltd v Raven* [2011] EWHC 3102 (Comm) when said at [140]-[141]:
140. In my judgment, once the position has been reached, as it has in the present case, that the claimant shows a sufficiently arguable case for a proprietary remedy, then, as Staughton LJ stated in the *Duvalier* case, the court will more readily afford that claimant with interim remedies by way of injunction and disclosure orders. Not to do so might well, as Lord Hoffmann put it in *Olint* cause irreparable prejudice to the claimant...
141. Furthermore, I agree with Mr Weekes that, once the court has decided that the balance of convenience favours the granting of the proprietary injunction, as I have in the present case, although the question whether it is just and convenient to do so is a separate question, it is extremely unlikely that the court would say it was not just and convenient, having decided the balance of convenience in favour of the claimant. To the extent that it is necessary to make a separate finding, I find that it is just and convenient to grant an injunction."

15. The orders made on the Application and these reasons now given for them, arise in circumstances of expedited proceedings and trial sought by all parties. It is the latest of numerous hard-fought interlocutory applications the Court has had to deal with on short notice and expeditiously. The trial is still proceeding and stands adjourned for a short period for further evidence and closing submissions to come in mid-April. Separate teams of leading counsel and juniors have been retained on both sides to deal with the Applications, who have presented extensive written and oral submissions and a considerable volume of authorities, which the Court has been referred to. Whilst the Court has considered all that has been presented in argument in depth and detail, it does not have the additional time and resources engaged by the Parties to advance their respective cases, available to it to provide these reasons in as extensive form and content as the submissions before it. They are therefore rendered as shortly as is necessary and possible, dealing only with the main points of argument, which have actuated the Court's decisions.

Discussion and reasons for the orders made

The Proprietary Injunction

16. On the application for a proprietary injunction (I deal separately with the ancillary applications for information and an affidavit), I am satisfied that that the balance of convenience tilts decisively in favour of the grant of the injunction sought (as modified by me) and that it is just and convenient (and thus appropriate) to make the order I have made for the following reasons.

17. I am satisfied that the grant of the proprietary injunction and order I have made is in accordance with the basic principles: first, that the court should more readily afford a claimant with a seriously triable proprietary claim with interim remedies by way of injunction and disclosure orders, in case not doing so might cause irreparable prejudice to the claimant; and, secondly, that I should take whichever course seems likely to cause the least irreparable prejudice to one party or the other. If Mr Chuprin prevails at the trial nearly at an end, his rights to use the injunctioned funds as he sees fit will not have been lost for long and will soon be restored. I am unpersuaded that in the short-term restraint in place and in prospect, he is likely to suffer any significant loss or damage and certainly none beyond the undertaking to indemnify him that has now been given by the Claimants. The risk of such damage is not of a magnitude to require an undertaking in any greater sum than has been given and does not in my judgment require fortification. The Claimants both reside in European jurisdictions and I am not persuaded that if an order for damages was made against either or both pursuant to their undertakings, it would be unenforceable. Mr Chuprin has alluded to interference with investment decisions and with his ordinary living expenses (including payment of school fees) but has provided no detail of investment prospects that might be lost; or any particular damage likely to ensue upon the grant of the injunction sought. On the other side of the scales, if the Claimants prevail in the trial, and the Defendant is found to be a fraudster and thief, then a failure to grant the proprietary injunction order I have now made, would have allowed to remain, without any restraint or lessening of it, a real risk of further dispersion, concealment and waste of what the Court would in those circumstances have found to be trust funds lost to the beneficiary, by the defalcations of a fraudulent trustee. The Claimants' skeleton footnote 11 at XB/12/5 and the authorities there referred to, epitomise the approach the Court should and does follow.

18. The Claimants are, in my judgment, entitled to have and equity requires, the making of an order preserving assets (a large proportion of which assets have admittedly been removed by the Defendant from the possession and control of an alleged trust and its

claimant trustee and beneficiary) for a claim in rem against them. This fund ought to be preserved as far as the Court may now achieve that end, to improve the prospects of effective justice, in case the seriously triable allegation that they are trust assets and that their removal was unauthorised, dishonest and fraudulent, is found proved at trial.

19. I am satisfied that in the event of such proof and findings at trial, damages would not be an adequate remedy for the reasons advanced by the Claimants at paragraph 5.5 of its skeleton argument. Whilst Mr Chuprin has advanced evidence of some of the funds paid into the Bank Accounts being his own personal funds, from sources other than the Kama Games business and the companies under its umbrella, they could only amount on the limited evidence before me, to a very small fraction of what is claimed to be missing from those accounts, if they are found to be trust funds in major part. Whilst Mr Chuprin claims to be a man of very substantial means, he has not shown that he has means (additional to and apart from the assets or funds, which are the subject of this dispute) sufficient to satisfy an award of damages that might be made against him for (on the Claimant's case) up to USD 28m.
20. I have weighed in making that finding, the combined effect of the following matters and arguments.
21. First, the inordinate delay (which I have previously found against the Claimants) in failing to bring these or similar applications in the Autumn of last year, when they might have done, on the evidence of Mr Abramenko to which I have previously referred in my earlier rulings. I accept however, having heard the careful and well-supported argument and submissions of Mr Walsh KC, that there has been no delay on the Claimants' part in pursuing these orders, since they and their lawyers had access to the Bank Statements I ordered Mr Chuprin to produce.
22. I find that they have acted with due expedition since they decided (belatedly as I have previously found) to make these and the prior ex-parte applications made before me. I accept the Claimants' submissions that to the extent their delay in bringing the applications has been culpable; that should not generally be taken to mean that there is no risk of dissipation – including of what may be left and/or traceable. Delay is a factor to be weighed in the balance and its weight will depend on the circumstances. It will have greater weight when the Court is considering whether to hear an injunction application without notice, where an alleged fraudster has been given a long time to dissipate assets and secrecy is pointless; but will not carry the same weight where the Court is considering matters inter partes and is able to assess the utility of a proprietary injunction having regard to what it knows of the location of assets, what has been done with them

and the effect of any delay. In my judgment, the proper approach to delay and its effect in the circumstances in which the court now finds itself, should be as it was colourfully outlined by Cooke J (as he then was) in *Antonio Gramsci Shipping Corpt v Recoletos Ltd* [2011] EWHC 2242 (QB) at [29]

"In my judgment it is no answer for a defendant to come to the court to say that his horse may have bolted before the gate is shut and then to put that forward as a reason for not shutting the gate. That would be to pray in aid his own efforts to make himself judgment proof - if that, indeed, is what has occurred - and to avoid the effect of any court order which the court might make. If he can show that there is no risk of dissipation on other grounds, that is one thing. If he can show that the claimants do not consider that there is such a risk by virtue of the delay in seeking the order, that again is a relevant factor. However, if the court is satisfied about those matters in favour of the claimant, there is no reason why the court should not shut the gate, however late the application, in the hope, if not the expectation, that some horses may still be in the field or, at the worst, a miniature pony."

23. I am satisfied that in all the circumstances of these Applications now coming before the Court, the delay which has occurred should not cause the court to refuse the grant of a proprietary injunction to aid in doing effective justice by preserving the best chance of reconstitution of trust funds, in the event the Claimants do prevail at trial. I accept the Claimants do consider there is a risk of further dissipation (if the court were to find that is what has already occurred at trial) and the Defendant has not shown there is no such risk on other grounds. I also find that the earlier delay, which I have criticised, though it has to a certain extent resulted in the application for a proprietary injunction being brought as the trial was about to begin, will not impose any undue burden on the Defendant that might interfere with his ability to participate fully in the presentation of his defence at trial.
24. I reject the Defendant's submission that the form of injunction order made, expressly excepting as it now does, the personal funds of Mr Chuprin, will require him to be unfairly or unreasonably distracted by any complex tracing exercise of personal funds in co-mingled funds, when defending himself for what is left of the trial. I reject the submission that any such complex or time-consuming tracing exercise will be required for Mr Chuprin to identify his own personal funds (apart from the Kama Games business proceeds he claims as his own but which are in dispute) that he has introduced to the Bank Accounts, (and the amount thereof which remains in those accounts, or has been withdrawn and deposited elsewhere) that is available to him for his personal and business use.

The Information and Affidavit Applications

25. In relation to the information and affidavit orders sought, I first record that I refused to entertain the Applications until Mr Chuprin had given evidence in the trial (and all evidence apart from expert evidence was complete) to avoid the possibility of any distraction of Mr Chuprin from defending himself at the trial. I have now refused to make the information and affidavit orders sought, because I do accept that what those orders sought and required of Mr Chuprin to comply with them (especially by when – in one and three days respectively), was unreasonable, beyond his ability to comply with them in the time proposed, had the potential to unfairly distract him from defending himself and thus the potential to impair his fair trial rights. Although I have refused to make the information and affidavit orders for those reasons, I make it clear that I would have granted them as they are usually granted with the type of order of injunction I have made, (for reasons advanced by the Claimants in paragraph 5 of their skeleton argument and orally) but for the timing of this application and the burden it would impose on Mr Chuprin at this stage of the trial.
26. I have accordingly adjourned those parts of the Application for later determination without the need for further argument, when I decide upon the validity or invalidity of the IC Trust at trial. The delay in the Claimants securing an information order (if they are entitled to it) and an affidavit during which they have the protections of a proprietary injunction; and the effect of being unable to embark upon tracing missing trust funds (as they contend they are) until that decision is made, is not in my judgment as weighty a consideration as avoiding distracting the Claimant from defending himself and preserving the fairness of the trial by ensuring the parties have the same unhindered opportunity to give their undivided attention to advancing their cases in it. In my judgment, the balance of convenience tilts firmly against making an information and affidavit order and it would not be just and convenient or appropriate to make those orders, in the particular circumstances of this case, at the stage at which the application is made (wherever the fault for delay might lie).

The Notification Application

27. Specifically in relation to the passport surrender order sought (now modified to a notification of intention to leave the jurisdiction order), I consider it appropriate to (and do) follow in this jurisdiction, the guidance provided by Mostyn J. in the English High Court in *Young v Young* [2012] EWHC 138 (Fam) at §26 (approved by the English Court

of Appeal in *JSC Mezhdunarodny Promyshlenniy Bank & Anor v Sergei Victorovich Pugachev* [2015] EWCA Civ 1108 at [37]), where he deduced the principles applicable to an application such as this, as follows:

- “(i) The power to impound a passport pending the disposal of a financial remedy claim exists in principle in aid of all the court’s procedures leading to the disposal of the proceedings.
- ((ii) But it involves a restriction of a subject’s liberty and so should be exercised with caution. The authorities emphasise the short-term nature of the restraint. The law favours liberty.
- ((iii) A good cause of action for a substantive award must be established.
- (iv) The applicant must establish that there is probable cause for believing that the respondent is about to quit the jurisdiction unless he is restrained.
- (v) And the applicant must further establish that the absence of the respondent from the jurisdiction will materially prejudice her in the prosecution of her action.
- (vi) Provided that the principles in (i)—(v) are carefully observed a passport impounding order will represent a proportionate public policy-based restraint on freedom of movement founded on the personal conduct of the respondent.”

28. This part of the Application if granted (even as modified), represents a substantial interference with the Defendant’s liberty in circumstances where the Court is not presently able to determine if the requirements for making such an order, may be satisfied in this case or not. That difficulty is brought into stark focus in circumstances where the Court will be deciding in the near future, whether the IC trust is valid or not; and who are the fraudsters in these proceedings; and where (for the reasons of ensuring a fair trial given above) I am not satisfied it is just, convenient or appropriate to make information and affidavit orders at this time. The notification order sought might be justified to enforce compliance with information and affidavit orders made against a person who should be kept within the jurisdiction for the purpose of enforcing compliance with them, but in this case, the orders forming the basis for that means of justification (which would normally be made with the order of injunction) cannot be made for the reasons given. In the highly unusual circumstances of this case, and exercising the caution required, I consider the fairest and most appropriate course is to adjourn determination of this part of the Application, involving as it does, whether the requirements for making a passport surrender or notification order are satisfied.

Issued by:

Delvin Sumo

Assistant Registrar

Date of Issue: 27 March 2028

At: 2pm

