THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

STATE BANK OF INDIA (DIFC BRANCH)

Claimant

and

(1) NMC HEALTHCARE LLC
(2) NMC SPECIALITY HOSPITAL LLC, ABU DHABI
(3) NEW MEDICAL CENTRE LLC DUBAI
(4) NEW MEDICAL CENTRE SPECIALITY HOSPITAL LLC, AL AIN
(5) MR. B.R SHETTY

Defendants

ORDER WITH REASONS OF H.E. JUSTICE ROBERT FRENCH

UPON the Case Management Order of H.E. Chief Justice Wayne Martin dated 2 April 2025 (the "Order")

AND UPON the Fifth Defendant's Permission to Appeal Application dated 15 April 2025 (the "Application for Permission")

AND UPON the Order with Reasons of H.E. Chief Justice Wayne Martin dated 18 June 2025 dismissing the Application for Permission

AND UPON the Fifth Defendant's Renewed Permission to Appeal Application dated 9 July 2025 (the "Renewed Application for Permission")

IT IS HEREBY ORDERED THAT the Renewed Application for Permission is dismissed.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 25 August 2025
At: 8am

SCHEDULE OF REASONS

1. I have considered the Renewed Application for Permission against the decision of H.E. Chief Justice Wayne Martin refusing the Fifth Defendant in these proceedings leave to amend his defence.

2. An oral hearing was requested but I am satisfied that it is not necessary in the interests of justice.

3. Whether or not the decision is properly characterised as a Case Management Decision for the purposes of Rule 44.27 of the Rules of the DIFC Courts is of little consequence to the outcome of this Renewed Application for Permission. It involved discretionary considerations including an assessment of the merits of the proposed pleading amendments.

4. The utility of the amendments is put in question by the Fifth Defendant's statement in the skeleton argument that they:

> "..are not inconsistent with the existing pleadings rather, they are complementary in nature, intended to provide the Honourable CFI Court with a comprehensive and nuanced understanding of the dispute"

5. The prospects of success in an appeal against this discretionary interlocutory decision are small to non existent.

6. Renewed Application for Permission to appeal is refused.