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ENFORCEMENT IN THE DIFC: POWERS AND BOUNDARIES



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I. INTRODUCTION

1. The past year has been significant for enforcement in the Dubai International Financial Centre **("DIFC").** The DIFC Courts have developed a reputation as an enforcement-friendly jurisdiction and as a conduit for recognising foreign judgments and awards. Recent decisions have reinforced that role, while clarifying the practical measures available to creditors and exposing a continuing tension between the DIFC Courts' powers and the authority of other courts asked to execute their orders.

2. Enforcement activity has also increased. In 2025, 341 enforcement claims were filed in the DIFC Courts, with a combined claim value of AED 10.9 billion. The first half of 2026 saw 220 enforcement filings, compared with 106 in the corresponding period of 2025.[i] These figures measure claims brought, not sums recovered.

3. As discussed in our previous publications, on the enforcement of interim awards, freestanding injunctions and the Courts Law 2025, the availability of recognition and protective relief is only part of the process. This year's decisions address the scope and exercise of the DIFC Courts' enforcement powers and the practical difficulties of giving effect to those powers in onshore Dubai and abroad. They invite practitioners to consider enforcement not simply as a final procedural step, but by reference to the instrument held, the assets available and the court competent to act.

II. THE SCOPE AND EXERCISE OF THE DIFC COURTS' ENFORCEMENT POWERS

A. Recognition, execution and the statutory framework

4. As discussed in Singularity Legal's 2025 publication, *JAL 2.0: The DIFC Courts Reboot*, Law No. 2 of 2025 Concerning Dubai International Financial Centre Courts **("Courts Law 2025")** introduced a revised statutory enforcement framework.[ii] Article 30 identifies Enforcement Writs; Article 31(3) addresses compulsory execution of ratified arbitral awards against persons or entities within the DIFC, while Article 31(4) permits the DIFC Enforcement Judge to act upon specified local and foreign judgments and interim orders inside the DIFC. The conditions for deputing execution of DIFC orders to the onshore Dubai Courts are separately set out in Article 32.

5. The starting point therefore depends on what the creditor holds and where enforcement is sought. The DIFC Courts may recognise a foreign judgment or award without that recognition itself providing authority to execute against assets elsewhere. Article 31(4) also contemplates interim and precautionary orders issued by other courts and arbitral tribunals, but the practical method of execution remains a separate question.[iii]

6. Where the onshore Dubai Courts are asked to execute a DIFC order under Article 32, the order must be final and executory and satisfy the applicable translation and executory-formula requirements.[iv] The relevant document, the relief it grants and the court before which it is placed are therefore critical.

7. The distinction was reinforced by the Conflicts of Jurisdiction Tribunal **("CJT")** in *Guangzhou Salvage v Global Marketing Systems DMCC*. The CJT confirmed that a Singapore-seated award could be recognised in the DIFC without a territorial connection, while

compulsory execution in the absence of a DIFC enforcement nexus belonged before the Dubai Courts.[v] The recognition jurisdiction and the power to compel execution should not be treated as interchangeable.

8. Foreign arbitral awards follow a related but separate route. As discussed in Singularity Legal's 2024 publication, *Enforcing Interim Measures in the DIFC*, the Court of Appeal in *Neal v Nadir* confirmed that a binding interim measure rendered as an arbitral award may be recognised and enforced under Articles 42-44 of the DIFC Arbitration Law, even where the arbitration was seated outside the DIFC.[vi]

9. For practitioners, the question is which document will be placed before which court. A final money judgment, an arbitral award, a charging order and a freezing injunction may all assist enforcement, but they operate differently. The creditor must identify the relief it needs and the assets or persons against which that relief can take effect.

B. Worldwide asset examinations and jurisdictional limits

10. A creditor cannot choose an effective execution method without knowing what the debtor owns. Part 50 of the Rules of the DIFC Courts **("RDC")** permits the examination of a debtor or an officer of a corporate debtor to obtain information relevant to enforcement.[vii] In *Orlagh v Orchid,* the Court of Appeal considered whether such examinations were limited to assets within the DIFC.[viii]

11. In *Orlagh,* the creditor sought assistance in enforcing a judgment of the onshore Dubai Courts. The DIFC Enforcement Judge ordered the examination of a company officer but limited the questions to assets in the DIFC. The Court of Appeal removed that limit. It held that the reference to enforcement *"inside the DIFC"* in Article 31(4) did not mean that an examination could cover only DIFC assets. The place

where the Court exercises its powers and the place where a debtor holds its assets are different questions.

12. The practical force of that conclusion is apparent. If a creditor could ask only about assets already shown to be in the DIFC, the procedure might be of little help. *Orlagh* confirms that an examination can seek information about assets elsewhere in the world. It does not authorise the DIFC Courts to seize those assets abroad, or relieve the creditor of the need to comply with the law of the country where they are found. The implications of Orlagh for the wider debate over territorial limits on the DIFC Courts' jurisdiction have also been considered in an earlier alert published by Singularity Legal, Orabelle: A Short-lived Threat to the DIFC Courts' Jurisdictional Threshold.

13. The Court can still control the scope of questioning and refuse demands that are oppressive, duplicative or unrelated to enforcement. The case rejects a blanket restriction based on geography; it does not give creditors a right to investigate every aspect of a debtor's affairs. Questions should be directed towards finding assets or understanding how the judgment might be satisfied.

14. *Oqab v Oorhna* and others, concerning a Dubai Court of Cassation judgment worth more than AED 4.6 billion, reaffirmed the position in *Orlagh*.[ix] The lower court's reasoning appeared to exclude information about assets outside the DIFC, although its operative examination order imposed no such restriction. The Court of Appeal dismissed the appeal because the order did not require amendment, but corrected the restrictive reasoning and awarded the appellant its appeal costs.

15. The position was, however, qualified in *Zaya Living Real Estate Development LLC v China State Construction Engineering Corporation,* decided by the CJT in July 2026.[x] A creditor had sought DIFC

examination orders to support enforcement of a Dubai judgment already being executed before the Dubai Execution Judge. The dispute concerned whether the DIFC procedure could require disclosure about assets outside the DIFC while that onshore execution remained under way.

16. The CJT concluded that, on the facts before it, the Dubai Courts should supervise disclosure and examination concerning assets and execution outside the DIFC. The DIFC procedure should be confined to assets, property or a place of execution connected with the DIFC. The tribunal was deciding which court should supervise enforcement of this particular Dubai judgment. It was not deciding whether the person examined qualified as a company officer under Part 50.

17. There is a real tension between *Zaya Living* and *Orlagh*. One reconciliation is that *Orlagh* concerns the geographical scope of information obtainable when the DIFC Court properly exercises Part 50 powers, whereas *Zaya Living* concerns the allocation of enforcement functions where the Dubai Execution Judge is already supervising execution. Even on that reading, *Zaya Living* places a practical limit on DIFC examinations directed at non-DIFC assets during active onshore execution. The broader jurisdictional questions raised by these competing approaches are considered further in Chapter 2 of this book.

18. CJT decisions on jurisdictional allocation bind the relevant Dubai courts. A creditor should therefore identify the DIFC enforcement connection and whether the proposed questions duplicate measures before the onshore Execution Judge.[xi] The cases support wide asset disclosure, but do not remove the need to identify the court entitled to supervise a particular execution process.

C. Realising assets: charges, sale and payment out

19. The same difficulty can arise in enforcing against shares. Unlike a straightforward bank-account attachment, a charge over shares may need to be followed by orders authorising a sale, identifying the buyer and determining how the price is to be paid. Transfer restrictions and the rights of other shareholders may also need to be addressed.

20. *GTC Trading S.A. v Rashed* shows these steps in practice. The creditor was seeking to enforce a Dubai commercial judgment through proceedings in the DIFC. Earlier orders had included a freezing injunction and a charge over shares in H.M.R. Investment Holding Ltd. An order for sale followed. In January 2026, Justice Robert French approved a specific share purchase agreement and the steps by which the shares could be transferred to a buyer. The Court also addressed how the proceeds would be received by the creditor.[xii]

21. The January decision went beyond ordering the sale in principle. It approved a transaction with an identified buyer, permitted payment through a nominated recipient acting for the creditor and provided for recoverable costs to be met from the proceeds. The importance of the order lies in moving from protection of the asset to the commercial steps needed to realise its value.

22. A creditor seeking a charge over shares should anticipate valuation, ownership, transfer restrictions, the purchaser, sale documents and the distribution of proceeds. Obtaining security may be only the beginning of the enforcement process.

23. A related, more modest drafting lesson arises from *Guttiers v Singhvi.* Although it concerned a property deposit rather than the execution of an earlier judgment, the amended order authorised the release of a deposit cheque to the sellers and gave liberty to apply if it

was not released or honoured.[xiii] The point is practical: where relief requires a transfer or release of funds, the operative order should identify the act required and the person expected to perform it.

D. Receivership as a means of execution

24. Information alone does not place assets under the creditor's control. Where ordinary execution is ineffective, a receiver may be appointed to take charge of property or rights on the debtor's behalf. RDC 45.3 recognises receivership as a means of enforcing a money judgment.[xiv] *Taylor v Yao Affi* illustrates when this equitable remedy may be justified in enforcing a foreign judgment.[xv]

25. In *Taylor*, the creditor had obtained financial orders in England and an enforcement order in the DIFC. The DIFC Court later appointed a receiver over property connected with the debtor in onshore Dubai. The debtor challenged the enforcement and receivership orders, arguing in part that the creditor could use the ordinary Dubai Courts instead. The Courts of First Instance **("CFI")** dismissed that challenge in March 2026, taking account of the history of non-compliance and the risk that the relevant assets would be dealt with before recovery could occur.

26. The Court did not accept that the theoretical availability of ordinary execution made receivership unnecessary. What mattered was whether that route was likely to work in the circumstances. At the same time, receivership was not treated as automatic whenever a judgment remained unpaid. The creditor had to explain why the remedy was justified by the debtor's conduct and the difficulty of reaching the property through the usual measures.

27. *Taylor* also addressed Article 31(4) of the Courts Law 2025. The CFI rejected the argument that the creditor first had to identify an asset

physically located within the DIFC before the Court could entertain enforcement of a foreign judgment. That question is distinct from whether a receiver appointed by the DIFC Court can effectively take control of property in onshore Dubai. The Court ordered the necessary executory formula and letters for onshore execution, reflecting the separate steps required to give the receivership practical effect. Singularity Legal previously examined this decision and its implications for the DIFC Courts' conduit jurisdiction in its alert, Clarity Restored on the DIFC Conduit Jurisdiction.

III. GIVING EFFECT TO DIFC ORDERS OUTSIDE THE DIFC

A. Interim relief and the disconnect with onshore execution

28. As discussed in Singularity Legal's 2025 publication, *The Evolving Landscape of Freestanding Injunctions in the DIFC*, the Court of Appeal in *Trafigura v Gupta,* following *Carmon v Cuenda,* confirmed the DIFC Courts' jurisdiction under Article 15(4) of the Courts Law 2025 to grant freezing relief in support of foreign proceedings, even where assets are held in onshore Dubai.[xvi] The power to preserve assets, however, is distinct from the power to execute an order as a final judgment.

29. A worldwide freezing order **("WFO")** restrains the defendant from dealing with assets; it does not transfer ownership, authorise a sale or establish a money debt. Its monetary ceiling is the amount of assets restrained, not an adjudged sum presently payable. This distinction is especially important when the DIFC order is transmitted to another court. Unlike the DIFC Courts, the onshore Dubai Courts do not grant WFOs in the common-law sense. Although onshore law provides for precautionary attachments, these operate differently and do not necessarily preserve the safeguards ordinarily contained in a WFO.

30. Notwithstanding these differences, parties had been executing DIFC WFOs in onshore Dubai through the deputation mechanism.

Indeed, Singularity Legal had itself pursued this route in ENF-085-2024, following the recognition of a provisional arbitral award in ARB-021-2022. The award contained a WFO but also proprietary relief requiring the provision of security in cash, a positive obligation distinct from the asset-preservation restraint imposed by a WFO. The resulting DIFC order was subsequently declared "final and executory", and a deputation letter was issued for its execution in onshore Dubai.[xvii] However, that process concerned recognition of an arbitral award containing both proprietary and freezing relief under the previous statutory framework. It did not resolve whether a WFO issued directly by the DIFC Courts could itself be treated as final and executory for direct onshore execution.

31. The difficulties with this practice were not merely theoretical. DIFC WFOs could be transmitted to the Dubai Courts through execution or deputation letters and processed through the ordinary machinery for enforcing judgments. Where a WFO was treated as final and executory, the onshore process could result in measures extending well beyond its terms, including travel bans, attachments over bank accounts and demands for payment of the amount specified in the WFO. Such measures could also defeat the usual exceptions for living and legal expenses. Importantly, subsequent variations to the DIFC WFO would not automatically discharge the corresponding onshore measures, requiring further steps before the Dubai Courts to give effect to those variations.[xviii]

B. The September 2026 clarification in *Trafigura*

32. The legal position was clarified in the CFI's decision in *Trafigura* on 9 September 2026. The applications concerned the continuation and terms of freezing relief affecting assets in onshore Dubai.[xix]

33. At paragraphs 295–296, the CFI drew a clear line. Article 32(A)(1) of the Courts Law 2025 and RDC 45.22 require a judgment or order sent

through the ordinary DIFC-to-Dubai execution route to be final and executory.[xx] Consistent with the principles in *Dadourian,* the Court also required the claimants to undertake not to seek enforcement of the freezing order outside the DIFC without its permission. A freezing order is an interim measure. It is therefore not final and executory for that route. The Court of Appeal's earlier conclusion that the DIFC Courts could freeze assets in onshore Dubai did not mean that the freezing order could be executed there as though it were a final money judgment.

34. The practical significance of *Trafigura* has already become apparent in the DIFC Courts' approach to onshore execution. The Courts have begun giving effect to the clarified legal position, including by revisiting deputation letters previously issued in respect of WFOs. This has resulted in the revocation of an execution letter and directions for the discontinuance of the corresponding onshore execution proceedings, reflecting the change in the legal landscape brought about by *Trafigura*.

35. An important qualification remains: the ruling does not make a DIFC freezing order irrelevant to onshore proceedings. The CFI accepted that it may be relied upon in support of appropriate onshore protective relief. What the Court rejected was treating the interim injunction itself as a final executory instrument.

36. For creditors, a DIFC WFO may preserve assets pending recovery, but it does not replace the application for local interim measures or execution of a final judgment. Those procedures must be kept distinct, and the safeguards in the originating order preserved.

C. Executing DIFC judgments abroad

37. Outside the UAE, enforcement depends on the law of the receiving court. In *FIMBank plc v Rajeev Suresh Bhatia and another,* the Bombay High Court considered execution of a DIFC money judgment in India under section 44A of the Indian Code of Civil Procedure 1908 **("CPC"),** which permits execution of qualifying decrees from superior courts of notified reciprocating territories.[xxi]

38. India had designated the UAE as a reciprocating territory by a notification of 17 January 2020 and included the DIFC Courts among the recognised superior courts.[xxii] *FIMBank* sought to execute a 2023 DIFC judgment in India. The debtors argued that the execution application did not satisfy section 44A(2) because the certificate showing whether, and to what extent, the judgment had been paid or adjusted was not in the required form. The argument went to the documents needed to begin execution, not to a fresh trial of the underlying debt.

39. The Bombay High Court considered both an earlier DIFC document certifying that the judgment was final and executable and a later certificate addressing satisfaction of the judgment. Looking at their substance, the Court held that the documents satisfied section 44A(2): the Indian court needed reliable evidence of the amount still outstanding, not a certificate bearing a particular title or form. The decision did not remove the other requirements or objections available under Indian law.

40. A creditor seeking execution in India should therefore obtain a properly certified judgment, evidence of executability and a certificate recording how far it has been satisfied or adjusted. Interest and payments already made should be reconciled with the amount claimed.

The case is a reminder that valid foreign judgments may still encounter delays if the supporting execution documents are incomplete.

41. The receiving jurisdiction's rules determine which certifications and translations are necessary. A DIFC executory formula intended for Dubai may not answer every question asked by a foreign court, and the availability of a separate recognition or execution route should be considered before further proceedings are commenced.

42. For arbitral awards, the choice may differ. Recognition of an award in the DIFC is not the same as execution abroad of a DIFC judgment. A creditor may instead be entitled to enforce the original award directly in the country where assets are held under the New York Convention or local legislation. Whether an intermediate DIFC recognition order assists depends on the receiving jurisdiction and the award's status.

IV. CONCLUSION

43. The past year has reinforced the DIFC Courts' role in cross-border enforcement while drawing clearer boundaries around the exercise of their powers. The CJT decisions have distinguished the reach of recognition and examination from the court competent to supervise compulsory execution; *Trafigura* has clarified why interim freezing orders cannot be transmitted onshore as final executable judgments. Abroad, *FIMBank* demonstrates the importance of the receiving jurisdiction's documentary requirements. Together, these developments favour an enforcement strategy that identifies the appropriate instrument, court and procedural safeguards at the outset, rather than treating recognition and execution as a single process.

References:

[i] DIFC Courts, *"DIFC Courts Sets Out Five-Year Growth Strategy as It Shares 2025 Service Statistics"* (11 February 2026); DIFC Courts, *"DIFC Courts Reports AED 10 Billion in Claims"* (13 July 2026).

[ii] Law No. 2 of 2025 Concerning Dubai International Financial Centre Courts ("Courts Law 2025"), Articles 30 – 32.

[iii] Courts Law 2025, Article 31(4); see also *Timothy Hugh Christian Taylor v Arlette Joelle Marie Madeleine Yao Affi*, ENF 271/2025, Order with Reasons (11 March 2026), paragraphs 8 – 16.

[iv] Courts Law 2025, Article 32(A)(1); Rules of the DIFC Courts **("RDC")**, rules 45.20 – 45.24, particularly rule 45.22.

[v] *Guangzhou Salvage v Global Marketing Systems DMCC,* CJT Application No. 1 of 2026 (20 April 2026), paragraphs 12 – 18. See also the recognition and enforcement discussion in Chapter 3 of this book.

[vi] *Neal v Nadir,* [2024] DIFC CA 001 (22 March 2024).

[vii] RDC Part 50, particularly Rules 50.1 – 50.10.

[viii] *Orlagh v Orchid,* [2026] DIFC CA 001 (4 May 2026, issued 6 May 2026), particularly paragraphs 49 – 81.

[ix] *Oqab v Oorhna* and others, [2026] DIFC CA 004 (3 June 2026), paragraphs 7 – 11 and operative order.

[x] *Zaya Living Real Estate Development LLC v China State Construction Engineering Corporation,* CJT Application No. 4 of 2026 (6 July 2026), paragraphs 14 – 19 and operative orders.

[xi] Dubai Decree No. 29 of 2024 establishing the Conflicts of Jurisdiction Tribunal, Article 9(c); *Zaya Living* (6 July 2026), paragraphs 17–19.

[xii] *GTC Trading S.A. v Hazem Abdolshahid Mahmoudi Rashed and another,* CFI 046/2023, ENF 022/2023 and ENF 023/2022, Order with Reasons (30 January 2026), paragraphs 100 – 105. A subsequent order (20 October 2026), paragraphs 24 – 28, authorised the conditional release of AED 1 million from surplus sale proceeds held in Court, illustrating the Court's continued supervision even after satisfaction of the judgment debt.

[xiii] *Pascal Francois Guttiers and Deborah Ninette Sheroon Scemama v Mayank Singhvi*, [2025] DIFC CFI 099, Amended Judgment (14 July 2026), operative paragraphs 1 – 3.

[xiv] Rules of the DIFC Courts, rr 45.3–45.6 (methods of enforcement).

[xv] *Timothy Hugh Christian Taylor v Arlette Joelle Marie Madeleine Yao Affi,* ENF 271/2025, Order with Reasons (11 March 2026), paragraphs 7 – 20.

[xvi] *Trafigura Pte Ltd* and *Trafigura India Pvt Ltd v Prateek Gupta and Ginni Gupta,* [2025] DIFC CA 001 (22 September 2025); *Carmon v Cuenda,* [2024] DIFC CA 003 (26 November 2024).

[xvii] ARB 021/2022, Order (20 January 2023), operative paragraphs 1 and 6(a) – 6(k), recognising a provisional arbitral award comprising security in support of a proprietary injunction, freezing relief and ancillary disclosure; ENF 085/2024, Order (27 March 2024), declaring the order of 20 January 2023 final and executory. These steps were taken under the previous Judicial Authority Law.

[xviii] Singularity Legal has acted in proceedings involving similar issues concerning the onshore execution of DIFC freezing orders. The relevant decisions remain unpublished, but readers may contact the authors for further details.

[xix] *Trafigura Pte Ltd* and *Trafigura India Pvt Ltd v Prateek Gupta and Ginni Gupta,* CFI 040/2025, Order with Reasons (9 September 2026), paragraphs 276 – 299.

[xx] *Trafigura Pte Ltd* and *Trafigura India Pvt Ltd v Prateek Gupta and Ginni Gupta,* CFI 040/2025, Order with Reasons (9 September 2026), paragraphs 293 – 298; Courts Law 2025, Article 32(A)(1); RDC 45.22.

[xxi] *FIMBank plc v Rajeev Suresh Bhatia and another,* Bombay High Court, Interim Application No. 3607 of 2025 in Commercial Execution Application No. 55 of 2025 (8 June 2026), paragraphs 38 – 73.

[xxii] Government of India, Ministry of Law and Justice (Department of Legal Affairs), Gazette Notification (17 January 2020) recognising the UAE as a reciprocating territory and the DIFC Courts as a superior court under CPC s 44A; *FIMBank,* para 52.

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(d) Legal 500 (Asia Pacific) - Recognised for Dispute Resolution practise in Arbitration (2025)
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Our partner, Prateek Bagaria, has also been registered as a Part II lawyer with full rights of audience before the DIFC Courts and heads the firm's Middle East practice.

On the firm's entry into the UAE, he said:
"DIFC is an upcoming business and trade hub and has been a priority center for Indian financial institutions, funds, family businesses, multinational corporations, and trading houses, among others, operating in the Asia-Africa corridor. Moreover, in light of the new India-UAE Comprehensive Economic Partnership Agreement (CEPA), business dealings in the DIFC are slated to grow exponentially. We are thrilled to expand our practice to the Middle East, where our clients increasingly require our assistance with their disputes. This expansion will also give the clients more immediate access to the firm's specialists and wider network in the MENA region."

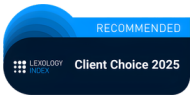
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