THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

UNION BANK OF INDIA (DIFC BRANCH)

Claimant

and

(1) VELOCITY INDUSTRIES LLC
(2) VELOCITY VENTURE LTD.
(3) UMAKU TRADE INVEST LIMITED
(4) VIJEY KAPOOR
(5) RAVI KUCHIMANCHI
(6) RAJINDER MAKHIJANI
(7) PARAG GUPTA
(8) DEVIKA SWATI

Defendants

ORDER OF JUDICIAL OFFICER NASSIR AL NASSER

UPON the request made by the Claimant on 13 September 2020 for a Default Judgment against the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Defendants in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts (**"RDC"**) (the **"Request"**), it is found as follows:

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

2. The First, Third and Fourth Defendants have failed to file Acknowledgments of Service.

3. The Second, Fifth, Sixth, Seventh and Eight Defendant failed to file Defences to the claim (or any part of the claim) with the DIFC Courts and the relevant time for so doing has expired (RDC 13.4).

4. Each of the Defendants 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)).

5. The Claimant filed a Certificate of Service in relation to the First, Third and Fourth Defendants pursuant to RDC 9.43 on 5 August 2020.

6. The Claimant has followed the required procedure for obtaining Default Judgment (RDC 13.7 and 13.8).

7. 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).

8. 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.

9. The DIFC Courts are satisfied that the conditions of RDC 13.22 and RDC 13.23 [defendant served outside jurisdiction] have been met.

10. 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:

1. The Request is granted.

2. The Defendants jointly and/or severally are ordered to pay the Claimant the amount of USD 2,406,177.16 (United States Dollars Two million four hundred three thousand thirty-seven and sixteen cents) which consists of the following:

(a) USD 2,288,367.42 (United States dollars two million two hundred eighty-eight thousand three hundred sixty-seven and forty-two cents) as the Principal Sum;

(b) USD 59,812.81 (United States dollars fifty-nine thousand eight hundred twelve and eighty-one cent) as on 31 January 2020 as interest accrued;

(c) USD 7,856.93 (United States dollars seven thousand eight hundred fifty-six and ninety-three cents) as on 31 January 2020 as Penal Interest Claimed; and

(d) interest shall continue to accrue at a daily rate of USD 785/= (i.e. as on date dues $ 2,359,177.16 at the rate of 12% per annum) (United States Dollars Seven Hundred and Eighty-five Only) from 1st February 2020 to the date of the Judgment.

(e) The Defendant shall pay the Claimant legal costs in the sum of USD 47,000 (United States Dollars forty-seven thousand).

3. Post Judgment interest at the rate of 9% per annum on the above-mentioned amount shall apply from the date of this Judgment until the date of full payment.

4. The Claimant shall serve this Default Judgment on all the Defendants in this case.

Issued by:
Nour Hineidi
Deputy Registrar
Date of Issue: 17 September 2020
At: 2pm