THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

LOMBARD NORTH CENTRAL PLC

Claimant

and

R D K INTERNATIONAL LLC

Defendant

DEFAULT JUDGMENT OF JUDICIAL OFFICER MAITHA ALSHEHHI

UPON the request made by the Claimant on 27 September 2022 (the "Request") for a Default Judgment in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC"), and the accompanying affidavit of Ms. Antonia Grieve dated 27 September 2022, it is found as follows:

1. The Request is not one prohibited by RDC 13.3.

2. The Request is one permitted by RDC 13.4 on the basis that the Defendant has 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.

3. The Defendant has 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 27 September 2022.

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 First Witness Statement of Ms. Ducat dated 17 August 2022 sets out the calculation of interest up to 17 August 2022.

8. The DIFC Courts are satisfied that the conditions as set out in 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:

1. The Request is granted.

2. The Defendant shall pay the Claimant the amount of GBP £2,302,658.58 within 14 days of issuance of this Order.

3. Pursuant to Article 39 of the Court Law (DIFC Law No. 10 of 2004) and DIFC Practice Direction No 4 of 2017, simple interest at the rate of 9% per annum shall accrue on the amount mentioned in paragraph 3 above from the date of this Order until date of full payment.

4. The Defendant shall pay the Claimant's costs of these proceedings immediately assessed in the amount of GBP £21,500.

5. The Defendant has the right to apply to set aside this Order pursuant to RDC 14.2.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 11 October 2022
At: 9:45am