



JDMT-8655861024-1794



Claim No. SCT-352-2024

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

**In the name of His Highness Sheikh Mohammed Bin Rashid Al Maktoum,
Ruler of Dubai**

IN THE SMALL CLAIMS TRIBUNAL OF DIFC COURTS

BETWEEN

SALAH MASRI

Claimant

and

HAIR CREATORS SALON LTD.

Defendant

Hearing: **15 October 2024**

Judgment: **18 October 2024**

JUDGMENT OF H.E JUSTICE NASSIR AL NASSER

UPON this Claim being filed on 6 August 2024 (the "Claim")

AND UPON a hearing held before H.E. Justice Nassir Al Nassir on 15 October 2024, with the Claimant and the Defendant's representative in attendance (the "Hearing")

AND UPON reviewing the documents and evidence filed and recorded on the Court file

IT IS HEREBY ORDERED THAT:

1. The Defendant shall cancel the Claimant's visa.
2. There shall be no order as to costs.



Issued by:

Delvin Sumo

SCT Judge and Assistant Registrar

Date of issue: 18 October 2024

At: 12pm

THE REASONS

The Parties

3. The Claimant is Salah Masri (the “Claimant”), an individual filing a claim against the Defendant regarding his employment at the Defendant’s company.
4. The Defendant is Hair Creators Salon Ltd. (the “Defendant”), a company registered and located in DIFC, Dubai, UAE.

Background and the Preceding History

5. The underlying dispute arises over the employment of the Claimant by the Defendant pursuant to an Employment Contract dated 1 July 2021 (the “Contract”).
6. On 6 August 2024, the Claimant filed his claim with the DIFC Courts’ Small Claims Tribunal (the “SCT”) claiming visa cancellation and Employment dues of AED 30,000.
7. On 4 September 2024, the Defendant filed an Acknowledgment of Service with the intention to contest the jurisdiction of the SCT.
8. In line with the rules and procedures of the SCT, this matter was referred to me for determination, pursuant to a hearing held on 15 October 2024 (the “Hearing”). The Claimant and the Defendant’s representatives attended.

The Claim

9. The Claimant at the Hearing submits that he withdraws all his claims except visa cancellation.
10. The Defendant at the Hearing submits that the visa cannot be cancelled due to DEWS penalties imposed on the company which is the Claimant’s responsibility as he was the previous owner of the Defendant.

Findings

11. This dispute is governed by DIFC Law No. 4 of 2021 (Employment Law Amendment Law) (hereafter the “DIFC Employment Law”) in conjunction with the relevant contract.
12. Although the Claimant was the previous owner and an Employee of the Defendant, I find that the argument of DEWS penalties and who is responsible to pay is a separate matter than Employment and visa cancellation.

13. The Defendant submits that they have filed a claim against the Claimant for matters related to the Sales and Purchase Agreement, in which I find the issue of penalties imposed on the Defendant whether prior to selling the business is to be dealt with by the court at a separate hearing for Defendant's claim in respect of the Sales and Purchase Agreement.
14. The matter before me is related to an employment that have ended by way of resignation and the employment relationship have ended, therefore, I find that the Defendant shall cancel the Claimant employment visa.