IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) SAM PRECIOUS METALS FZ-LLC
(2) SAMI RIYAD MAHMOUD ABU AHMAD
(3) ROSYSON FZE

Claimants

and

(1) SNYDER PRIME LIMITED
(2) PHOEBE LEAH TOOKER
(3) SHAKTI CHAUHAN

Defendants

AMENDED RULING OF JUSTICE ANDREW MORAN

UPON hearing Counsel for the Claimants and the Defendants at the Trial on 29 May 2024

RULING:

1. The Court has before it an application on behalf of the Defendants to admit a collection of documents which are largely concerned with the arrangements for the introduction of a particular deposit of capital into the company from an entity known as Vin Gold. The documents on their face are confusing, difficult to understand, unexplained and very lately produced. Nevertheless, there is sufficient in them that is comprehensible enough to me to recognise that they do appear to be material to the introduction of capital through an entity known as Vin Gold. There is no question at all that these documents ought to have been produced from the very earliest moment in this case, referred to in the pleadings, and evidenced, described and explained in the witness statements which were placed before the Court. There has been a wholesale failure on the part of the Defendants to deal with this evidence in a proper and conventional manner in accordance with the Rules. The Court would be perfectly justified in rejecting the admission of this evidence at this very late stage however, in the interests of justice, I take the view that if there has been error or failure on the part of the Defendants or its Counsel, that should not be allowed to lead to a potentially unjust result in circumstances where the adverse effect of the admission of the documents can be adequately compensated in costs, as I believe it can be. Moreover, to do justice properly, I am going to require as a condition of admitting the documents the following; that there be an amendment to the defence to explain precisely what these documents evidence. There will be an opportunity for the Claimants to reply to that pleading. The documents will be the subject of an explanatory further statement from the witness producing them, Mr. Shakti Chauhan, which must narrate the provenance of the documents, their meaning and effect in full and complete terms relating to the Vin Gold Capital. The Claimant will then have an opportunity to adduce such evidence from its witnesses as it sees fit to respond to the evidence and the documents that I am going to admit. On that basis, I have decided that the documents shall be admitted.

2. Unfortunately, this hearing will have to be adjourned and it will only be adjourned for the shortest time possible for these consequential matters to be attended to so that I will tabulate a timetable for those necessary steps that this application has brought about. I am satisfied that all of the costs consequent upon this application to admit further documents which I am allowing, these five clips of documents lately produced, may be admitted subject to the terms I have outlined. On the basis that the Defendants shall pay the costs of and incidental to the admission of the documents, which will include the costs thrown away as a result of the adjournment which is now to follow, the costs of producing the documents and amending the pleadings, all of the costs of the amendment will be paid by the Defendants in any event, including the costs of the further witness statements. If there are any additional wasted days, including most of today and tomorrow, and the expert for example who has, no doubt, been booked to give evidence today at cost, all of those costs will be borne by the Defendants. Only on that basis do I admit this very late coming evidence.

IT IS HEREBY ORDERED THAT:

1. It is recorded that the Court has admitted in evidence certain exhibits produced by the Defendants during the course of the hearing, which were put to witnesses during the course of cross-examination by counsel for the Defendants. These documents shall be produced in hard copy, be given an appropriate exhibit reference number and shall be added to the Trial Bundle. This direction also relates to the what's app messages which were given the exhibit number SC 7, showing a date of 2 January 2021, relating to the Resolution of 31 December 2020.

2. If and insofar as the Claimants intend to adduce further documentary evidence from the Company's Books of Account to demonstrate the repayment of monies to Al Shahir, as testified to by Mr. Anuj Garg, they shall produce that evidence within seven days hereof.

3. The Defendants' application to admit four further clips of documentary evidence pertaining to a transaction between the First Claimant Company and an entity described as Vin Gold, shall be allowed, and the documents shall be admitted into evidence. (For the avoidance of doubt the fifth clip referred to in the ruling above was the exhibit SC-7 referred to in paragraph 1 above).

4. The Defendants shall amend and serve an Amended Defence within four days of the date hereof, to state their case concerning the Vin Gold

transaction with full particularity, including the nature and terms of the transaction, its purpose, and its effect on the capital of the First Claimant Company.

5. Within the same period, the Third Defendant shall produce and serve a further witness statement strictly confined to describing the Vin Gold Transaction, its nature and terms, its purpose and its effect on the capital of the First Claimant.

6. Within 14 days of the production of the Amended Defence and statement provided for, in paragraphs 3 and 4 above, the Claimants shall produce a witness statement or statements and Amended Reply in response thereto, exhibiting any documents they wish to rely on in response the Defendants' Amended Defence and statement.

7. The trial of this matter shall be adjourned to a date to be fixed as soon as convenient to the Court and the Claimants, after four weeks from the date hereof.

8. The Defendants shall pay the Claimants' costs of and incidental to the admission of the further evidence, the adjournment of the trial, the necessary amendments to the pleadings and the preparation of further witness evidence, in any event, on the indemnity basis.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 29 May 2024
Date of Re-issue: 23 January 2025
At: 9am