Claim No. ARB 032/2025

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

OSWIN

Claimant

and

(1) OTILA (2) ONDRAY

Defendants

ORDER OF H.E. JUSTICE MICHAEL BLACK KC

PENAL NOTICE

IF YOU, OTILA AND ONDRAY., OR ANY OF YOUR OFFICERS, EMPLOYEES OR AGENTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE REFERRED TO THE ATTORNEY GENERAL OF DUBAI, FINED, OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE REFERRED TO THE ATTORNEY GENERAL OF DUBAI, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the Claimant's ex parte urgent application dated 28 August 2025 for interim measures (the "Injunction Application") in support of a DIFC-seated arbitration under the Joint Venture Agreement dated 12 March 2019 ("JVA"), pursuant to Article 24(3) of the DIFC Arbitration Law No. 1 of 2008, RDC 43.48 and RDC 43.50, to be determined under RDC Part 25

AND UPON the Order of H.E. Justice Sir Jeremy Cooke dated 29 August 2025 granting the Injunction Application (the "Injunction")

AND UPON the Defendants' Acknowledgement of Service dated 3 September 2025, recording the Defendants' intention to contest the law governing the dispute

AND UPON the Order of H.E. Justice Sir Jeremy Cooke dated 16 September 2025 continuing the Injunction

AND UPON the Claimant's Urgent Application No. ARB-032-2025/4 dated 17 October 2025, for an anti-suit injunction (the "ASI Application")

AND UPON the Defendants' evidence in answer dated 18 October 2025

AND UPON the Claimant's evidence in reply dated 19 October 2025

AND UPON review of the materials on the Court file

AND UPON reading the materials listed in Schedule A (the "Documents Read") and accepting the undertakings set out in Schedule B (the "Undertakings")

AND UPON hearing counsel for the Claimant and counsel for the Defendants at the Urgent Application Hearing held before H.E. Justice Michael Black KC on 20 October 2025

FOR REASONS GIVEN EX TEMPORE, IT IS HEREBY ORDERED THAT:

THIS ORDER

1. This is an anti-suit injunction issued on 20 October 2025 by H.E. Justice Michael Black KC on the Claimant's ASI Application.

2. The Judge read the Witness Statements (with exhibits) listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.

3. This Order was made at a hearing on 20 October 2025.

4. The arbitration agreement is at Clause 21.3 of the Joint Venture Agreement, providing for DIFC-seated arbitration (administered by DIAC pursuant to Dubai Decree No. 34/2021). The relief granted is supportive of arbitration. The Arbitration has been commenced under the DIAC Rules .

INJUNCTION

5. The Defendants:

(a) must not take any further steps in Abu Dhabi Court Case No. X in the Abu Dhabi Courts, save for the step set out immediately below; and

(b) must discontinue those proceedings forthwith.

COSTS

6. The Defendants must pay the Claimant's cost of and occasioned by the ASI Application, such costs to be the subject of detailed assessment, but with the Defendants making an interim payment forthwith of AED 195,165 to the Claimant.

VARIATION OR DISCHARGE OF THIS ORDER

7. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but they must first inform the Claimant's legal representatives. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's legal representatives in advance.

INTERPRETATION OF THIS ORDER

8. Any requirement that something shall be done to or in the presence of the Defendants means:

(a) if there is more than one Defendant, to or in the presence of any one of them; and

(b) if a Defendant is not an individual, to or in the presence of a director, officer, partner or responsible employee.

9. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

10. A Defendant which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

11. Effect of this Order:

It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be referred to the Attorney General of Dubai, fined or have their assets seized.

12. Persons outside the DIFC

(a) Except as provided in paragraph (b) below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this Court.

(b) The terms of this Order will affect the following persons in a country or state outside the jurisdiction of this Court:

(i) The Defendants or their officers or agents appointed by power of attorney;

(ii) Any person who:

(a) is subject to the jurisdiction of this Court;

(b) has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court; and

(c) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order.

(iii) Any other person, only to the extent that this Order is declared enforceable by or is enforced by a court in that country or state.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 21 October 2025
At: 8am

SCHEDULE A

The Claimant relied on the following affidavit:

(a) The Second Witness Statement of Mr Osgood dated 17 October 2025.

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT BY THE CLAIMANT

(1) If the Court later finds that this Order or carrying it out has caused loss to the Defendants, and decides that the Defendants should be compensated for that loss, the Claimant will comply with any order the Court may make.

(2) The Claimant will not without the permission of the Court use any information obtained as a result of this Order for the purpose of any civil or criminal proceedings, either in the DIFC or in any other jurisdiction, other than this claim.

(3) If this Order ceases to have effect, the Claimant will immediately take all reasonable steps to inform, in writing, anyone to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.

(4) The Claimant will not without the permission of the Court seek to enforce this Order in any country outside the DIFC.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

The Claimant's legal representatives are:

Dr Mahmood Hussain Advocates and Legal Consultancy Ltd
34th Floor, Central Park Towers
Dubai International Financial Centre
Dubai
United Arab Emirates
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