Claim No. CFI 001/2023

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

IDBI BANK LIMITED

Claimant

and

(1) SIMMTRONICS SEMICONDUCTORS LTD FZE
(2) SIMMTRONICS SEMICONDUCTORS PTE LTD
(3) MR INDRAJIT SABHARWAL
(4) MRS BHAVNA SABHARWAL

Defendants

DEFAULT JUDGMENT OF H.E. JUSTICE NASSIR AL NASSER

UPON the request made by the Claimant on 15 May 2023 for a Default Judgment in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts (the "RDC"), and the affidavit of Mrs. Bini Saroj dated 22 May 2023, it is found as follows:

1. The request is not one prohibited by RDC 13.3 (1) or (2).

2. The Defendants have 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 in accordance with RDC 13.4.

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

4. The Claimant filed a Certificate of Service in accordance with RDC 9.43 on 13 April 2023.

5. The Claimant has followed the required procedure for obtaining Default Judgment in accordance with 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 in accordance with 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 have been met.

9. The Claimant has 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 in accordance with RDC 13.22/13.23.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

10. The request is granted.

11. The Defendants are ordered to pay the Claimant the amount of **USD 10,110,871.12** plus interest at the rate of 9% per annum from the date of this Judgment to the date of full payment.

12. The Defendants shall pay the Claimant legal costs in the sum of USD 50,000.

13. The Claimant shall serve this Default Judgment on the Defendants.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 24 May 2023
At: 3pm