



In the name of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar

**IN THE CIVIL AND COMMERCIAL COURT OF THE QATAR FINANCIAL CENTRE
COURT OF FIRST INSTANCE**

**CASE NO: 05/2010
14 October 2010**

IN THE MATTER OF AL MAL BANK LLC (IN LIQUIDATION)

**NAZIM OMARA
Applicant**

- and -

**AL MAL BANK LLC
Respondent**

Members of the Court:

**JUSTICE DOHMANN
JUSTICE LORD CULLEN
JUSTICE SACKVILLE**

ORDER OF THE COURT

UPON the Court having made an Order in Case No. 01/2010 for the compulsory winding up of Al Mal Bank LLC on the 6th June 2010.

AND UPON THE Liquidators of the Al Mal Bank LLC having applied to the Court under Article 95(1) of the QFC Insolvency Regulations to determine certain questions.

AND HAVING HEARD oral evidence and considered written evidence to determine what was the Applicant's applicable contract and whether the termination of his employment was lawful.

AT THE CONCLUSION of the evidence in the case, and Counsel for the Applicant having sought leave of the Court to withdraw his claims made against the Al Mal Bank LLC on the basis that the Applicant no longer pursued any claims in these proceedings arising out of his employment with the Al Mal Bank LLC.

THE COURT ORDERED THAT:

1. The Applicant's Particulars of Claim and the action dated 17th May 2010 be DISMISSED without prejudice to any counterclaim by the Liquidators against the Applicant, in the same proceedings;
2. In any such counterclaim proceedings, the evidence adduced on the application, before this Court, of the Liquidators under Article 95 of the QFC Insolvency Regulations, should stand as evidence in those proceedings and in any related application by the Liquidators in the insolvency counterclaim.
3. In any such counterclaim proceedings, the proceedings will be conducted on the basis that the only contract in force between the Applicant and the Bank was the

"Short Form" Contract dated 25th May 2008, with a commencement date of 1st June 2008.

4. In the liquidation and any counterclaim proceedings, those proceedings should proceed on the basis that:
 - a) The only contract in force as between the Applicant and the Bank was the Short Form Contract;
 - b) The Applicant had no claim on the basis of such Short Form Contract, or the Long Form Contract dated 1st June 2008, or under the Employment Regulations 2006, or otherwise.
5. Any application for costs by the Liquidators of Al Mal Bank LLC should be submitted to the Court to be considered in writing. Counsel for the Applicant indicated to the Court that the Applicant did not oppose an application for costs in favour of the Liquidators, nor on an indemnity basis.

By the Court,



Michael McKenzie CB QC
Registrar of the Court

