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. CHIEF JUSTICE WAYNE MARTIN, H.E. JUSTICE SIR PETER GROSS AND H.E. JUSTICE ROBERT FRENCH

BETWEEN

ORLAGH

Judgment Creditor/Appellant

and

ORCHID

Judgment Debtor/Respondent

Hearing : **7 April 2026**

Counsel : Ms Bushra Ahmed and Mischcon de Reyua instructed by Trowers & Hamlins LLP for the Appellant.
Ms Koh Swee Yen instructed by Al Aidarous Advocates & Legal Consultants LLC for the Respondent

Judgment : **4 May 2026**

JUDGMENT OF THE COURT OF APPEAL

UPON the Order of H.E. Justice Nassir Al Nasser dated 25 November 2025 in ENF-185-2025 (the "Order")

AND UPON the Appellant's Appeal Notice dated 12 December 2025 seeking permission to appeal the Order (the "Appeal")

AND UPON hearing Counsel for the Appellant and Counsel for the Respondent at a hearing held on 7 April 2026 before H.E. Chief Justice Wayne Martin, H.E. Justice Sir Peter Gross and H.E. Justice Robert French (the "Hearing")

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

IT IS HEREBY ORDERED THAT:

1. The Appeal is allowed.

2. The Orders made by the Enforcement Judge on 25 November 2025 are set aside and in lieu thereof, it is ordered that:

   (a) The Application by the Respondent be dismissed.

   (b) The Respondent pay the Appellant's costs of the Application before the Enforcement Judge, to be assessed by the Registrar if not agreed.

3. The Respondent is to pay the Appellant's costs of the Appeal, to be assessed by the Registrar if not agreed.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 6 May 2026
At: 8am

SCHEDULE OF REASONS

Introduction

1. The Appellant claimed against the Respondent in the Dubai Court of First Instance ("Dubai CFI") for sums said to be owed to the Appellant under a Construction Contract in onshore Dubai. Concurrently, the Respondent issued proceedings against the Appellant in the Dubai International Financial Centre Court of Appeal ("DIFC CA") seeking declarations relating to the effect of arbitration provisions in the Construction Contract. The Appellant countered with an Application for a Declaration that the DIFC Courts had no jurisdiction to hear the Respondent's claim.

2. On 29 January 2025, the Dubai CFI delivered a judgment ("Dubai CFI Judgment") in favour of the Appellant against the Respondent in the sum of AED 81,599,729.68 plus interest.

3. Appeals by both parties to the Dubai Court of Appeal were dismissed on 12 May 2021. Appeals by both parties to the Cassation Court were dismissed on 17 July 2025.

4. The Appellant has sought enforcement of the Judgment Order through the Dubai Courts as reflected in Execution File. The Dubai Execution Judge has granted relief which includes:

> "1. Orders for disclosure of the Respondent's assets, bank accounts and financial information.
>
> 2 Orders requiring the Respondent to provide detailed information about its business operations, property holdings and sources of income.
>
> 3 Orders for the Respondent's representatives, including Ms Oindrila , to provide responses to the Appellant's requests in relation to the Respondent's assets and financial affairs.
>
> 4 Orders for attachment and seizure of identified assets.
>
> 5. Orders compelling third parties (including banks and government authorities) to provide information about the Respondent's assets and dealings."

5. On 28 August 2025, the Appellant lodged an Application in the DIFC CFI for enforcement of the Dubai CFI Judgment. This was followed on 29 August 2025, by an Application for an Order under Part 50 of the Rules of the DIFC Courts ("RDC") for an examination hearing requiring the attendance of Oindrila , an officer of the Respondent. The proposed order required the Respondent's representative to provide information about its assets, means and any other information required to enforce the judgment against it made in the Dubai CFI on 29 January 2025. It also required the production of documents in the control of the Respondent and its representative that relate to the Respondent's means of satisfying the judgment.

6. On 19 September 2025, the Enforcement Judge, His Excellency Justice Nassir Al Nasser, made an order pursuant to Part 45 of the RDC in the following terms:

> "IT IS HEREBY ORDERED THAT the Judgment is final and executory."

7. On 23 September 2025, His Excellency made an order pursuant to RDC Part 50 in the following terms:

> "1. Pursuant to RDC 50.2(1), the Judgment Debtor's Representative must attend a virtual hearing at **11am on 27 October 2025** for a Part 50 Examination Hearing before H.E. Justice Nassir Al Nasser (the "Examination Hearing").
>
> 2. An electronic link to the virtual hearing will be circulated by email to the parties approximately 7 days before the Examination Hearing.
>
> 3. At the Examination Hearing, the Judgment Debtor's Representative shall answer on oath such questions as the Court may require and as may be asked by the Court or the Judgment Creditor and/or the Judgment Creditor's legal representative.
>
> 4. Pursuant to RDC 50.10 and 50.5(6), the Judgment Debtor's Representative shall provide information about assets, means and any other information which is required to enforce the Dubai Court of First Instance Judgment dated 29 January 2025 against the Judgment Debtor (the "Judgment"), including the information identified in Schedule A of this Order.
>
> 5. Pursuant to RDC 50.5(6), the Judgment Debtor's Representative shall produce all documents in the Judgment Debtor's and the Judgment Debtor's Representative's control that relate to the Judgment Debtor's means of satisfying the Orders. The documents produced must include those identified in Schedule A to this Order.
>
> 6. The Judgment Debtor's Representative shall produce to the Court and to the Judgment Creditor the documents set out in Schedule A to this Order, by email on enforcement@difccourts.ae within 14 days of being served with this Order.
>
> 7. The Judgment Debtor and the Judgment Debtor's Representative must contract the Court by emailing enforcement@difccourts.ae to make their email addresses and contact details known to the Registry within 14 days of being served with this Order.
>
> 8. Costs of an/or occasioned by this Application shall be reserved to the judge at the Examination Hearing."

The Applications and Orders were made ex parte.

8. On 3 October 2025, the Respondent filed an Application in the enforcement proceedings seeking orders that the Orders made ex parte under Part 45 and Part 50 on 19 September and 23 September 2025 respectively be set aside.

9. On 25 November 2025, His Excellency made the Order the subject of this Appeal. For reasons which he published, he ordered that the Respondent's application be partially granted. The Part 45 Order was to remain in effect, but the Part 50 Order was to be varied so that the examination would be limited to the Respondent's assets in the DIFC.

10. This appeal is primarily concerned with the jurisdiction and powers of the DIFC Courts in enforcement proceedings relating to judgments of the Dubai Courts. It is therefore useful to set out the relevant statutory provisions and provisions of the RDC.

Statutory framework

DIFC Courts Law - Law No (2) of 2025

11. Subject areas of jurisdiction of the DIFC Courts are set out in Article (14) of the DIFC Courts Law No. (2) of 2025. That Article includes the following:

"A. The DIFC Courts have exclusive jurisdiction to hear and determine:

.

2. Civil or commercial and employment claims and applications arising from or related to contracts, whether concluded, completed, or performed, wholly or partly, within the DIFC, or which will be or should be performed, wholly or partly, within the DIFC, as expressly provided in such contracts.

3. Civil or commercial and employment claims and applications, arising out of or related to any incident or transaction relevant to the DIFC Bodies or DIFC Establishments, their own activities, or those related to the activities of the employees in any of them, that take place, wholly or partly, within the DIFC.

.

7. Claims and applications over which the DIFC Courts have jurisdiction under the DIFC Laws, DIFC Regulations, and the legislation in force in the Emirate, as well as any international treaty and convention to which the State has acceded or is a party to.

.

C. The DIFC Courts may decline jurisdiction to hear the following proceedings:

1. Claims falling within the jurisdiction of the DIFC Courts but where the parties have agreed in writing to the jurisdiction of another court;

2. Claims in which a final judgement has been issued by any other court and can be enforced within the DIFC."

12. Article (15) provides:

"Interim and Precautionary Measures Article (15)

The DIFC Courts have jurisdiction to hear and determine applications for interim or precautionary measures related to the following:

1. Claims and applications that fall within the jurisdiction of the DIFC Courts.

.

3 . A claim for the disclosure of funds or assets owned by the defendant or applicant in applications and claims that fall within the jurisdiction of the DIFC Courts.

4 Applications, claims, or current or future arbitral proceedings brought outside the DIFC seeking suitable precautionary measures within the DIFC."

13. Article (24) provides for powers of the DIFC Courts:

"G. The DIFC Court may order a person to appear before the DIFC Court and give evidence under oath or affirmation in relation to any proceedings before it."

14. Article (29) provides:

"Enforcement Judge of the DIFC Courts Article (29)

A. Enforcement shall be carried out under the supervision of the Enforcement Judge, who shall be appointed from among the DIFC Courts' Judges based on an order issued by the Chief Justice. In carrying out the enforcement proceedings, the Enforcement Judge shall be assisted by enforcement bailiffs and other entities as contracted by the DIFC Courts for this purpose.

B. The Enforcement Judge shall apply all procedures established in accordance with this Law and the Rules of the Courts."

15. Article (31) provides for the jurisdiction of the Enforcement Judge inside and outside of the DIFC as follows:

"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:

1. The enforcement of final judgements, orders, and decisions issued by the DIFC Courts when the subject matter of enforcement is within the DIFC;

2. The enforcement of judgements and judicial decisions issued by foreign or local courts, including the Dubai Courts, in the event that the enforcement shall fall onto any of the DIFC Bodies, DIFC Establishments, Licensed DIFC Establishments, or any other entity within the DIFC.

.

4 The enforcement of judgments 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."

16. Article (34) provides:

Appeals Against Decision of the Enforcement Judge Article (34)"

Subject to the provisions of Article (14) of this Law, the decisions of the Enforcement Judge may be appealed directly to the Court of Appeal in accordance with the Rules of the Courts."

Rules of the Dubai International Financial Centre Courts

17. The Rules under which the Enforcement Judge made his orders were Part 45 and Part 50.

18. RDC Part 45 relevantly provides:

"PART 45 General Rules About Enforcement of Judgments and Orders

45.1

This Part contains general Rules about enforcement of judgments and orders.

45.2

In this Part and in Parts 46 to 50:

.

(3) `judgment or order' includes an award which the Court has:

(a) ratified for enforcement;

(b) ordered to be enforced; or

(c) given permission to enforce; as if it were a judgment or order of the Court; .

.

45.8

Rules 45.10 to 45.17 apply, subject to Rule 45.9, if:

(1) an award of a sum of money or other decision is made by any court, tribunal, body or person other than the Court; and

(2) an enactment provides that the award may be enforced as if payable under a Court order, or that the decision may be enforced as if it were a Court order.

45.9

Rules 45.10 to 45.17 do not apply to arbitration awards.

45.10

If the enactment provides that an award of a sum of money is enforceable if a Court so orders, an application for such an order must be made in accordance with Rules 45.11 to 45.15.

45.11

An application for an order that an award may be enforced as if payable under a Court order may be made without notice."

19. Part 50 relevantly provides:

"PART 50 Orders to Obtain Information From Judgment Debtors

50.1

This Part contains rules which provide for a judgment debtor to be required to attend Court to provide information, for the purpose of enabling a judgment creditor to enforce a judgment or order against him.

Order to attend Court 50.2 - 50.11

50.2

A judgment creditor may apply for an order requiring:

(1) a judgment debtor; or

(2) if a judgment debtor is a company or other corporation, an officer of that body;

to attend Court to provide information about:

(a) the judgment debtor's means; or

(b) any other matter about which information is needed to enforce a judgment or order.

50.3

An application under Rule 50.2 may be made without notice."

The orders under appeal

20. On 25 November 2025, His Excellency made the following Orders on the Respondent's application:

"1. The Application is partially granted.

2 The Part 45 Order shall remain in effect.

3 The Part 50 Order shall be varied and limited to the Judgment Debtor's assets within the DIFC.

4 The Judgment Creditor shall pay the Judgment Debtor 50% of its costs of the Application, namely, AED 68,337."

The Enforcement Judge's Reasons

21. The Enforcement Judge set out the grounds upon which the Respondent sought to set aside the original Part 45 and Part 50 Orders.[1] In summary they were:

(a) The Dubai CFI Judgment was inappropriate for enforcement.

(b) The DIFC Courts did not have jurisdiction pursuant to Article 31(4) of the New Courts Law to enforce the Dubai CFI Judgment against the Judgment Debtor in the DIFC.

(c) Enforcement of the Dubai CFI Judgment in circumstances where it had been obtained in breach of an arbitration agreement was contrary to the public policy of the DIFC.

(d) The Dubai CFI Judgment did not meet the required standard of finality.

(e) Permitting enforcement of the Dubai CFI Judgment in the DIFC led to a result that was manifestly absurd and unreasonable.

22. As appears from the above, each of the grounds went to the general question of enforcement which was the issue arising under RDC Part 45.

23. His Excellency then referred to the Respondent's submissions going to the power of the DIFC CFI to set aside both the Part 45 and Part 50 Orders.

24. The first substantive finding by the Enforcement Judge was his rejection of the Respondent's submission that the Appellant had failed to provide full and frank disclosure. This was a submission made evidently on the basis that the Dubai CFI Judgment was not final and executory. The Enforcement Judge observed that the DIFC Courts received the Dubai CFI Judgment with the executory formula from which it was evident that the order was final and enforceable. Although the Appellant had filed an ex parte application to enforce the Dubai CFI Judgment, there was no evidence before the Court that enforcement was stayed subject to appeal.[2]

25. The Enforcement Judge observed that the DIFC Courts would only stay the Dubai CFI Judgment enforcement proceedings in the DIFC Courts, where it was presented with a stay of enforcement proceedings from the Dubai Courts. On that basis, the Respondent's argument of a failure on the part of the Appellant to make full and frank disclosure in the Application for Enforcement and for orders under RDC Parts 45 and RDC 50 was misplaced.[3]

26. His Excellency next turned to the question whether the Court had "jurisdiction under Article 31(4) of the Law to enforce the Dubai CFI Judgment against the [Respondent] in the DIFC". The Respondent submitted to the Enforcement Judge that Article 31(4) of the New Court Law, interpreted in accordance with its plain meaning, and in the context of Article 31(1) to (3), confirmed that the DIFC Courts could only exercise enforcement jurisdiction over a Dubai Court Judgment where the subject matter of enforcement was situated "inside the DIFC".[4]

27. The Appellant on the other hand argued that Article 31 established a comprehensive statutory gateway facilitating the recognition and execution of local or foreign judgments and arbitral awards within the UAE legal landscape and specifically empowers the DIFC Courts to enforce local or foreign judgments and orders emanating from both the local Dubai Courts and foreign jurisdictions. Article 31(4) was not contingent upon either the underlying claim having originated in the DIFC or the Respondent's assets being situated within the DIFC.[5] 28. His Excellency's reasons for decision on these core submissions were set out in three paragraphs, which it is convenient to reproduce here:

28. His Excellency's reasons for decision on these core submissions were set out in three paragraphs, which it is convenient to reproduce here:

"21. I believe that the [Appellant] misinterpreted Article 31(4), the DIFC Courts has the Jurisdiction to enforce judgments, orders and awards but limited to the subject matter being in the DIFC.

22. The DIFC Courts has the jurisdiction to issue a Part 50 Order and conduct a hearing, but this should only be limited to the assets in the DIFC. The enforcement proceeding of the Dubai CFI Judgment against the [Respondent] is established in Dubai Courts, and any request of information about the [Respondent's] asset should be conducted in Dubai Courts and not the DIFC Courts, unless the Part 50 hearing is to gather information about the [Respondent's] assets in the DIFC.

23. Therefore, the DIFC Courts has the jurisdiction to issue the Part 45 and Part 50 Orders subject to enforcement within the DIFC and for information related to assets within the DIFC. Any request of information about the assets of a company that are not in the DIFC shall be subject to the enforcement proceedings of the Courts where the assets are situated."

29. In paragraph 24, His Excellency went on:

"24. The DIFC Courts received the Dubai CFI Judgment with the affixation of the executory formula, therefore, the DIFC Courts has no jurisdiction to look into the merits of the case, but only to enforce the Judgment that is affixed with execution formula."

30. These reasons were said to be sufficient to establish the following:

"a) The DIFC Courts has jurisdiction to enforce Dubai CFI Judgment inside the DIFC.

b) The Part 45 Order shall remain in effect.

c) Part 50 Order shall be varied and limited to the [Respondent's] assets within the DIFC."

His Excellency stated:

"26. Therefore, the Part 50 Order shall be varied in accordance with RDC 4.7."

Permission to Appeal

31. On 16 January 2026, the Enforcement Judge granted the Appellant's Application for Permission to Appeal. The Appellant had submitted six grounds of appeal set out in its Notice of Appeal. However, the Enforcement Judge found that Ground 1 was sufficient to support the grant of permission to appeal. Ground 1 in the Notice of Appeal before His Excellency was framed in the following terms:

"Ground 1: Misinterpretation of Article 31(4) of the New DIFC Court's Law - The Judge misinterpreted and misapplied Article 31(4) of DIFC Law No. 2 of 2025 by concluding that the DIFC Court's enforcement jurisdiction is limited to cases where the "subject matter" (i.e., the assets) is within the DIFC."

The Grounds of Appeal

32. The Grounds of Appeal filed in this Court on 12 December 2025 were six in number and in the following terms:

(a) Misinterpretation of Article 31(4) of the New DIFC Court's Law.

(b) Failure to Apply Binding Precedents.

(c) Error regarding Requests for Asset Information.

(d) Procedural irregularity - failure to apply RDC 45.2 to the Part 50 Order.

(e) The Judge misinterpreted and misapplied Article 34 of New DIFC Courts Law and RDC 44, and instead varied the Part 50 Order under RDC 4 which constitutes a procedural irregularity.

(f) The Judge failed to provide any reasoning or analysis in the Set Aside Order.

Orders sought on the appeal

33. Each of the Grounds of Appeal filed in this Court on 12 December 2025, together with an accompanying elaboration, reflected what appeared in the Appeal Notice which had been the subject of the Application for Permission to Appeal before the Enforcement Judge.

34. The Respondent advanced additional contentions raising issues which do not appear to have been agitated before the Enforcement Judge. In particular, they included the following:

(a) The Appellant's Application for DIFC enforcement proceedings in addition to the Dubai Court enforcement proceedings amounts to an abuse of process.[6]

(b) The Appellant's enforcement proceedings in the DIFC Courts were for a collateral purpose to vex and oppress.[7]

(c) The duplicated proceedings in both Courts for almost identical relief constitutes impermissible relitigation.[8]

35. The Court refuses to entertain these contentions advanced by the Respondent with a view to supporting the Enforcement Judge's decision. Those matters should have been the subject of a Notice under Part 44.75 of the RDC which provides:

"a. A Respondent may file and serve a Respondent's Notice -

.

(2) asking the appeal court to uphold the decision of the lower court for reasons different from or additional to those given by the lower court."

Outline of the Appellant's Submissions

36. The Appellant invoked Article (29) of the New Court Law and the requirement in Article (29)B that the Enforcement Judge shall apply all procedures established in accordance with the Laws and Rules of the Court. On that basis, when enforcement jurisdiction is engaged, the full range of enforcement procedures including those for which Part 50 provides is available.[9] Nothing in Article 29 imposes any territorial limitation on the application of the proceedings.[10]

37. Article 31 identifies the cases in which the Enforcement Judge's jurisdiction is engaged.[11]

38. This appeal concerns the construction of Article 31(4). Article 31(2) identifies a head of jurisdiction defined by reference to the persons against whom enforcement is directed. It does not impose any asset based territorial limitation. It is concerned with jurisdiction to enforce over particular entities, the targets of enforcement not the location of assets.[12]

39. Article 31(4) is to be construed in accordance with its plain and ordinary meaning and operates as a gateway provision:

(a) it is framed in terms of the jurisdiction of the Enforcement Judge. It is not directed to the separate question of what powers are available once jurisdiction is enlivened. That is governed by Article 29 and the RDC.[13]

(b) the phrase "inside the DIFC" read in its ordinary meaning and in context, identifies the forum in which enforcement is to take place, namely that enforcement is to be carried out through the DIFC Courts and in accordance with their procedures. It does not qualify the location of assets or impose any territorial restriction on enforcement measures.[14]

40. In summary on the Appellant's submissions, Article 31 identifies the cases in which jurisdiction arises and Article 29 governs the powers available when jurisdiction is enlivened. Those powers include the power of examination under Part 50 as a mechanism in aid of enforcement. The Appellant also pointed to Article 24(G) which confers a general power to compel evidence and contains no territorial limitation.[15]

41. In addressing examination and information orders under RDC Part 50, the Appellant made the point that the powers under RDC Part 50 are directed to the obtaining of information in aid of enforcement rather than for the exercise of coercive measures against assets. Those powers were therefore not dependent on the location of assets and not susceptible to territorial limitation of the kind imposed by the Enforcement Judge's Order.[16]

42. RDC Part 50 was characterised as an enforcement tool directed to obtaining information, not an act of execution against assets.[17]

43. In support of its constructional contentions, the Appellant referred to a number of decisions of this Court: *Meydan Group LLC v Banyan Tree Corporate Pte Ltd [2014] DIFC CA 005 ("Meydan"); DNB Bank ASA v Gulf Eyadah Corporation [2015] DIFC CA 007 ("DNB Bank"); Trafigura Pte Ltd v Gupta* [2025] DIFC CA 001.[18]

44. The Appellant also referred to English authorities: Adare Finance DAC v Yellowstone Capital Management SA [2021] EWHC 1680 (Comm) and Schefenacker v Horvat [2020] EWHC 506 (Ch). These authorities were said to reflect a consistent conceptual position, namely that examination powers are anterior to execution. They are directed to overcoming informational asymmetry and are not confined by territorial considerations. The legal framework within which such orders may be made was said to be textually and conceptually inconsistent with the imposition of any territorial limitation on the scope of examination orders under RDC Part 50.[19]

45. Any limitation confining such questioning to assets within the DIFC would be self- defeating as it would condition the availability of the information gathering mechanism on prior knowledge of the very assets which it is designed to discover.[20]

46. The Appellant then went on to identify what it called six errors of law arising from the limitation imposed by the Enforcement Judge on the scope of the Part 50 examination.

47. Having regard to the Appellant's submissions on the proper construction of the powers under RDC Part 50 and the jurisdiction which enlivens those powers, it is not necessary to further elaborate the Appellant's challenge to His Excellency's reasoning. If the Appellant's construction is correct, the Enforcement Judge was in error and the appeal must be allowed.

Outline of the Respondent's Submissions

48. The Respondent conveniently set out a numbered list of the points it wished to make in tabular form. In summary, these were as follows:

(1) The Enforcement Judge correctly interpreted Article 31(4). The phrase "inside the DIFC" in Article 31(4) limited the DIFC Courts' enforcement jurisdiction to assets within the DIFC. This contention was supported by the proposition that the old Judicial Authority Law No 16 of 2011 ("JAL") and the New Court Law read together with the RDC delineates the DIFC Courts and the Dubai Courts enforcement jurisdiction for intra-emirate enforcement based on the location of the subject matter.[21]

(2) The Enforcement Judge's interpretation is also consistent with the legislative purpose of the New Court Law to clearly allocate jurisdiction between DIFC Courts and Dubai Courts, supported by the Conflict of Jurisdiction Tribunal's binding decision in Serene Resources DMCC v Energen DMCC (CJT Application No. 002/2025, 2 September 2025) ("Serene Resources").

(3) The Enforcement Judge's interpretation coheres with the Arabic text of the New Court Law, which is said to confirm that "inside the DIFC" was intended to denote the location of the subject matter.

(4) The DIFC Courts were not set up to be universal policemen of worldwide assets in circumstances where the Dubai Court Judgment is already under execution in Dubai and there is no other role for DIFC Courts. Reference was made to *Techteryx Ltd (1) Aria Commodities DMCC (2) Mashreq Bank PSC (3) Emirates Nbd Bank PJSC (4) Abu Dhabi Islamic Bank PJSC* [2025] DIFC DEC 001/2025.

(5) The authorities relied upon by the Appellant for the proposition that the DIFC Courts' enforcement jurisdiction is independent of the location of assets can be distinguished as they do not apply to intra-emirate enforcement of a DCFI Judgment.

The DIFC Courts' role as a conduit jurisdiction operates to aid enforcement of foreign judgments and foreign arbitral awards within Dubai. This does not apply to intra-emirate enforcement situations like the present.

In an intra-emirate enforcement of a DCFI judgment within the DIFC, jurisdiction is premised on either personal or subject matter location to ensure that the Dubai Courts and the DIFC Courts maintain their mutually exclusive and different jurisdictions.

(6) Authorities cited by the Appellant and said to be readily distinguishable included cases relating to:

(i) DIFC enforcement of Dubai-seated arbitral awards: *Meydan*;

(ii) DIFC enforcement of foreign (non-Dubai) judgments: *DNB Bank*;

(iii) DIFC interim orders granted in support of foreign proceedings: *Carmon Reestrutura-engenharis E Servicos Tecnios Especiais, (Su) LDA v Antonio Joao Catete Lopes Cuenda [2014] DIFC CA 003 ("Carmon"); Trafigura; Lateef v Liela & Others* [2020] ARB 21/2020 ("Lateef");

(iv) DIFC enforcement jurisdiction over persons outside of DIFC: *Ozias & Anor v Obadiah and Anor* [2025] ENF 269/2023 ("Ozias")'

(v) DIFC enforcement of a DIFC costs judgment: *Oskar v Olindo and Ors* [2024] DIFC CA 009/2024 ("Oskar").

(7) Then it was said that the Enforcement Judge did not err in determining that requests for information about assets outside the DIFC should only be pursued through enforcement proceedings in the jurisdiction where the assets are situated. That approach was said not to prejudice judgment creditors and to acknowledge that enforcement procedures in the Dubai Courts are functionally equivalent to the enforcement procedures in the DIFC Courts. Further it was said, there was a serious risk of conflicting orders and/or legal obligations caused by overlapping enforcement proceedings in the Dubai Courts and the DIFC Courts. This set of propositions went rather to questions of discretion in the particular case rather than the scope of the jurisdiction conferred by Article 31(4) and the powers conferred by Part 50 of the RDC.

(8) RDC 45.23 was said to be a deeming provision operating within the limits of the DIFC Courts enforcement jurisdiction and not expanding that jurisdiction.

(9) The Respondent's application before the Enforcement Judge was an application to set aside or vary the Part 45 and Part 50 Orders, which had been obtained ex parte. The Respondent was not required to challenge those orders by way of appeal.

(10) The Set Aside Order contained sufficient reasoning and analysis.

(11) The Appellant's pursuit of parallel enforcement proceedings before the DIFC Courts constituted an abuse of process which should not be condoned.

(12) Alternatively, even if it was found that Article 31(4) did not prevent the Part 50 Order from applying to assets outside of the DIFC, the Set Aside Order should still not be disturbed as it arose out of an exercise of judicial discretion.

Considerations and Conclusions

49. This appeal is concerned with the scope of an investigative power conferred on the Enforcement Judge of the DIFC in aid of the enforcement of a judgment issued by the Dubai CFI.

50. As appears from the New Courts Law, the Enforcement Judge is appointed from any of the DIFC Court Judges to carry out enforcement. That appointment is made pursuant to Article 29.

51. By operation of Article 15(3), the Enforcement Judge has the general jurisdiction of the DIFC Courts to hear and determine a claim for disclosure of funds or assets owned by a defendant in applications that fall within the jurisdiction of the DIFC Courts.

52. The Enforcement Judge's jurisdiction includes the jurisdiction conferred by Article 31 to enforce judgments, affixed with the executory formula issued by the Dubai Courts.

53. The various heads of jurisdiction conferred on the DIFC Courts and the Enforcement Judge are limited in different ways. The jurisdiction to hear and determine applications for interim and precautionary measures is limited by reference to the requirement in Article 15(1) and (3) that they relate to "applications and claims that fall within the jurisdiction of the DIFC Courts". They may relate to applications and claims brought outside the DIFC "seeking suitable precautionary measures within the DIFC". The term "within the jurisdiction of the DIFC Courts" on its face does not confine the "jurisdiction to hear and determine applications for interim and precautionary measures" to cases in which there are assets within the DIFC.

54. As appears from this Court's decision in *Trafigura*, the power to issue freezing orders is not confined to orders applicable to assets within the DIFC. A party within the DIFC or otherwise subject to its jurisdiction may be restrained from disposing of assets anywhere. The Court observed

in that case that the term "within the DIFC" appearing in Article 14A(2), (3), (5) and (6) covered "contracts to be performed wholly or partly in the DIFC, employment claims arising out of activities wholly or partly in the DIFC and arbitral proceedings taking place within the DIFC". In the course of the judgment the Court said, of the jurisdiction conferred by Article 15(4), that:

> "The jurisdiction would extend to orders sought in the DIFC for disclosure of assets and other information relevant to the conduct of the foreign proceedings and enforcement of any judgment arising from them, whether in the DIFC or in the foreign jurisdiction."[22]

55. The heads of jurisdiction of the Enforcement Judge set out in Article 31 include the case in Article 31(1) "where the subject matter of enforcement is within the DIFC". The term "within the DIFC" also appears in Article 29(4) where enforcement is directed to entities "within the DIFC".

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.

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.

59. The construction of Article 31(4) is, with respect, clear. Even if the limiting construction adopted by His Excellency were open, it would be a constructional choice at odds with the general principles stated in Carmon at [155] and restated in *Trafigura* at [136] that:

> "The DIFC Courts are part of a growing network of international commercial courts in a number of jurisdictions around the world. Where their jurisdiction and powers are amenable to constructions supporting the rule of law in transnational trade and commerce, such constructions should be preferred."

That is not to say that conflict or overlap between the jurisdiction and powers of Dubai Courts and DIFC Courts would not point to a discretionary basis for refusing the relief sought.

Conflicts of Jurisdiction Committee and the *Serene Resources* Decision

60. The Court was referred by the Respondent to the decision of the Conflicts of Jurisdiction Committee in *Serene Resources*.

61. The Committee was established by Decree No. (29) of 2024, issued by the Ruler of Dubai. By the Decree, it replaced the body known as the Judicial Authority of the Dubai Courts and the DIFC Courts. Its full designation is "The Judicial Committee for Resolving Conflicts of Jurisdiction between the [DIFC] Courts and Judicial Entities in the Emirate of Dubai".

62. Article 4 of the Decree confers upon the Committee powers to:

> "1. determine the competent Judicial Entity having jurisdiction over any claim or application in respect of which a conflict of jurisdiction arises between the DIFC Courts and any of the Judicial Entities;
>
> 2 . determine the enforceable judgment in the event of delivery of conflicting judgements by the DIFC Courts and any Judicial Entity in respect of claims that involve the same litigants and subject matter."

Article 9 of the Decree provides that:

> "a. The Judicial Committee shall issue its decisions in the name of the Ruler.
>
> b. The decisions issued by the Judicial Committee determining a competent judicial entity or an enforceable judgement will be final and not subject to any form of appeal.
>
> c. The rules of law established by the Judicial Committee in the decisions issued pursuant to this Decree will be deemed judicial precedents. All judicial entities at all levels, including the DIFC Courts, will be bound by these precedents. Any conflict of a subsequent judicial ruling with any of these rules will provide grounds for challenging that ruling through any legally prescribed means of appeal."

63. *Serene Resources* concerned an arbitration award issued by a Singapore-seated arbitral tribunal operating under the Singapore International Arbitration Centre. Both parties to the dispute were entities registered with the Dubai Multi Commodities Centre, headquartered in the Emirate of Dubai. Energen filed an application before the DIFC Courts seeking enforcement of the arbitral award issued out of Singapore. The DIFC Courts issued an order to uphold and enforce the award and an order to freeze the assets of Serene Resources globally.

64. Serene Resources contended that the DIFC Courts did not have jurisdiction to hear the dispute. It argued that the Dubai Courts had the legal

jurisdiction. It filed a law suit in the Dubai Courts requesting a ruling invalidating the arbitral award. It filed a request with the DIFC Courts to postpone the implementation of the award until a decision was made in the invalidation case registered before the Dubai Courts.

65. Energen filed a request before the Dubai Courts to seize funds and properties of Serene Resources but that request was rejected. An appeal against that rejection was filed. Serene then applied to the Conflicts of Jurisdiction Committee seeking an order suspending the implementation of decisions and interim orders pending before the DIFC Courts, including the enforcement order and the global freezing order which those Courts had issued. Serene sought a ruling that the Dubai Courts had exclusive jurisdiction and that the DIFC Courts had no jurisdiction in respect of the arbitral award.

66. The Conflicts of Jurisdiction Committee referred to Article 1 of Federal Law No (6) of 2018 regarding arbitration which stated that:

> "A competent court under the Law is the Federal or Local Court of Appeal (in this case the Dubai Courts), agreed upon by the parties or within whose jurisdiction the arbitration is conducted."

67. The Committee held that the Dubai Courts were competent to hear the arbitration as the holder of general jurisdiction under the law. The DIFC Courts would have exclusive jurisdiction to hear and adjudicate cases if one of the circumstances stipulated in Article 14A of Law No (2) of 2025 (the Courts Law) applied to them. It concluded that both Courts had jurisdiction to hear the dispute related to the arbitral award issued by Singapore. However, neither of the parties in the dispute were entities affiliated with bodies or institutions of the DIFC. There was no explicit written agreement stipulating the jurisdiction of the DIFC Courts to hear the dispute in accordance with Article 14B of the Courts Law and enforcement would lie on objects outside the jurisdiction of the DIFC. The Committee therefore concluded that the Dubai Courts, as the holder of general jurisdiction, were "most suitable to hear the law suits related to Arbitral Award No. 455 of 2023 . issued by the Singapore International Arbitration Centre ., as well as its enforcement." The Committee therefore endorsed the jurisdiction of the Dubai Courts to hear the law suit before it and said that as a result it must decide that the DIFC Courts did not have jurisdiction to consider the dispute before them. It held that the DIFC Court should suspend the implementation of the ruling issued by it approving the arbitral award. However it declined to make any order affecting the global freezing order issued by the DIFC or the precautionary attachment filed before the Dubai Courts. Those requests were temporary and urgent and it had not been proven to the Committee that there was a case of conflict of jurisdiction as stipulated in Article 5 of the Decree regarding the establishment of the Committee.

68. The Respondent in the present case contended that the conditions identified by the Conflicts of Jurisdiction Committee in *Serene Resources* are present in this case namely:

> (a) the Respondent, being a Dubai mainland company, is not a DIFC entity;
>
> (b) there is no agreement conferring DIFC jurisdiction; and
>
> (c) the object of enforcement lies entirely outside the DIFC.

69. The Committee's decision in *Serene Resources* was said to be binding on this Court and reference was made to Article 9(c) of Decree No. (29) of 2024.

70. The Appellant submitted that the present case is materially different from that before the Committee in *Serene Resources*. There is no competing jurisdictional claim. The Dubai proceedings are execution proceedings. The Part 50 application is an information gathering mechanism operating at a different procedural level. Jurisdiction was not in dispute. The Part 45 Recognition Order had been maintained. The DIFC's enforcement jurisdiction was therefore established. The issue on the appeal concerned only the scope of the powers exercisable within that admitted jurisdiction, a question not addressed by the Committee in *Serene Resources*. Moreover, Serene Resources concerned the enforcement of a foreign arbitral award. The present case concerns a Dubai Court judgment recognised under RDC Part 45.

71. The Court accepts the submissions made by the Appellant in relation to Serene Resources. It notes that the Committee characterised the Dubai Courts as the court "most suitable to hear the law suits related to Arbitral Award No. 455 of 2023 . as well as its enforcement." This appears to be consistent with a view that the Committee has power in cases of concurrent jurisdiction to determine which court is the most suitable to exercise the relevant jurisdiction. Such a decision does not lay down a legal rule or principle defining the boundaries of jurisdiction. The references in the decision to the degree of connection with the DIFC are explicable by the need to identify whether the DIFC Courts had exclusive jurisdiction, and if not, which of the DIFC or Dubai Courts was the most suitable. The decision of the Committee appears to turn very much on the circumstances of the particular case before it. It does not enunciate a legal rule which is applicable to the present appeal.

Respondent's allocation of jurisdiction argument

72. Brief reference should be made to the Respondent's contention that the DIFC Court Law No (2) of 2025 was enacted specifically to clarify and rationalise the allocation of jurisdiction between the DIFC Courts and the Dubai Courts. With respect to that submission, it is sufficient to say that the text of the New Law does not support such a comprehensive demarcation. For reasons already given, such a demarcation would require the construction of an implication from the text of the Law. It would provide fertile soil for jurisdictional gaming around the boundaries. Where there are overlaps and potential conflicts put before a Judge of either Court, they are best resolved by the exercise of sensible discretion and ultimately can be the subject of decision by the Conflicts of Jurisdiction Committee.

The *Orabelle* decision

73. In support of its submissions, the Respondent made reference to Orabelle v Orzenia [2026] ARB 007/2026 (*"Orabelle"*). In that case, a Judge of the DIFC CFI made an order dismissing an urgent ex parte application for a Worldwide Freezing Order and an Asset Disclosure Order.

74. The case concerned a pending arbitration seated in Paris. The parties were not DIFC entities. No assets within the DIFC were identified at the time of the application. The applicant for the worldwide freezing and disclosure orders relied upon Article 15(4) of the DIFC Court Law and the interim remedy provisions in RDC Part 25 and the separate role of the DIFC in cross-border disputes.

75. The Judge was not satisfied that a jurisdictional base existed for the relief sought because the appellant did not identify any assets within the DIFC. The applicant nevertheless sought disclosure orders to identify whether any such assets might exist.

76. The Judge considered that where asset disclosure orders are sought, they are ordinarily tethered to properly grounded freezing relief. Where the freezing jurisdiction was not established, an application for disclosure orders was not a substitute gateway for jurisdiction. His Excellency said at [40] and [41]:

> "40. I accept that applicants are not always able to produce complete documentation of a respondent's assets at the interim stage, particularly in urgent ex-parte cases. Nonetheless, where the Court is being asked to exercise a far-reaching jurisdiction to freeze assets worldwide, evidential gaps weigh against the grant of relief.
>
> 41. Further. I note the Applicant's evidence that its access was removed in late November 2025 and that it could not confirm present balances or current assets status. That uncertainty may support an argument for urgency. However, it does not cure the jurisdictional deficiency identified above."

77. Having regard to those matters and applying Article 15(4), His Excellency was not satisfied that the applicant had established the requisite jurisdictional foundation for interim or precautionary measures. It also failed to demonstrate that the statutory requirement of measures being sought `within the DIFC" was satisfied given the absence of any identified assets, property or other relevant nexus connecting the respondent to the DIFC.[23]

78. While His Excellency pointed to factors clearly and powerfully relevant to his discretion to deny the relief sought in that case, he went further than was necessary in an ex parte proceeding to hold that there was no jurisdiction.

79. That basis for His Excellency's decision was in tension with the breadth of the jurisdiction and powers of the Court and the approach to construction adopted in Trafigura. That is not to say that the matters to which His Excellency had pointed would not have been discretionary grounds for refusing ex parte relief. The decision cannot however be taken as authority for the proposition that neither jurisdiction nor power to make disclosure orders exists unless the existence of assets within the DIFC has first been established, and should not be followed in this regard.

The disposition of the Appeal

80. The conclusion as to the construction of Article 31(4) and the corresponding scope of the power conferred by RDC Part 50 are sufficient to dispose of this appeal. With respect to the Enforcement Judge, the Order that His Excellency made was based upon an unduly narrow view of the scope of Article 31(4) which gave rise to a corresponding limitation of his powers under RDC Part 50.

81. In the event, the appeal against His Excellency's decision to vary the Part 50 Order should be allowed as it is based upon a misconstruction of the Court's jurisdiction. The scope of any examination and how wide ranging it must be are matters within the control and discretion of the Enforcement Judge, but the Judge's powers are not limited in the way suggested by the decision in this case. This Court is not in a position to enter upon consideration of discretionary factors governing the management and exercise of those powers.

82. For the preceding reasons, the Court makes the following orders:

(1) The Appeal is allowed.

(2) The Orders made by the Enforcement Judge on 25 November 2025 are set aside and in lieu thereof, it is ordered that:

(i) The Application by the Respondent be dismissed.

(ii) The Respondent pay the Appellant's costs of the Application before the Enforcement Judge, to be assessed by the Registrar if not agreed.

(3) The Respondent is to pay the Appellant's costs of the Appeal, to be assessed by the Registrar if not agreed.