Claim No. ARB 027/2020

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

LUDHYAN

Claimant

and

LUCINA

Defendant

ORDER OF H.E. JUSTICE SHAMLAN AL SAWALEHI

PENAL NOTICE

IF YOU Lucina DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT:

THIS ORDER

1. This is an anti-suit injunction made against Lucina (the **"Respondent"**) on 5 November 2020 by H.E. Justice Shamlan Al Sawalehi on the application of Ludhyan (the "Applicant"). The Judge read the Affidavits listed in Schedule A and accepts the undertakings set out in Schedule B at the end of this order.

2. This order was made at a hearing on 5 November 2020.

DECLARATION

3. It is declared that:

(a) clause 10.4 of the Subcontract Agreement (reference no. 123) is an effective and binding Arbitration Agreement between the parties; and

(b) the DIFC Courts have exclusive supervisory jurisdiction over the DIFC-LCIA arbitral proceedings commenced by the Applicant on 23 September 2020.

INJUNCTION

4. The Respondent:

(a) must not take any further steps in Dubai Court Case No. 234 of 2019 in the Dubai Courts, save for the step set out immediately below; and

(b) must discontinue those proceedings forthwith.

COSTS

5. The Respondent must pay the Applicant's reasonable costs of and occasioned by these proceedings, such costs to be the subject of detailed assessment, but with the Respondent making an interim payment forthwith of AED 152,172.68 (66% of AED 230,564.66) and AED 3672.50 in respect of DIFC Court Fees.

VARIATION OR DISCHARGE OF THIS ORDER

6. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's legal representatives. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's legal representatives in advance.

INTERPRETATION OF THIS ORDER

7. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

8. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

9. **Effect of this order**

It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

10. **Persons outside the DIFC**

10.1. Except as provided in paragraph 10.2 below, the terms of this order do not affect or concern anyone outside the jurisdiction of this Court.

10.2. The terms of this order will affect the following persons in a country or state outside the jurisdiction of this Court:

10.2.1. the Respondent or its officer or agent appointed by power of attorney;

10.2.2. any person who:

a. is subject to the jurisdiction of this Court;

b. has been given written notice of this order at his residence or place of business within the jurisdiction of this Court; and

c. is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order; and

10.2.3. any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

COMMUNICATIONS WITH THE COURT

11. All communications to the Court about this order should be sent to:

The Registry
Ground Floor
Building 4

Gate District
DIFC, UAE
Telephone: + 971 4 427 3333
Fax: +971 4 427 3330
Email: registry@difccourts.ae

The Registry offices are open between 10am to 3pm, Sunday to Thursday (excluding public holidays)

Issued by:
Nour Hineidi
Registrar
Date of issue: 8 November 2020
At: 9.30am