CFI-068-2024 –CFI 068/2024 (1) KJM Marine LLC (2) Mohammad Saleh Moosa Hassan Aj Jasmi (3) KJI Marina Boats Manufacturing LLC v (1) KJM Marine LLC (2) KJI Marina Boats Manufacturing LLC (1) Steven Ivankovich (2) Neirah

Summary

The Claimant initiated proceedings in the DIFC Courts, seeking a declaration that a joint venture agreement (JVA) with the First Defendant—containing an exclusive DIFC jurisdiction clause—remained valid and enforceable. The First Defendant responded with a counterclaim seeking sums allegedly owed under certain purchase orders, which it claimed constituted a separate contract involving the Claimant and a foreign entity, Neirah. Neirah was subsequently joined to the DIFC proceedings on the basis that all related claims should be adjudicated within the DIFC.

Unbeknownst to the Claimant, the First Defendant had also filed parallel proceedings in the Dubai Courts against both the Claimant and Neirah, seeking similar relief. The Claimant then sought an anti-suit injunction (ASI) from the DIFC Court to restrain the First Defendant from continuing with the Dubai proceedings.

The Court granted the anti-suit injunction, held that the Dubai proceedings served no legitimate purpose, were vexatious and oppressive, and that the DIFC was the natural and appropriate forum to resolve all issues between the parties.

The Court rejected the First Defendant's argument that jurisdictional disputes could only be addressed through Decree 29 or a CJT petition. Relying on precedent, including *Nael v Niamh Bank* [2024] DIFC CA 015 and *Emirates NBD v KBBO CPG* [2020] DIFC CFI 045, the Court affirmed its authority to issue anti-suit relief even where a CJT application was pending or possible.

Though Neirah had not yet been served and was not formally before the DIFC Court, the Judge nonetheless assessed Dubai claims against it. She found those claims equally abusive but, in exercising her discretion, declined to make orders regarding Neirah at that stage.

This decision is significant for several reasons:

- It is the first anti-suit injunction granted post-Dubai Law No. 2 of 2025 Concerning the DIFC Courts;
- It is the first ASI restraining proceedings in the Dubai Courts since the introduction of Decree 29 of 2024;
- It affirms the DIFC Court's robust approach to preventing abusive litigation tactics that undermine its jurisdiction;
- It underscores the broad discretionary powers available to the DIFC Courts under the new legislative framework, including Article 24E.

The ruling demonstrates that despite recent reforms aimed at improving inter-court coordination, the DIFC Courts maintain independent authority to guard against parallel onshore proceedings that threaten the fair and efficient administration of justice.