Claim No. CFI 033/2015

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) ORION HOLDINGS OVERSEAS LIMITED (IN LIQUIDATION)

(2) ORION CAPITAL LIMITED (IN LIQUIDATION)

Claimants

and

(1) MOHAMMED ABU AL HAJ
(2) NIDAL ABDEL KHALEQ ABI AL HAJ
(3) PRIVATEBANK IHAG ZURICH AG

Defendants

DEFAULT JUDGMENT MADE BY JUDICIAL OFFICER NASSIR AL NASSER

UPON the request made by the Claimants on 3 February 2020 for a Default Judgment against the First and Second Defendants pursuant to 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 First and Second Defendants failed to file an Acknowledgment of Service or a Defence to the claim (or any part of the claim) with the DIFC Courts and the relevant time for so doing has expired (see RDC 13.4).

3. The First and Second Defendants have not: (i) applied to the DIFC Courts to have the Claimants' statement of case struck out under RDC 4.16; or for immediate judgment under RDC Part 24 (see RDC 13.6(1)); (ii) satisfied the whole claim (including any claim for costs) on which the Claimants are seeking judgment; or (iii) filed or served on the Claimants an admission under RDC 15.14 or 15.24 together with a request for time to pay (see RDC 13.6(3)).

4. The Claimants have filed a Certificate of Service in accordance with RDC 9.43 on 16 October 2019.

5. The Claimants have followed the required procedure for obtaining Default Judgment [see 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 (see 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 [defendant served outside jurisdiction] have been met.

9. The Claimants have 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 (see RDC 13.22/13.23).

ACCORDINGLY IT IS HEREBY ORDERED THAT:

10. The request is granted.

11. The First and Second Defendants are ordered to pay the Claimants the amount of USD 1,534,575 within 14 days.

12. The First and Second Defendants shall pay the Claimants pre-judgment interest in the sum of AED 1,529,445.74

13. The First and Second Defendants shall pay the Claimants post judgment interest at the rate of 9% per annum, pursuant to Practice Direction No. 4 of 2017, from the date of this judgment until the date of full payment.

14. The Claimants shall serve this judgment on each of the Defendants.

Issued by:

Nour Hineidi
Deputy Registrar

Date of Issue: 18 February 2020

At: 9am