THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) EMIRATES NBD BANK PJSC
(2) HSBC BANK MIDDLE EAST LIMITED
(3) ICICI BANK LIMITED
(4) ICICI BANK UK PLC
(5) UNION BANK OF INDIA
(6) BANK OF JORDAN COMPANY
(7) NATIONAL BANK OF BAHRAIN BSC
(8) AHLI UNITED BANK BSC (DIFC BRANCH)
(9) COMMERCIAL BANK OF DUBAI PSC
(10) WARBA BANK KSCP

Claimants

and

(1) KBBO CPG INVESTMENT LLC
(2) MR KHALEEFA BUTTI BIN OMAIR YOUSIF ALMUHARI
(3) HIS EXCELLENCY SAEED MOHAMED BUTTI MOHAMED ALQEBAISI
(4) INFINITE INVESTMENT LLC
(5) GROUP OF FATHIMA CO LLC
(6) FATHIMA SUPERMARKET LLC (SHARJAH)
(7) FATHIMA SUPERMARKET WLL (ABU DHABI)
(8) FATHIMA TRADING & SUPERMARKET COMPANY WLL
(9) FAIRWAY GENERAL TRADING
(10) FAIRWAY CATERING SERVICES LLC (DUBAI)
(11) FAIRWAY CATERING SERVICES LLC (ABU DHABI)
(12) FATIMA GENERAL MARKET LLC
(13) TELE LINK COMMUNICATION LLC
(14) ONE PREPAY COMPANY LLC
(15) TECHLINK SYSTEMS LLC
(16) FRESHLY FROZEN FOODS FACTORY LLC
(17) SENORA FOODS LLC
(18) SPECTRAMI DMCC
(19) ONE PREPAY COMPANY (SOLE PROPRIETORSHIP) - LLC

Defendants

ORDER WITH REASONS OF JUSTICE SIR JEREMY COOKE

UPON the Order of Justice Sir Jeremy Cooke dated 1 July 2020 imposing stay on the proceedings pursuant to Article 5 of Decree 19 of 2016 as well as the Courts case management powers pursuant to Rule 4.2(6) of the Rules of the DIFC Courts (**"RDC"**) (the **"Stay Order"**)

AND UPON the Order of Justice Wayne Martin dated 9 August 2021 lifting the stay imposed on the proceedings by virtue of the Stay Order

AND UPON reviewing the Third Defendant's Application No. CFI-045-2020/14 dated 16 June 2020 contesting the DIFC Courts jurisdiction (the **"Third Defendant's Jurisdictional Challenge Application"**)

AND UPON reviewing the Claimants' evidence in answer to the Third Defendant's Jurisdictional Challenge Application dated 10 June 2022, 13 June 2022 and 1 July 2022

AND UPON reviewing the Claimants' Statement of Costs dated 1 July 2022

AND UPON the Order of H.E Justice Nassir Al Nasser dated 15 July 2022 granting Hadef & Partners LLC application to come off the record on behalf of First, Second, Third, Fourth, Thirteenth, Fourteenth, Sixteenth and Seventeenth Defendants in the proceedings

AND UPON r.23.69 of the RDC that the court may deal with an application without a hearing

IT IS HEREBY ORDERED THAT:

1. The Third Defendant's Jurisdictional Challenge Application is dismissed.

2. The Third Defendant shall pay the Claimants costs on the indemnity basis, summarily assessed in the sum of USD 71,443.50.

Issued by:
Nour Hineidi
Registrar
Date of issue: 5 August 2022
Time: 9am

SCHEDULE OF REASONS

1. The Claimants have a plausible case that the signature of the Third Defendant on the Guarantee is genuine and the Court cannot determine the issue of fact raised by the Third Defendant as to forgery without a trial.

2. The Court therefore has jurisdiction under Article 5A(2) of the Judicial Authority Law for the claims made by all the Claimants on the basis of the agreement to the exclusive jurisdiction of the DIFC Courts.

3. The Court has jurisdiction under Article 5A(1)(a) of the Judicial Authority Law for the claims made by the Claimants which are DIFC Establishments (namely the First, Second, Third, Fifth and Eighth Claimants).

4. The Court has jurisdiction under Article 5A(1)(e) of the Judicial Authority Law for the claims made by the other Claimants which are not DIFC Establishments and it is just and convenient for all the claims to be heard together.

5. The issues as to jurisdiction are illusory the only real issue being an issue of fact as to the alleged forgery of the Third Defendants' signature, which can only be determined at trial. The Third Defendant is therefore liable to pay the costs of the Claimants of the Application on the Indemnity basis summarily assessed in the sum of USD 71,443.50.