Claim No. CFI 080/2018

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

MUZOON HOLDING LLC

Claimant

and

ARIF NAQVI

Defendant

DOCUMENT PRODUCTION ORDER OF JUSTICE SIR JEREMY COOKE

UPON the Case Management Order of the Registrar Nour Hineidi issued on 22 March 2022

AND UPON the Claimant filing their Request to Produce on 10 May 2022 (the "Claimant's Request")

AND UPON the Defendant filing their Request to Produce on 10 May 2022 (the "Defendant's Request")

AND UPON the Defendant's Objections to the Claimant's Request to Produce filed on 25 May 2022

AND UPON the Claimant's Objections to the Defendant's Request to Produce filed on 17 June 2022

IT IS HEREBY ORDERED THAT:

1. The Claimant's Requests are as follows:

a) Request 1 is granted.

i. Reasons: The claim is made against the Defendant personally for his acts in deceit, fraud, misrepresentation, breach of fiduciary duty and breach of obligations in misusing the monies which the Abraj Group, and in particular AIML, was to invest on behalf of the Claimant. The money actually received by the Defendant as compared with his contractual entitlements in respect of the companies in the Abraj Group is of direct relevance to such allegations and material to the outcome of the litigation.

b) Request 2 is granted in different terms. *"The Defendant is to produce all documents showing the amounts received from the Abraj Group and particularly from AIML, by the Defendant himself, any members of his family, and any companies or trusts controlled by him, members of his family or his former secretary in the period 2015-2018, whether by reason of instructions given by him to banks, financial institutions, brokers or employees of the Abraj Group or otherwise."*

i. Reasons: The claim is made against the Defendant personally for his acts in deceit, fraud, misrepresentation, breach of fiduciary duty and breach of obligations in misusing the monies which the Abraj Group was to invest on behalf of the Claimant. The money actually received by the Defendant as compared with his contractual entitlements in respect of the companies in the Abraj Group is of direct relevance to such allegations and material to the outcome of the litigation.

c) Request 3 is granted.

i. Reasons: The Defendant must have some documents in his possession or power relating to the structure of the Group and his own position, authority and responsibilities to the companies in it, particularly AIML, Abraj DIFC and AHL, some of which would not be a matter of public record or available to the Claimant. The position held by the Defendant and his control over the activities of the Abraj Group is a pleaded issue and documents beyond those referred to in the reports of the DIFCA are likely to be available to the Defendant.

d) The Defendant, having objected to the requests, must pay the costs of the Application for production of documents, such costs to be the subject of detailed assessment, if not agreed.

2. The Defendant's Request is refused because the Claimant says there are no documents in its possession or power which answer to the Defendant's Request.

a) Costs shall be costs in the case.

Issued by:
Ayesha Bin Kalban
Deputy Registrar
Date of Issue: 21 June 2022
At: 9am