Claim No: CFI-014-2015

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

ORIENT INSURANCE PJSC

Claimant

and

(1)ABN AMRO BANK N.V.

(2) BANK OF BARODA

(3) CITI BANK N.A.

(4) CREDIT SUISSE AG

(5) EMIRATES NBD BANK PJSC

(6) MASHREQ BANK PJSC

(7)NOOR ISLAMIC BANK PJSC

(8)GLINTS GLOBAL GENERAL TRADING LLC

Defendants

ORDER OF JUSTICE ROGER GILES

UPON reviewing the Eighth Defendant's Appeal Notice dated 18 February 2016 seeking permission to appeal the Order of H.E. Justice Omar Al Muhairi dated 3 February 2016

AND UPON reading the submissions and evidence filed and recorded on the Court file

IT IS HEREBY ORDERED THAT the Eighth Defendant is refused leave to Appeal against the Order of H.E. Justice Omar Al Muhairi dated 31 December 2015, pursuant to Rule 44.8(1) of the Rules of the DIFC Courts, on the basis that the Court considers that the appeal would have no real prospect of success.

Issued by:

Amna Al Owais

Deputy Registrar

Date of issue: 22 February 2016

Date of re-issue: 1 March 2016

At: 10am

SCHEDULE OF REASONS

1. The application for permission to appeal in the appeal notice issued on 18 February 2016 is refused. Pursuant to RDC 44.14, these are my reasons for the refusal.

2. The so-called grounds of appeal are essentially a narrative reproducing the skeleton argument. The grounds are not stated with the necessary conciseness and clarity. I do not think it profitable to require that this be done, and act upon the narrative.

3. The principal ground of appeal is that the DIFC Courts do not have jurisdiction, and so the proceedings against the Eighth Defendant should have been dismissed, because Article 203(5) of the UAE Civil Procedure Code ("the Code") provides that a party who has agreed to refer a dispute to arbitration may not file a suit before the courts. The conferral of jurisdiction on the DIFC Courts is not limited by that provision, see the analysis in *Meydan Group LLC v Banyan Tree Corporate Pte Ltd* (CA-005-2014, 3 November 2014) at [18] - [27] concerning exemption from Federal Laws. If it matters, the laws conferring jurisdiction are within the applicable law stipulated in the policy. This ground does not have a real prospect of success.

4. Other grounds of appeal may be:

(i) That the DIFC Courts do not have jurisdiction pursuant to Article 5(A)(1) of the judicial authority law, independently of regard to Article 205(5) of the Code, because the policy was signed outside the DIFC and the Claimant and some co-Defendants are from outside the DIFC. The First, Second and Fourth Defendants being licenced DIFC Establishments, that is sufficient for jurisdiction to hear and determine the action.

(ii) That the judge erred in "checking the merit of the case" in determining whether to stay or dismiss the claim against the Eighth Defendant pursuant to Article 13(1) of the DIFC Arbitration Law. He did not. The merit of the case was not assessed and formed no part of the determination.

(iii) That the judge otherwise erred in determining to stay rather than dismiss the claim against the Eighth Defendant. No ground is shown for error in the determination.

5. None of these grounds, if indeed they are put forward, has a real prospect of success.

6. The final ground of appeal is that it was unjust to order the Eighth Defendant to pay the costs of the application. No ground is shown for error in the exercise of the discretion, and the ground does not have a real prospect of success.