THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

ABENA A/S

Claimant

and

GREEN GATE TRADING FZE

Defendant

DEFAULT JUDGMENT OF JUDICIAL OFFICER MAITHA ALSHEHHI

UPON the request made by the Claimant on 7 March 2023 (the "Request") for a Default Judgment in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC") against the Defendant, and the accompanying affidavit of Aleefa Ahmed dated 6 March 2023, it is found as follows:

1. The Request is not one prohibited under RDC 13.3.

2. The Request is one permitted by RDC 13.4 on the basis that the Defendant has failed to file an Acknowledgment of Service or a Defence to the claim (or any part of the claim) with the DIFC Courts and the relevant time for so doing has expired.

3. The Defendant 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 in accordance with RDC 13.6(3).

4. The Claimant filed a Certificate of Service in accordance with RDC 9.43 on 23 December 2020.

5. The Claimant has followed the required procedure for obtaining Default Judgment in accordance with RDC 13.7 and 13.8.

6. The claim is for a specified sum of money and the Request specifies the date by which the whole judgment debt is to be paid or the times and rate at which it is to be paid by instalments in accordance with RDC 13.9.

7. The Request includes a request for interest pursuant to RDC 13.14 and the Request sets out the calculation of interest in the claim.

8. The DIFC Courts are satisfied that the conditions of RDC 13.22 and RDC 13.23 have been met.

9. 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 in accordance with RDC 13.22 and 13.23.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Request is granted.

2. The Defendant shall pay the Claimant, within 14 days of the date of this Order, the judgment sum of USD 225,913.2 (the "Amount") comprising of:

(a) USD 173,305.20 (being the principal sum owed by the Defendant to the Claimant); and

(b) USD 52,608 (being the interest on the above principal amount at a rate of 8% per annum).

3. Pursuant to DIFC Practice Direction No. 4 of 2017, interest at the rate of 9% per annum shall accrue on the Amount from the date of this Order until date of full payment, quantified at the daily rate of USD 42.73.

4. The Defendant shall pay the Claimant's costs of these proceedings in the amount of USD 25,000 plus the DIFC Courts' filing fee in the amount of USD 3,032.

5. The Claimant shall serve this Order upon the Defendant.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 9 March 2023
At: 10am