Claim No. CFI 054/2019

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

LARMAG HOLDING B.V.

Claimant

and

(1) FIRST ABU DHABI BANK PJSC
(2) FAB SECURITIES LLC
(3) MR ABDULLAH SAEED BAKHEET OBAID ALJABERI
(4) MR ALI MOHAMMED
(5) ELITE HOLDING GROUP LIMITED

Defendants

CLARIFICATORY ORDER WITH REASONS

UPON considering the Order with Reasons herein dated 19 August 2022 by which the application of the Third Defendant (**"D3"**) dated 9 September 2021 seeking an extension of time in which to apply for permission to appeal the judgment dated 15 August 2021 was refused (the **"Order"**).

AND UPON considering D3's application dated 6 September 2021 filed out of time seeking permission to appeal the said judgment dated 15 August 2021 on the sole ground that the Court lacked jurisdiction to hear and determine the claim made by the Claimant against D3.

AND UPON it being appropriate to clarify the legal effect of the said Order dated 19 August 2022 on D3's out of time application dated 6 September 2021 seeking permission to appeal the judgment dated 15 August 2021.

IT IS HEREBY ORDERED THAT:

1. The legal effect of said Order dated 19 August 2022 is that the said application dated 6 September 2021 has ceased to have any legal effect.

Issued by:
Nour Hineidi
Registrar
Date of Issue: 25 August 2022
At: 3.15pm

REASONS

1. D3's application dated 6 September 2021 for permission to appeal the judgment dated 15 August 2021 was out time, as admitted by D3 when he applied on 9 September 2021 for an extension of time in which to bring his appeal against the said judgment. It follows that it is beyond any reasonable argument that, if an extension of time were not granted for the appeal for which the application dated 6 September 2021 sought permission, the application dated 6 April 2021 would cease to be of any legal effect.

2. It is also the case that the sole ground of appeal relied on in the application dated 6 September 2021 (and by necessary extension, the said application for an extension of time), was lack of jurisdiction. The main reason for refusing the application dated 9 September 2021 was that the ground of the appeal for which an extension of time was being sought was hopeless and therefore incapable of being found to have a good prospect of success as required by RDC 44.19. (Nor was there some other compelling reason for the proposed appeal to be heard). It follows that it is beyond any reasonable argument that the effect of the order dated 19 August 2022 is to leave the application dated 6 September 2021 legally dead in the water.