Claim No. CFI 011/2021

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

ISCHEBEK TITAN (MIDDLE EAST) SCAFFOLDING LLC

Claimant

and

AL ARIF CONTRACTING CO LLC

Defendant

ORDER OF H.E. JUSTICE NASSIR AL NASSER

UPON the request made by the Claimant on 11 March 2021 for a Default Judgment in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC"), it is found as follows:

1. The request is not one prohibited by RDC 13.3 (1) or (2).

2. 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 (RDC 13.4).

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 (RDC 13.6(3)).

4. The Claimant filed a Certificate of Service in accordance with RDC 9.43 on 8 March 2021.

5. The Claimant has followed the required procedure for obtaining Default Judgment [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 of the judgment debt is to be paid or the times and rate at which it is to be paid by instalments (RDC 13.9).

7. The request includes a request for interest pursuant to RDC 13.15.

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

9. The DIFC Courts are not satisfied that the conditions of RDC 13.23 [defendant served outside jurisdiction] have been met.

10. The Claimant has not 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 (RDC 13.22/13.23).

ACCORDINGLY IT IS HEREBY ORDERED THAT:

11. The request is denied.

12. The Defendant shall bear the cost of this Application.

Issued by:
Ayesha Bin Kalban
Deputy Registrar
Date of Issue: 14 March 2021
At: 12pm