Claim No. TCD 001/2023

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

BOND INTERIOR DESIGN LLC

Claimant

and

ELEVEIGHT RESTAURANT AND ENTERTAINMENT CENTER LLC

Defendant

ORDER OF H.E. JUSTICE NASSIR AL NASSER

UPON the request made by the Claimant on **8 June 2023** for a Default Judgment (the "Request") in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC"), it is found as follows:

1. The request is not one prohibited by RDC 13.3 (1) or (2).

2. The Defendant has filed an Acknowledgment of Service but has failed to file a Defence and the relevant time for so doing has expired, in accordance with RDC 13.5(1).

3. The Defendant has not: (i) applied to the DIFC Courts to have the Claimant's statement of case struck out under RDC 4.16; or for immediate judgment under RDC Part 24 (RDC 13.6(1)); (ii) satisfied the whole claim (including any claim for costs) on which the Claimant is seeking judgment; or (iii) filed or served on the Claimant an admission under RDC 15.14 or 15.24 together with a request for time to pay, in accordance with RDC 13.6(3).

4. The Claimant filed a Certificate of Service in accordance with RDC 9.43 on 31 March 2023.

5. The Claimant has followed the required procedure for obtaining Default Judgment pursuant to RDC 13.7 and 13.8.

6. The claim is for a specified sum of money and the request specifies the date by which the whole of the judgment debt is to be paid or the times and rate at which it is to be paid by instalments in accordance with RDC 13.9.

7. The request includes a request for interest pursuant to RDC 13.14 and the Claim Form sets out the calculation of interest in the claim.

8. The DIFC Courts are satisfied that the conditions of RDC 13.22 and RDC 13.23 have been met.

9. The Claimant has submitted evidence, as required by RDC 13.24, that (i) the claim is one that the DIFC Courts have power to hear and decide; (ii) no other court has exclusive jurisdiction to hear and decide the claim; and (iii) the claim has been properly served in accordance with RDC 13.22/13.23.

10. The Defendant on 8 June 2023, the Defendant filed a response to the Claimant's Request for Default Judgment, that the Claimant did not serve the Particulars of Claim on the Defendant.

11. On 13 June 2023, the Defendant also filed an Affidavit that they have not been served with the Particulars of Claim from the Claimant.

12. On 14 June 2023, the Claimant responded that the Defendant's statement is incorrect, submitting that when a document is submitted on the DIFC Registry website a notification will be sent to the Defendant's legal representative automatically, which amount to service.

13. Whereas the Court finds that the Claimant should have served the Defendant directly and not rely on the automatic notification of the DIFC Courts Registry portal (CMS).

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

14. The Request is denied.

15. The Defendant shall serve its defence by no later than **4pm on Wednesday, 21 June 2023**.

16. Each party shall bear its own costs.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 16 June 2023
At: 11am