Claim No. CFI 033/2017

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

BANKMED (SAL) TRADING IN THE DIFC UNDER THE TRADE NAME BANKMED (DUBAI)

Claimants

and

(1) FAST TELECOM GENERAL TRADING LLC

(2) ALI MOHAMMED SALEM ABU ADAS

(3) MOHAMMAD JAWDAT AYESH MUSTAFA AL BARGOUTHI

(4) SAIF SAEED SULAIMAN MOHAMED AL MAZROUEI

(5) IBRAHIM SAIF HORMODI

(6) AHMED ABDEL KADER HAMDAN ZAHRAN

Defendants

DEFAULT JUDGMENT MADE BY JUDICIAL OFFICER NASSIR AL NASSER

UPON the request made by the Claimants on **22 October 2017** for a Default Judgment against the Defendant (1), (2), (3), (4) and (5) in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC"), it is found as follows:

1. The request is not one prohibited by RDC 13.3 (1) or (2).
2. The Defendant has filed an Acknowledgment of Service but has failed to file a Defence and the relevant time for so doing has expired (RDC 13.5(1)).
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 (RDC 13.6(3)).
4. The Claimant filed a Certificate of Service in accordance with RDC 9.43 on 19 October 2017 that service of the Particulars of claim occured on 3 October 2017.
5. The Claimant has followed the required procedure for obtaining Default Judgment 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 (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 regarding Defendants served outside of the jurisdiction 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 (RDC 13.22/13.23).

ACCORDINGLY IT IS HEREBY ORDERED THAT:

10. The request is granted.
11. The Defendants shall pay the Claimant the sum of USD $ 14,463,479.03 plus interest at the rate of 12.4 % per annum.
12. The Defendants shall pay the Claimant interest in the sum of USD $1,252,120.57 from the date 30 November 2016 until 26 October 2017.
13. The interest shall accrue at a daily rate of USD $5,260.00 from the date the Default Judgment is issued until the date of payment.
14. The Claimants shall bear their own costs of the application.



Issued by:

Nassir Al Nasser

Date of Issue: 29 October 2017

At: 9am