**THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS**

**IN THE COURT OF FIRST INSTANCE**

BETWEEN

**GULF WINGS FZE**

Claimant

and

**A AND K TRADING LIMITED**

Defendant

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**REASONS FOR THE ORDER OF H.E. DEPUTY CHIEF JUSTICE ALI ALMADHANI DATED 5 SEPTEMBER 2022**

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1. On 2 September 2022, the Defendant in this matter filed an urgent application seeking to, "settle the pending amounts through DIFC courts escrow account, security for costs" (the "Application"). The Application, evidently prepared by a lay person, was made because, it was explained just below in the application notice, "Resolving the case." With the application notice was filed a short statement:

> "My name is Kamel Abou Aly holding Emirates ID number [X] i get to know recently regarding this case and I willing to pay the required amount to close this case at DIFC escrow account which I never get any notification from court about it . they just notified me yesterday as I living outside UAE , I'm 68 years old and have health issues and I need to be with my family and looking after my business and I would like to keep my reputation clear even I sold this plane two years ago but unfortunately they didn't change the board of the company , actually I'm victim at this stage but I will pay to close the case and remove my name from the travelling list as I need to travel for health and business trip."

2. Mr Abou Aly, a shareholder in the Defendant and its registered director, had on 11 March 2022 been found to be in contempt of court by Justice Sir Jeremy Cooke. The original contempt order was amended and reissued on 14 March 2022 (the "Contempt Order"):

> "IT IS HEREBY ORDERED THAT:
>
> By reason of Karim Abou Aly having failed to:
>
> provide convincing reasons for not having complied with the 14 January Order; and
>
> comply fully with all the terms of the said 14 January Order by wilfully failing, as a registered director of the Defendant, to prevent the removal of the Embraer EMB 135-BJ Legacy 600 from Dubai,
>
> the matter of Karim Abou Aly's contempt of the Court is hereby referred to the Attorney General of Dubai for his review and consideration of committal."

The Contempt Order was explained in reasons given by Cooke J on 14 March 2022.

3. By order dated 2 September 2022, I granted the Application and ordered that the amount of AED 4,674,354.33 (the "Amount") be paid into the DIFC Courts' escrow account. The Amount was that which the Claimant claimed from the Defendant. I also ordered that a return date hearing be re-listed as soon as possible.

4. The Amount was so paid by Mr Abou Aly by 5 September 2022 into the DIFC Courts' escrow account.

5. The court is placing a heavy weight on the fact of the full settlement of the sum claimed by the Claimant, and a member of the Defendant (Mr Abou Aly) came on record and indicated his willingness to engage with these proceeding as confirmed in Mr Abou Aly's email dated 3 September 2022.

6. Article 32(f) of DIFC Law No. 10 of 2004, being the Court Law, empowers the Court to, as material, make orders that it considers appropriate, including orders made in the interest of justice.

7. Furthermore, Article 43 of the said Court Law empowers the court on application or of its own motion to deal with the matters relating to contempt by making any order it considers necessary in the interest of justice.

8. In the circumstances, I found it appropriate and in the interests of justice to relieve Mr Abou Aly of the Contempt Order after he paid the Amount into the Court's account and so I discharged that order accordingly.

Issued by:
**Ayesha Bin Kalban**
Deputy Registrar
Date of issue: 14 September 2022
At: 4pm