the power to consider the oral application. Indeed, it was noted that the court of its own motion could consider relief from sanction. It was further added that the judge should have balanced the rule 3.9 factors with proportionality and the CPR's overriding objective, and in failing to do so, debarring Ms Cutler from defending the possession claim had breached article 6.

***Daniel Hegglin v (1) Person(s) unknown (2) Google Inc* – QBD – Edis J -14/11/14 – [2014] EWHC 3793 (QB)**

This was a matter no doubt familiar to many readers, involving a costs-capping application by the claimant against Google, or in the alternative, a costs management order amending Google's budget.

Costs budgets had been exchanged, with Google's budget indicating costs of £1.68m by the end of the trial, approximately £1m higher than the claimant's budget.

The claimant sought to cap the budget at £1.25m, which was the sum incurred by Google to-date.

The claimant submitted that a costs cap was an appropriate means for the court to impose control over the risk of incurring disproportionate costs. Google submitted that the proceedings had reached the stage where a costs-capping order was inappropriate, as the bulk of the costs had already been incurred.

Edis J commented that the amount of Google's costs was 'surprising', and that the difference between the budgets suggested that Google's costs were not 'proportionate to the true nature of the dispute'. But he said a costs-capping order was not appropriate, and given that it was considered that the costs incurred 'seemed so high', Edis J considered that detailed assessment was 'effective protection'.

***R (on the application of Dinjan Hysaj) v Secretary of State for the Home Dept CA (Civ Div)* – 16/12/14 - [2014] EWCA Civ 1633**

This was a pre-Christmas reminder that applications for extensions of time to file notices of appeal under CPR rule 3.1(2)(a) must be determined using the principles governing applications for relief from sanctions, with both *Mitchell* and *Denton* to be considered. The fact that an appeal raised questions of public law rather than merely private rights did not mean that a more lenient approach should be adopted. The Court of Appeal made reference to its earlier decision in *Altomart* (above).

But the Court of Appeal did add that the more robust approach to compliance with the rules typified by *Mitchell* should not be taken as encouragement to refuse reasonable extensions of time, or to seek a tactical advantage in every minor default.

The inability to pay for legal representation was not to be regarded as good reason for delay, and the merits of the substantive appeal had little relevance in the decision whether to extend time.

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