Claim No. CFI 070/2018

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

IDBI BANK LIMITED

Claimant

and

(1) MABANI DELMA GENERAL CONTRACTING CO LLC
(2) [NOT USED]
(3) DELMA ENGINEERING PROJECTS COMPANY LLC
(4) DELMA EMIRATES DIESEL
(5) DELMA EMIRATES GENERAL TRANSPORT
(6) AHMED KHALIL KHALED ALMERAIKHI
(7) SHERIFA AHMED KHALIL KHALED ALMERAIKHI
(8) MARIAM AHMED KHALED ALMERAIKHI

Defendants

ORDER WITH REASONS OF JUSTICE LORD ANGUS GLENNIE

UPON the Court receiving a letter from the Bur Dubai Police Station on 5 July 2022 stating that there is an undergoing investigation on the Loan and Facility document against the Claimant

AND UPON hearing Mr Shivji QC for the Claimant and Mr Al Hashemi as a litigant in person for the Third Defendant at the hearing on 6 July 2022

AND UPON the Third Defendant's oral application, at the hearing, for a stay of proceedings in light of the ongoing criminal investigation referred to the Dubai Police (the "Application")

IT IS HEREBY ORDERED THAT:

1. The Application is dismissed.

2. The Third Defendant shall pay the costs of the Application to be assessed by the Registrar, if not agreed.

SCHEDULE OF REASONS

1. I have decided to continue to hear this application today.

2. There is nothing to suggest that a criminal case has been opened, it seems only to be at the stage of investigation so far. I am not persuaded that the court is bound to stay proceedings, even if criminal case had been opened. Article 28 of the Criminal Procedure Code, appears to have in mind civil proceedings in on shore Dubai and not the DIFC.

3. Further, there does not appear to be any overlap on the information I presently have between the investigation, on the one hand which concerns signing of guarantees and other documents by D6, D7 and D8 and the present application which concerns Delam engineering only. The Application, is only an application to seek an order requiring documentation from Delma engineering and it does not, at the moment, go further than that, it does not seem to decide, investigate the merits of claim or make any decision on liability.

4. And so, in on those circumstances there seem to me that there is no reason, at present, to stay the case or to stay the application Against Delma engineering.



Issued by:
Nour Hineidi
Registrar
Date of issue: 7 July 2022
At: 12pm