

Court Of Appeal Dismissed Appeal by Hamilton Against Judgment Of 15 June 2021

On 23 June 2021 Hamilton lodged an appeal against the judgment of the District Court of Amsterdam dated 15 June 2021 concerning applications filed by Hamilton. Hamilton withdrew its appeal on 5 July 2021. Consequently, the Amsterdam Court of Appeal dismissed Hamilton's appeal.

Please find the original Dutch version of the ruling below, as well as an (informal) English translation.

arrest

GERECHTSHOF AMSTERDAM

afdeling civiel recht en belastingrecht

zaaknummer : 200.296.118/01

zaaknummer rechtkamer : C/13/21/4-S

arrest van de meervoudige burgerlijke kamer van 27 juli 2021

in de zaak van:

HAMILTON 2 B.V.,
gevestigd te Amsterdam,

HAMILTON B.V.,
gevestigd te Amsterdam,
appellanten,
advocaat: mr. J. de Jong te 's-Gravenhage,

tegen

STEINHOFF INTERNATIONAL HOLDINGS N.V.,

gevestigd te Amsterdam,
geïntimeerde,
advocaat: mr. P. Kuipers te Amsterdam.

1. Het geding in hoger beroep

Appellanten worden hierna Hamilton c.s. genoemd, geïntimeerde Steinhoff.

Hamilton c.s. zijn bij op 23 juni 2021 ter griffie van het hof ingekomen beroepschrift in hoger beroep gekomen van de beschikking van de rechtkamer Amsterdam van 15 juni 2021.

1.2. Bij V4-formulier van 5 juli hebben appellanten het hoger beroep ingetrokken.
Bij e-mail van 6 juli 2021 heeft de geïntimeerde meegedeeld dat zij instemt met de intrekking.

2. Beoordeling

2.1. Nu Hamilton c.s. het hoger beroep hebben ingetrokken, kunnen zij niet in hun beroep worden ontvangen.

2.2. Op grond van hetgeen onder 2.1 is overwogen, beslist het hof als volgt.

3. Beslissing

Het hof:

- verklaart Hamilton c.s. niet-ontvankelijk in hun hoger beroep.

Dit arrest is gewezen door mrs. J.C.W. Rang, J.W. Hoekzema en A.R. Sturhoofd en in het openbaar uitgesproken op 27 juli 2021 in tegenwoordigheid van de griffier.

judgment

AMSTERDAM COURT OF APPEAL

civil and tax law division

case number : 200.296.118/01

District Court case number : C/13/21/4-S

judgment of the three-judge civil division of 27 July 2021

in the matter between:

HAMILTON 2 B.V.,

with its corporate seat in Amsterdam,

HAMILTON B.V.,

with its corporate seat in Amsterdam,

appellants,

counsel: J. de Jong, practising in The Hague,

v

STEINHOFF INTERNATIONAL HOLDINGS N.V.,

with its corporate seat in Amsterdam,

respondent,

counsel: P. Kuipers, practising in Amsterdam.

1. The proceedings on appeal

The appellants are hereinafter referred to as Hamilton et al.; the respondent is hereinafter referred to as Steinhoff.

By notice of appeal received at the Registry of the Court of Appeal on 23 June 2021, Hamilton et al. appealed the decision rendered by the Amsterdam District Court on 15 June 2021.

1.2 The appellants withdrew their appeal through a V4 form dated 5 July.

The respondent informed the court by e-mail dated 6 July 2021 that it agreed to the withdrawal.

2. Assessment

2.1 As Hamilton et al. have withdrawn the appeal, they cannot be admitted in their appeal.

2.2 On the basis of the findings in para. 2.1, the Court of Appeal rules as follows.

3. Decision

The Court of Appeal:

- declares the appeal lodged by Hamilton et al. inadmissible.

This judgment was handed down by Justices J.C.W. Rang, J.W. Hoekzema and A.R. Stuurhoofd, and pronounced in open court on 27 July 2021 in the presence of the court clerk.

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