Claim No: CA 004/2026
ENF 047/2024

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

In the name of His Highness Sheikh Mohammad Bin Rashid Al Maktoum, Ruler of Dubai

IN THE COURT OF APPEAL

BEFORE H.E. JUSTICE ROBERT FRENCH, H.E. JUSTICE RENE LE MIERE AND H.E. JUSTICE THOMAS BATHURST

BETWEEN

OQAB

Judgment Creditor/Appellant

and

(1) OORHNA
(2) OORJA

Second Judgment Debtor/Respondent

(3) OMARAN
(4) OMIKA
(5) OMNIA

Judgment Debtors

Hearing : **19 May 2026**

Counsel : Mr Edward Brown KC for the Appellant
Mr Nigel Jones KC and Ms Lisa Freeman for the Respondent

Judgment : **3 June 2026**

JUDGMENT OF THE COURT OF APPEAL

UPON His Excellency Justice Nassir Al Nasser granting permission to appeal on 12 March 2026

AND UPON reading the submissions and evidence filed and recorded on the Court file

AND UPON hearing Counsel for the Appellant and Counsel for the Respondent on 19 May 2026

IT IS HEREBY ORDERED THAT:

1. The Appeal is dismissed.

2. The Respondent pay the Appellant's costs of the appeal, including the costs of the Application for Permission to Appeal fixed at **AED 373,600**.

3. The Respondent has 28 days to satisfy the Costs Order.

Issued by:
Hayley Norton
Assistant Registrar
Date of Issue: 3 June 2026
At: 1pm

SCHEDULE OF REASONS

1. This appeal concerns the scope of the Court's examination power under Part 50 of the RDC in aid of its enforcement of a judgment of the Dubai Court of Cassation dated 16 May 2023. At the conclusion of the oral hearing and following a brief adjournment, the Court dismissed the appeal on the basis that the orders of the primary judge did not disclose error. However, there was an error as to the scope of the Court's examination power which appeared from His Excellency's Reasons. That error was the basis upon which the appeal was brought. For that reason, while dismissing the appeal, the Court ordered that the Respondent should pay the Appellant's costs of the appeal and of the permission to appeal. The Court now publishes its Reasons for the orders which it made.

2. On 5 December 2023, the Enforcement Judge, His Excellency Justice Nassir Al Nasser made an order pursuant to Article 7(4) of the Judicial Authority Law, Dubai Law No 12 of 2004, recognising a judgment of the Dubai Court of Cassation against a number of Respondents, including

the Second-named Defendant, Oorja. The amount of the judgment was AED 4,643,506,696.44 together with interest at a rate of 5%, accruing from 16 May 2023 until the date of payment.

3. On 10 July 2024, His Excellency made orders for a Part 50 examination of two Judgment Debtors, Oorhna and Oorja. The orders included a requirement that the Judgment Debtors attend a virtual hearing for a Part 50 examination, to answer on oath such questions as the Court might require and as might be asked by the Court or the Judgment Creditor, and/or its legal representatives. Key provisions of the order were:

> "4. Pursuant to RDC 50.10 and 50.5(6) the Judgment Debtor shall provide information about assets, means and any other information which is required to enforce the Order of H.E. Justice Nassir Al Nasser dated 5 December 2023 against the Judgment Debtor made in ENF 285/2023 (the "Order") including the information identified in Schedule A of this Order.
>
> 5 Pursuant to RDC 50.5(6) the Judgment Debtor shall produce all documents in the Judgment Debtor's control that relate to the Judgment Debtor's means of satisfying the Order. The documents produced must include those identified in Schedule A to this order.
>
> 6 The Judgment Debtor shall produce to the Court and to the Judgment Creditor the documents set out in Schedule A to this order, by email . within 14 days of being served with this order."

4. An Amended Order directed to Oorja only was issued on 6 November 2025. Paragraphs 3 to 6 of that Order replicated the requirements of the original Part 50 Order.

5. On 28 January 2026, His Excellency dismissed an application by Oorja to set aside the Part 50 Order and made the following orders:

> "3. The Part 50 Order shall remain in full effect, without variation.
>
> 4. The Examination Hearing shall proceed on the earliest date listed by the Registry.
>
> 5. The Judgment Debtor shall comply fully with the Part 50 Order, including answering all proper questions relating to her assets, means, financial history and any information relevant to enforcement of the Dubai Court of Cassation judgment, subject only to valid foreign confidentiality or collateral-use restrictions."

6. In his Schedule of Reasons for the Orders so made, His Excellency referred to the scope of the Part 50 Examination. He said:

> "17. RDC Part 50 empowers the Court to require information necessary to enable enforcement of a judgment. However, the scope of that power cannot exceed the Court's enforcement jurisdiction, which is expressly confined to enforcement inside the DIFC. Accordingly, the information sought under the Part 50 examination must relate to assets, means or matters relevant to enforcement within the DIFC.
>
> 18, This limitation does not preclude the Judgment Creditor from asking questions necessary to identify whether the Judgment Debtor has assets in the DIFC or to confirm the absence of such assets. However, the Court cannot compel information directed exclusively to enforcement outside the DIFC, which falls under the jurisdiction of the Dubai Courts.
>
> 19. The Part 50 Examination must therefore proceed only for the purpose of identifying, locating, or confirming assets or means of enforcement within the DIFC, and not as a mechanism for broader inquiries relating solely to assets situate outside the DIFC.
>
> .
>
> 22. Accordingly, while a Part 50 Examination may proceed, its purpose must be limited to obtaining information relevant to enforcement within the DIFC. Questions directed exclusively toward assets outside the DIFC fall outside the jurisdiction conferred by Article 31(4) and must be pursued before the Dubai Courts."

7. His Excellency's Reasons, as appears from the preceding paragraphs, were at odds with the decision of the Court of Appeal handed down subsequently in Orlagh v Orchid [2026] DIFC CA-001-2026. That judgment was concerned with the jurisdiction of the DIFC Enforcement Judge set out in Article 31(4) of the DIFC Courts Law - Law No 2 of 2025. That Article is in the following terms:

> **"Jurisdiction of Enforcement Judge inside and outside of the DIFC**
>
> **Article (31)**
>
> Subject to Article (29) of this Law, the Enforcement Judge shall have jurisdiction over:
>
> .
>
> 4. The enforcement of judgements and judicial decisions affixed with the executory formula issued by local or foreign courts, including the Dubai Courts, as well as interim and precautionary orders and decisions issued by local or foreign courts, including the Dubai Courts, and arbitral tribunals, inside the DIFC, and in accordance with the Rules of the Courts."

8. The following paragraphs of this Court's decision in *Orlagh v Orchid* dealt with the jurisdiction of the Enforcement Judge conferred by Article 31(4) and the scope of the examination power under Part 50 exercised in aid of that jurisdiction:

> "56. The words, "inside the DIFC" in Article 31(4) do not refer to subject matter or entities "within the DIFC". They clearly refer to the place of enforcement. This can be illustrated by reframing Article 31(4) by placing the words "inside the DIFC" in the opening line, thus:
>
> > "The enforcement inside the DIFC of judgments and judicial decisions affixed with the executory formula issued by . the Dubai Courts ...".

The meaning of the Rule is not changed by the relocation of the words "inside the DIFC".

57. An order for the examination of a judgment debtor under a Dubai CFI judgment may be made by the DIFC Enforcement Judge. It is the process of examination that is "inside the DIFC". No doubt such an examination could be concerned with the judgment debtor's assets, including assets within the DIFC. It would, however, be an absurd result that the jurisdiction and powers could only be exercised in relation to assets within the DIFC. It would mean that the existence of assets in the DIFC would be a condition of the enforcement jurisdiction. That is to say, the Enforcement Judge would have to determine whether there were assets in the DIFC before the jurisdiction to find out whether there were such assets was enlivened. Further, the division between assets inside the DIFC and assets elsewhere may not be clear cut. The propounded limitation would result in unnecessary boundaries between the coverage of inquiries by the DIFC Enforcement Court and those of judges elsewhere providing scope for endless jurisdictional gaming."

And in paragraph 58, the Court said:

"58. In our opinion, the jurisdiction conferred by Article 31(4) is not constrained to enforcement action concerning assets within the DIFC and does not constrain the scope of the power in aid of that jurisdiction which is conferred by RDC Part 50."

9. His Excellency's Reasons in the present case spoke of the examination power under Part 50. While this Court is of the view that the Reasons were inconsistent with what was said in *Orlagh v Orchid*, the Court acknowledges that an Enforcement Judge conducting an examination within the scope of the power conferred by Part 50, properly construed, has a discretion to govern the conduct of the examination so that it is kept within limits reasonably proportionate to its legitimate purpose. The Judge is not bound to permit counsel for a judgment creditor to roam at large in the course of the examination. This appeal concerns the full scope of the examination power. It does not concern what may be an appropriate exercise of the Judge's discretion within the scope of that power properly understood.

10. Counsel for the Respondent made submissions inviting the Court to reconsider Orlagh v Orchid. Those submissions included respectful criticisms of the reasoning in that decision. However, applying the criteria set out for revisiting an earlier decision of the Court of Appeal, set out by this Court in *Carmon Reestrutura-engenharia E Servi□os T□cnios Especiais, (Su) LDA v Antonio Joao Catete Lopes Cuenda* [2024] DIFC CA 003, the Court declined to reopen its decision in *Orlagh v Orchid*.

11. The Orders made by His Excellency did not of themselves import any erroneous limitation on the scope of the examination. An appeal is an appeal against orders not against Reasons for Decision. There is no basis for interfering with the orders on appeal. However, to be clear, the Judge in determining the scope of his jurisdiction and powers will be obliged to act in accordance with the recent Court of Appeal decision, which determined that RDC Part 50 Examinations are not confined to assets within the DIFC. Accordingly, the Court dismissed the appeal but ordered that the Respondent should pay the Appellant's costs of the appeal which it fixed at AED 373,600, based on the Appellant's costs statement.

12. The Orders were:

(a) The Appeal is dismissed.

(b) The Respondent pay the Appellant's costs of the appeal, including the costs of the Application for Permission to Appeal fixed at AED 373,600.

(c) The Respondent has 28 days to satisfy the Costs Order.