THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

IDBI BANK LIMITED

Claimant

and

(1) MABANI DELMA GENERAL CONTRACTING CO LLC
(2) [NOT USED]
(3) DELMA ENGINEERING PROJECTS COMPANY LLC
(4) DELMA EMIRATES DIESEL
(5) DELMA EMIRATES GENERAL TRANSPORT
(6) AHMED KHALIL KHALED ALMERAIKHI
(7) SHERIFA AHMED KHALIL KHALED ALMERAIKHI
(8) MARIAM AHMED KHALED ALMERAIKHI

Defendants

ORDER OF JUSTICE LORD ANGUS GLENNIE

UPON reviewing the Court file

AND UPON the Claimant's Application No. CFI-070-2018/9 dated 23 December 2021 for an order that unless the Defendants re-file and serve affidavits which comply with the terms of the Court's Order of 28 October 2021, the Defence shall be struck out and judgment automatically entered for the Claimant (the **"Unless Order Application"**)

AND UPON the Court's Order dated 7 July 2022 (the **"7 July Order"**)

AND UPON Mr Hussein Al Hashemi, judicial guardian of the Third Defendant, indicating to the Registry on 10 August 2022 that the Third Defendant intended to apply for an extension of time of 10 days, but subsequently making no such application

AND UPON the Third Defendant having failed to comply with paragraphs 1, 2, 3, and 4 of the 7 July Order

AND UPON Mr Al Hashemi notifying the Registry by way of email on 24 August 2022 that he did not intend to attend the hearing listed for 24 August 2022 on behalf of the Third Defendant (the **"Hearing"**)

AND UPON hearing Mr Shivji QC for the Claimant at the Hearing

AND UPON the Third Defendant's failure to appear at the Hearing

AND UPON reviewing the Rules of the DIFC Courts (the **"RDC"**)

IT IS HEREBY ORDERED THAT:

1. The Defence of the Third Defendant is struck out.

2. Judgment is hereby entered for the Claimant against the Third Defendant in the sum of:

   USD 5,633,240.37 in respect of the Claimant's claim in debt under paragraph A of the Prayer to the Particulars of Claim; and

   a. USD 3,739,030.12 in respect of contractual interest to 24 August 2022.

3. The Third Defendant shall pay the Claimant the judgment sums in paragraph 2 above (the **"Judgment Sum"**) by **4pm on 7 September 2022.**

4. Interest shall accrue on the Judgment Sum at the rate of 9% per annum from the date of this Order in accordance with paragraph 3 of Practice Direction No. 4 of 17.

5. The remainder of the Claimant's claims against the Third Defendant are adjourned with liberty to restore.

6. The Third Defendant shall pay the Claimant's further costs of and occasioned by the Unless Order Application incurred since the 7 July Order on the indemnity basis, immediately assessed in the sum of AED 114,615.86.

7. Except as otherwise dealt with, the Third Defendant shall pay the Claimant's costs of the Claim up to and including 31 July 2020 on the standard basis, and on an indemnity basis from 1 August 2020. The costs shall be assessed by the Registrar if not agreed. The Claimant shall have permission to apply for such assessment immediately pursuant to RDC 40.1.

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