

Insights

## **COURT OF APPEAL DISMISSES BANKS' APPLICATIONS FOR PERMISSION TO APPEAL – VATCHE MANOUKIAN V SOCIETE GENERALE DE BANQUE AU LIBAN S.A.L AND BANK AUDI S.A.L**

Jun 17, 2022

### **SUMMARY**

Following the first ever merits judgment on international banking transfer rights under Lebanese law, in which the high court ordered specific performance against two Lebanese banks in favour of our client, Vatche Manoukian, the Court of Appeal has now dismissed the banks' applications for permission to appeal.

We are delighted to confirm that this week the Court of Appeal has dismissed the application for permission to appeal which was made by Societe Generale au Banque de Liban and Bank Audi against the judgment successfully obtained by our client, Vatche Manoukian, in the High Court.

The decision by the Court of Appeal is an important and significant confirmation of the status of the judgment of Mr Justice Picken. The Court of Appeal holding that the Banks' attempts to appeal had no real prospects of success is likely to be very significant and may be helpful for any depositors who are in similar positions to Mr Manoukian and seeking performance of international transfer requests which they have made of Lebanese Banks.

We have covered the first instance decision in depth in our previous post [here](#). In short, in the High Court judgment, Mr Justice Picken held that (i) the terms of SGBL and Bank Audi were consistent with an international transfer right; (ii) any ambiguity in those agreements was to be construed in the favour of the consumer, given the content of Lebanese Consumer Law, and the contracts did not unequivocally exclude the right to an international transfer; and (iii) there is an established custom in Lebanon that depositors are entitled to have Banks give effect to their international transfer requests, which is incorporated into contracts by virtue of the Lebanese civil code.

The Court of Appeal has emphatically endorsed that carefully reasoned judgment by Picken J. In particular, Lord Justice Lewison confirmed in his reasons that "It is not arguable that the judge

adopted the wrong approach to the question whether there was a custom as alleged by the Banks.” Lewison LJ also confirmed that Picken J’s judgment had been based on “his detailed analysis of the jurisprudential writings, previous decisions of the Lebanese Courts and the expert evidence.”

The case successfully brought by BCLP is the first, and currently the only, successful merits judgment anywhere in the world against Lebanese banks arising from the 2019 financial crisis. We are delighted for the success achieved by our client Vatche Manoukian, who has now finally had all of his money returned to him by the Banks.

Our team has extensive and unique expertise in litigating against Lebanese banks. We would welcome enquiries from depositors in England and other relevant jurisdictions who have had their international transfer requests refused by Lebanese banks and who wish to seek recourse. Please contact [Graham Shear](#) for more information.

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## MEET THE TEAM



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