Claim No: CFI 009/2020

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

ALI MOUSA & SONS ALUMINIUM INDUSTRIES

Claimant

and

SUN ENGINEERING & CONTRACTING LLC

Defendant

ORDER OF H.E JUSTICE OMAR AL MUHAIRI

UPON reviewing the Defendant's Application No. CFI-009-2020/1 dated 22 March 2020 seeking to set aside the Order of Judicial Officer Nassir Al Nasser dated 17 March 2020 (the "**Defendant's Application**")

AND UPON reviewing the witness statement of Nandini Tiwari filed on 22 March 2020

AND UPON reviewing the Claimant's Application No. CFI-009-2020/2 dated 29 April 2020 seeking to allow the Claimant to submit, and the DIFC Court to accept, the Claimant's *Reply to the Defendant's Evidence in Reply (dated 15 April 2020) and?Third Witness Statement of Nandini Tiwari dated 15 April 2020* (the "**Claimant's Application**")

AND UPON reviewing the Defendant's answer to the Claimant's Application dated 4 May 2020

AND UPON reviewing all other documents recorded in the case file

AND PURSUANT TO Part 14.2 of the Rules of the DIFC Courts,

IT IS HEREBY ORDERED THAT:

1. The Defendant's Application is granted on the basis that the defendant has a real prospect of successfully defending the claim.

2. The Default Judgment of Judicial Officer Nassir Al Nasser dated 17 March 2020 is set aside.

3. The Claimant is to file and serve its statement of case and particulars of claim within 14 days from the date of this Order.

4. The Defendant shall file and serve its defence to the statement of case and particulars of claim within 28 days after service of the particulars of claim.

5. The Claimant's Application is granted and the Claimant and shall serve its Reply to the Defendant's Evidence in Reply (dated 15 April 2020) and?Third Witness Statement of Nandini Tiwari dated 15 April 2020 as soon as practicable.

6. Costs for the Defendant's Application and the Claimant's Application are costs in the case.

7. Liberty to apply.

Issued by:

Nour Hineidi

Deputy Registrar

Date of issue: 18 May 2020

At: 4pm