Claim No. CFI 036/2025

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

STEPHAN KARL MORGENSTERN

Claimant

and

SAIF SULTAN AL MEHRZI LAWYERS & LEGAL CONSULTANCY

Defendant

ORDER WITH REASONS OF H.E. JUSTICE NASSIR AL NASSER

UPON the Default Judgment of H.E. Nassir Al Nasser dated 10 June 2025 (the "Default Judgment")

AND UPON the Defendant's Application No. CFI-036-2025/1 dated 27 June 2025 seeking to set aside the Default Judgment and legal costs (the "Application")

AND UPON reviewing the case file

AND PURSUANT TO Part 14 of the Rules of the DIFC Courts

IT IS HEREBY ORDERED THAT:

1. The Application is granted.

2. The Default Judgment shall be set aside.

3. The Claimant shall file and serve its Particulars of Claim within 28 days of the date of this Order.

4. The Defendant shall file and serve its Defence within 28 days of service of the Particulars of Claim.

5. Costs shall be costs in the case.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 23 July 2025
At: 3pm

SCHEDULE OF REASONS

1. The Claimant is Stephan Karl Morgenstern, (the "Claimant"), a German national.

2. The Defendant is Saif Sultan Al Mehrzi Lawyers & Legal Consultancy (the "Defendant"), a law firm located in Sharjah, UAE.

3. On 2 April 2025, the Claimant filed a claim against the Defendant claiming the sum of USD 385,000 (equivalent to AED 1,413,650).

4. On 2 May 2025, the Claimant filed a Certificate of Service confirming that the claim had been served on the Defendant by delivering to or leaving at a permitted place.

5. On 4 June 2025, the Claimant filed a request for a default judgment.

6. On 10 June 2025, the Court issued the Default Judgment of H.E. Justice Nassir Al Nasser (the "Default Judgment").

7. On 24 June 2025, the Defendant filed an Acknowledgement of Service seeking to defend all of the claim.

8. On 27 June 2025, the Defendant filed an Application Notice to set aside the Default Judgment on the basis that the Claim was not validly served on the Defendant.

9. Upon reviewing the Defendant's submissions, I find that in accordance with Rule 14.2 of the Rules of the DIFC Courts, the Defendant has demonstrated a real prospect of successfully defending the claim.

10. Therefore, I set aside the Default Judgment.

11. The costs shall be costs in the case.