Claim No. SCT 182/2020 THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS In the name of His Highness Sheikh Mohammed Bin Rashid Al Maktoum, Ruler of Dubai IN THE SMALL CLAIMS TRIBUNAL OF DIFC COURTS BEFORE SCT JUDGE NASSIR AL NASSER BETWEEN LENOX (SHARJAH) LTD Claimant and LELA INTERNATIONAL Defendant Hearing : 3 August 2020 Judgment :

Claim No. SCT 182/2020

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

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

IN THE SMALL CLAIMS TRIBUNAL OF DIFC COURTS
BEFORE SCT JUDGE NASSIR AL NASSER

BETWEEN

LENOX (SHARJAH) LTD

Claimant

and

LELA INTERNATIONAL

Defendant

Hearing **: 3 August 2020**
Judgment **: 6 August 2020**

JUDGMENT OF SCT JUDGE NASSIR AL NASSER

UPON this claim being filed on 1 June 2020

AND UPON a Consultation being listed before SCT Judge Delvin Sumo on 15 July 2020, with the Claimant's representative and the Defendant's representative in attendance

AND UPON the parties failing to reach a settlement at the Consultation

AND UPON a Hearing being held before SCT Judge Nassir Al Nasser on 3 August 2020, with the Claimant's representative and the Defendant's representative in attendance

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

IT IS HEREBY ORDERED THAT:

1. The Defendant shall pay the Claimant the sum of AED 998,533.57, plus interest at the rate of 9% per annum from the date of this Judgment until the date of full payment.

2. The Defendant shall pay the Claimant the Court fees in the sum of AED 49,926.67.

Issued by:
Nassir Al Nasser
SCT Judge and Registrar
Date of issue: 6 August 2020
At: 10am

THE REASONS

The Parties

1. The Claimant is Lenox (Sharjah) Ltd (hereafter "the Claimant"), a company registered in the Emirate of Sharjah located in, Sharjah, the UAE.

2. The Defendant is Lela International (hereafter "the Defendant"), a company registered in Dubai, located in Dubai, the UAE.

Background and the Preceding History

3. The underlying dispute is in regard to the alleged non-payment of invoices following the Claimant's supply of various generators to the Defendant; which resulted in the Claimant issuing invoices for the total amount of AED 998,533.57.

4. On 7 June 2020, the Defendant filed an Acknowledgment of Service with an intention to contest the jurisdiction of the DIFC Courts.

5. On 24 June 2020, a jurisdiction hearing was listed before SCT Judge Nassir Al Nasser.

6. On 29 June 2020, SCT Judge Nassir Al Nasser determined by way of an Order that the DIFC Courts have jurisdiction to hear and determine this matter.

7. A Consultation was listed before SCT Judge Delvin Sumo on 15 July 2020 at which the parties failed to reach a settlement.

8. Pursuant to the above, a hearing was held before me on 3 August 2020 with the Claimant's representative and the Defendant's representative in attendance.

The Claim

9. The Claimant's case is that the parties entered into a hire agreement (the "Agreement") dated 16 January 2019, which made provision for the Defendant to hire products from the Claimant (the "Products").

The Claimant delivered the Products to the Defendant as per the Agreement, and thereafter issued the following invoices to the Defendant (the "Invoices"):

(a) Invoice No. 11000438 dated 4 April 2018 in the sum of AED 754,874.30;

(b) Invoice No. 11000439 dated 4 April 2018 in the sum of AED 23,073.21;

(c) Invoice No. 11002552 dated 26 February 2019 in the sum of AED 15,520.73; and

(d) Invoice No. 11002553 dated 26 February 2019 in the sum of AED 925,065.33.

10. The Claimant confirmed that the Defendant made partial payment of the Invoices in the sum of AED 150,000, in respect of Invoice No. 11000438, and the sum of AED 570,000 in respect of Invoice No. 11002553. Therefore, the alleged total outstanding sum owed under invoice No. 11000438 is in the amount of AED 604,874.30, and the total outstanding sum under Invoice No. 11002553 is in the amount of AED 355,065.33.

11. The Claimant adds that, in consideration of the payments made, the total sum due and owed to the Claimant by the Defendant in respect of the Invoices is the amount of AED 998,533.57.

12. At the hearing, the Defendant admitted the amount claimed by the Claimant but requested to settle the amount by way of a payment plan due to the current financial situation of the Defendant. However, the Claimant refused to accept the Defendant's proposal.

Finding

13. As stated at paragraph 12 above, the Defendant admitted the Claim at the hearing. In addition, the Claimant also provided an email reflecting the Defendant's admission as evidence.

14. I find that the Defendant shall pay the Claimant the sum of AED 998,533.57, plus interest at the rate of 9% per annum from the date of this Judgment until the date of full payment pursuant to the DIFC Courts' Practice Direction No. 4 of 2017.

15. I also find that the Defendant shall pay the Claimant the Court fees in the sum of AED 49,926.67.

Conclusion

16. In light of the aforementioned, the Defendant shall pay the Claimant the sum of AED 998,533.57 plus interest at the rate of 9% per annum from the date of this Judgment until the date of full payment.

17. The Defendant shall pay the Claimant the Court fees in the sum of AED 49,926.67.

Issued by:
Nassir Al Nasser
SCT Judge and Registrar
Date of issue: 6 August 2020
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