IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

N/A

BETWEEN

OSTIN

Judgment Creditor/Respondent

and

OLEDA

Judgment Debtor

and

OSPREY

Applicant

ORDER WITH REASONS OF H.E. DEPUTY CHIEF JUSTICE ALI AL MADHANI ON OSPREY'S APPLICATION NOTICE DATED 7 AUGUST 2026 FOR DETERMINATION OF THE COSTS RESERVED BY PARAGRAPH 8 OF THE REVISED PART 50 ORDER DATED 7 MAY 2026, AND FOR COSTS INCURRED IN COMPLYING WITH THAT ORDER AND PREPARING FOR THE PART 50 EXAMINATION HEARING

UPON the Judgment Creditor's Part 50 Application dated 29 August 2025 seeking an order requiring Osprey, as an officer and representative of Oleda, to provide information and documents concerning the Judgment Debtor's means and to attend Court for examination pursuant to Part 50 of the Rules of the DIFC Courts (the "Part 50 Application")

AND UPON the Part 50 Order of H.E. Justice Nassir Al Nasser dated 23 September 2025 and the Judgment Debtor's application dated 3 October 2025 seeking, inter alia, to set aside that Order

AND UPON the Judgment of the Court of Appeal in CA-001-2026 dated 6 May 2026 allowing the Judgment Creditor's appeal against the Order of H.E. Justice Nassir Al Nasser dated 25 November 2025, dismissing the Judgment Debtor's set-aside application and ordering the Judgment Debtor to pay the Judgment Creditor's costs of the application below and of the appeal

AND UPON the Order of H.E. Justice Nassir Al Nasser dated 7 May 2026 (the "Revised Part 50 Order"), requiring Osprey, as the Judgment Debtor's Representative, to produce the documents and information identified in Schedule A within 14 days of service and to attend a Part 50 examination hearing on 29 June 2026 (the "Examination Hearing"), and providing at paragraph 8 that the costs of and/or occasioned by the Part 50 Application be reserved to the Judge at the Examination Hearing

AND UPON service of the Revised Part 50 Order upon Osprey on 8 May 2026 and the production made on her behalf on 22 May 2026 pursuant to paragraph 6 of that Order, including the schedule identified as "Table A"

AND UPON Osprey's application dated 21 May 2026 seeking to vary Schedule A to the Revised Part 50 Order (the "Variation Application"), the Order of H.E. Deputy Chief Justice Ali Al Madhani dated 19 June 2026 dismissing the Variation Application and directing that the Examination Hearing proceed as listed, and the Reasons issued on 24 June 2026 assessing the Judgment Creditor's costs of the Variation Application on the standard basis in the sum of AED 130,000

AND UPON the Order of H.E. Deputy Chief Justice Ali Al Madhani dated 26 June 2026 staying the proceedings in Claim No. ENF-185-2025 pending determination of Application No. 004/2026 before the Conflicts of Jurisdiction Tribunal (the "CJT") and vacating the Examination Hearing (the "Stay Order")

AND UPON the decision of the CJT dated 6 July 2026 in Application No. 004/2026 (the "CJT Decision"), determining, inter alia, that the DIFC Courts' exercise of the procedures available under Part 50 in these proceedings is confined to assets, property or the place of execution situated within the DIFC or otherwise having a sufficient enforcement connection with the DIFC, and that the Revised Part 50 Order shall not be recognised insofar as it requires Osprey to provide information, produce documents or attend for examination concerning matters situated outside the DIFC

AND UPON the Order of H.E. Deputy Chief Justice Ali Al Madhani dated 22 July 2026 lifting the stay and permitting the Judgment Creditor to proceed with the Part 50 examination in respect of Item 1 only, namely bank statements of bank accounts held or controlled by the Judgment Debtor within the DIFC, if any (the "22 July Order")

AND UPON the Application Notice filed by Osprey on 7 August 2026 seeking determination of the costs reserved by paragraph 8 of the Revised Part 50 Order and an order that the Judgment Creditor pay her costs arising from compliance with that Order and preparation for the Examination Hearing (the "Costs Application")

AND UPON the First Witness Statement of Ali Al Aidarous dated 7 August 2026 and Exhibit AA1 filed in support of the Costs Application

AND UPON the Seventh Witness Statement of Magda Kofluk dated 21 August 2026 ("Kofluk 7") and Exhibit MK5 filed on behalf of the Judgment Creditor in opposition to the Costs Application

AND UPON the Judgment Creditor's Statement of Costs dated 21 August 2026 filed in connection with the Costs Application and the Judgment Creditor's claim for costs of preparing for the Part 50 Examination Hearing

AND UPON reviewing the documents filed and recorded on the Court file

AND PURSUANT TO Parts 38 and 50 of the Rules of the DIFC Courts (the "RDC")

IT IS HEREBY ORDERED THAT:

1. The Applicant's Costs Application dated 7 August 2026 is dismissed.

2. In respect of the costs reserved by paragraph 8 of the Revised Part 50 Order dated 7 May 2026, the Judgment Debtor shall pay 50% of the Judgment Creditor's costs claimed in respect of preparation for the Part 50 Examination Hearing, assessed in the sum of AED 62,702.50.

3. Osprey shall pay 50% of the Judgment Creditor's costs of the present Costs Application, assessed in the sum of AED 17,500.

4. The sums ordered in paragraphs 2 and 3 above shall be paid within 14 days of the date of this Order.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 30 September 2026
At: 9am

SCHEDULE OF REASONS

Introduction

1. This Order concerns the application of Osprey ("Osprey" or the "Applicant") dated 7 August 2026 for determination of the costs reserved by paragraph 8 of the Revised Part 50 Order and for an order requiring Ostin (the "Judgment Creditor" or "JC") to pay the costs which she says were incurred in complying with that Order and preparing for the Examination Hearing. She also seeks the costs of the present Costs Application.

2. The Judgment Debtor is Oleda (the "JD"). Osprey was the person identified in the Revised Part 50 Order as the JD's representative. That Order required her, inter alia, to produce the documents and information contained in the fifteen categories comprising Schedule A and to attend the Examination Hearing to answer questions on oath. It was endorsed with a penal notice.

3. Paragraph 8 of the Revised Part 50 Order expressly reserved the costs of and/or occasioned by the JC's Part 50 Application to the Judge at the Examination Hearing. That hearing did not proceed on 29 June 2026 because it was vacated by the Stay Order. The CJT Decision subsequently determined the territorial limits applicable to the exercise of the Part 50 procedure in these proceedings.

4. The present application therefore raises two related questions: first, the disposition of the costs expressly reserved under paragraph 8 of the Revised Part 50 Order; and second, whether Osprey is personally entitled to recover from the JC the costs which she says were incurred in complying with that Order and preparing for the Examination Hearing. The Court must also determine the JC's claims for the costs of responding to the present application and for its own costs of preparing for the Part 50 Examination Hearing.

The Applicant's Submissions

5. The Applicant submits that paragraph 8 of the Revised Part 50 Order expressly reserved the costs of the JC's Part 50 Application for later determination. She relies upon RDC 38.12 and submits that the reservation deferred, rather than disposed of, the costs question. As the Examination Hearing contemplated by paragraph 8 did not proceed on 29 June 2026, she says those reserved costs now require determination by the Court.

6. Osprey says that substantial work was undertaken pursuant to the Revised Part 50 Order before the Examination Hearing was vacated. She relies upon the review of the fifteen categories in Schedule A; liaison with the JD's personnel and advisers to identify and obtain responsive material; review and collation of documents; preparation of Table A; establishment of the electronic data room; the production made on 22 May 2026; related correspondence with the JC and the Registry; and preparation for her examination on oath. She says that by 26 June 2026, three days before the listed hearing, the preparation for that examination had substantially been completed.

7. The Applicant submits that the later CJT Decision materially altered the basis upon which those obligations had been imposed. She relies upon the CJT's determination that the DIFC Courts' Part 50 jurisdiction does not extend to assets, property or a place of execution outside the DIFC and upon its direction that the Revised Part 50 Order not be recognised insofar as it required her to provide information, produce documents or attend examination in relation to such matters. She further relies upon the 22 July Order, under which the Part 50 process was permitted to continue in respect of Item 1 only.

8. On that basis, Osprey characterises the JC as the unsuccessful party in substance in relation to the wider scope of the Revised Part 50 Order. She submits that the costs now claimed were incurred under compulsion of an order carrying a penal notice and because the JC sought and obtained Part 50 relief extending materially beyond the territorial scope subsequently determined by the CJT. She says it would therefore be unjust for the costs of those steps to lie where they fall.

9. Osprey relies upon RDC 38.6, 38.7, 38.8 and 38.10 and submits that the Court may award the costs associated with particular steps in the proceedings. She says the work for which she seeks recovery is sufficiently identifiable: compliance with the Revised Part 50 Order and preparation for the Examination Hearing.

10. The Applicant seeks assessment on the indemnity basis. She submits that the JC persisted in seeking and enforcing a Part 50 regime extending to matters outside the DIFC despite having been informed of the JD's position that there was no sufficient DIFC enforcement connection, thereby requiring her to incur costs under strict time limits and the threat of committal. She says the CJT Decision ultimately vindicated the territorial objection upon which that position depended.

The Judgment Creditor's Submissions

11. The Judgment Creditor ("JC") opposes the Part 50 Costs Application in its entirety. It emphasises at the outset that the Judgment Debtor, Oleda ("" or the "JD"), of which Osprey is the 99% owner and an officer, owes the JC in excess of AED 85 million pursuant to the Dubai Court Judgment and that, to date, no part of that judgment debt has been paid or recovered through enforcement. The JC says that this context is material to the present application and to the identity of the party said to have incurred the relevant costs.

12. The JC's primary objection is that Osprey has no personal entitlement to recover the costs claimed. It relies upon her Application Notice expressly identifying her capacity as "Non-Party" and submits that her involvement in the Part 50 proceedings arose solely because she was an officer and representative of Oleda. On that basis, the JC says that any substantive legal costs incurred in connection with the Part 50 process were costs incurred by or on behalf of Oleda, and not personal costs of Osprey.

13. The JC further relies upon the fact that Oleda is not named as an applicant in the present Costs Application or in any of the other costs applications filed by Osprey on 7 August 2026. It submits that, even if Osprey personally discharged legal fees incurred on behalf of Oleda, that does not convert those costs into a personal entitlement against the JC. On the JC's case, any recoverable costs would belong to Oleda and would therefore be susceptible to set-off against the outstanding judgment debt exceeding AED 85 million. The JC characterises Osprey's personal costs applications as an attempt to avoid that set-off.

14. The JC also submits that the procedural framework of Part 50 weighs against any freestanding entitlement on Osprey's part to recover legal costs. It relies upon RDC 50.15 and 50.16, under which a person ordered to attend Court may request payment of reasonable travelling expenses, and contends that this is the specific reimbursement mechanism contemplated by Part 50 for such a person. Osprey did not seek travelling expenses and, in any event, no Part 50 examination hearing has yet taken place in these proceedings.

15. The JC disputes Osprey's contention that it was the unsuccessful party in relation to the Revised Part 50 Order. It relies upon having obtained Part 50 relief before the DIFC Courts and having succeeded in full before the Court of Appeal on 6 May 2026. It further relies upon the 22 July Order, which preserved the Part 50 process in respect of Item 1 of Schedule A and permitted the examination to proceed to that extent. The JC therefore says that the subsequent narrowing of the Part 50 regime by the CJT does not render it the unsuccessful party for the purposes of RDC 38.7.

16. As to the costs said to have been incurred in complying with the Revised Part 50 Order and preparing for the Examination Hearing, the JC disputes both their extent and their characterisation as wasted costs. It relies upon the production made on 22 May 2026, which it says was confined to Items 1 to 4 of Schedule A and was materially deficient, while Items 5 to 15 were not produced. It therefore disputes that the substantial legal costs asserted by Osprey were reasonably incurred by her personally.

17. The JC also relies upon the timing of Oleda's CJT Application, which it says was brought only shortly before the listed Examination Hearing notwithstanding that the jurisdictional point had been available materially earlier. It relies upon that conduct under RDC 38.8 and 38.9 and submits that the costs now complained of were, at least in material part, generated by Oleda's own litigation choices.

18. Finally, the JC rejects any basis for indemnity costs and challenges the absence of evidence particularising both the quantum and ownership of the costs claimed. It submits that it acted throughout in reliance upon subsisting DIFC Court orders, including the Court of Appeal judgment of 6 May 2026, and that the later CJT Decision did not retrospectively render that conduct unreasonable. It further relies upon Osprey's failure to file her own Statement of Costs and seeks, if the application is entertained, disclosure of retainers, invoices, allocation of fees between Osprey and Oleda, proof of payment and any indemnification arrangements. The JC seeks dismissal of the Part 50 Costs Application, AED 35,000 as its costs of opposing it, and wasted Part 50 preparation costs from Oleda.

Discussion

19. I have considered the Applicant's case as advanced principally at paragraphs 14 to 22 of the First Witness Statement of Ali Al Aidarous dated 7 August 2026 ("Al Aidarous 1"). I substantially agree, however, with the submissions advanced by Ms Kofluk in Kofluk 7, in particular at paragraphs 6.1 to 6.3 and 49. The critical question is not whether costs were reserved by paragraph 8 of the Revised Part 50 Order; plainly they were. The question is whether that reservation gives rise to the personal costs entitlement now asserted by Osprey. In my judgment, it does not. The Applicant's case on the reserved costs, the work undertaken and the consequences of the CJT Decision is developed at paragraphs 14 to 21 of Al Aidarous 1.

20. Osprey is not a party to the underlying enforcement proceedings. Her own Application Notice identifies her capacity as a "Non-Party". Her involvement in the Part 50 process arose because she was an officer and representative of the Judgment Debtor and, in that capacity, a person from whom information could be required for the purposes of enforcement. I agree with Ms Kofluk's analysis at paragraphs 6.1 and 6.2 of Kofluk 7 that this distinction is material. Paragraph 8 reserved the costs "of and/or occasioned by" the Judgment Creditor's Part 50 Application; it preserved the Court's ability subsequently to determine the costs consequences of that application, but did not confer upon Osprey a personal entitlement to recover legal costs incurred in performing obligations imposed upon her as the Judgment Debtor's representative.

21. I have also considered the wider context relied upon by the JC, including that Oleda owes the JC in excess of AED 85 million and the JC's

submission that any costs properly belonging to Oleda would be susceptible to set-off against that judgment debt. It is unnecessary, however, to determine the further allegation that the present application was deliberately structured to avoid such set-off. The anterior difficulty for Osprey is that she has not established the personal entitlement upon which her application depends.

22. Nor does the fact that the Revised Part 50 Order imposed obligations directly upon Osprey, including obligations backed by a penal notice, alter that conclusion. I have considered the Applicant's reliance upon the compulsory character of the Order, the strict time limits and the costs said to have been incurred in compliance and preparation. I agree with the JC's response, including at paragraph 6.3 of Kofluk 7, that the structure of Part 50 does not establish the broader personal entitlement to legal costs asserted by Osprey. Part 50 makes specific provision for the travelling expenses of a person required to attend for examination; the obligations imposed upon Osprey do not, without more, convert costs incurred in the enforcement process into costs personally recoverable by her.

23. It follows that Osprey has established no basis for a personal award of the costs reserved under paragraph 8, or for an order requiring the Judgment Creditor to pay her claimed costs of compliance with the Revised Part 50 Order and preparation for the Examination Hearing. The Part 50 Costs Application must therefore be dismissed.

24. I likewise reject the contention that the subsequent CJT Decision provides a proper basis for shifting Osprey's claimed compliance and preparation costs to the JC. The Applicant's case is that the CJT Decision ultimately vindicated the territorial objection to the wider Revised Part 50 Order. I prefer the JC's analysis at paragraph 49 of Kofluk 7. At the material time, the JC was acting pursuant to valid and subsisting orders of this Court and had succeeded before the Court of Appeal on 6 May 2026. Its reliance upon those orders was reasonable. The subsequent determination of the CJT did not retrospectively render the JC's earlier pursuit of Part 50 relief improper or unreasonable.

25. It follows that Osprey has established no personal entitlement to the costs reserved under paragraph 8 of the Revised Part 50 Order and no basis upon which the JC should be required to pay the costs which she says were incurred in complying with that Order and preparing for the Examination Hearing. Her claim for indemnity costs at paragraphs 21 and 22 of Al Aidarous 1 necessarily also fails. The Costs Application is therefore dismissed.

26. Before determining the JC's claim for costs against the JD, I address the procedural position expressly. Kofluk 7 and the JC's Statement of Costs were served on 21 August 2026 upon Al Aidarous Advocates and Legal Consultants, who were acting for Oleda in these proceedings. Paragraph 68.3 of Kofluk 7 expressly sought an order that Oleda pay the JC's costs of preparing for the First and Revised Part 50 Examination Hearings, and the accompanying Statement of Costs quantified the costs claimed against Oleda. Oleda was therefore put on clear notice both of the relief sought against it and the quantum of that claim, and was afforded the opportunity to respond. I am accordingly satisfied that the JC's costs claim against Oleda may properly be determined in this Order.

27. I turn to the JC's costs. The relief sought is to be distinguished between two separate costs claims and two separate paying parties. At paragraph 68.2 of Kofluk 7, the JC seeks AED 35,000 from Osprey as the costs of opposing the present Costs Application. Separately, at paragraph 68.3, the JC seeks from Oleda its costs of preparing for the First and Revised Part 50 Examination Hearings. In the exercise of the Court's discretion under RDC Part 38, I consider it appropriate to award the JC 50% of each of those respective costs claims.

28. The JC's Statement of Costs identifies AED 55,405 in legal fees and AED 70,000 in counsel's fees claimed against Oleda in respect of preparation for the Part 50 Examination Hearings, giving a total of AED 125,405. Fifty per cent is AED 62,702.50, payable by Oleda. Separately, the Statement of Costs identifies the JC's costs of responding to Osprey's present Costs Application at AED 35,000 following application of the contractual cap. Fifty per cent is AED 17,500, payable by Osprey.

29. Accordingly, the Judgment Debtor shall pay the Judgment Creditor AED 62,702.50 in respect of the Part 50 preparation costs, and Osprey shall separately pay the Judgment Creditor AED 17,500 in respect of the costs of the present Costs Application. Both sums shall be paid within 14 days of the date of this Order.