

2. A person to whom a decisive oath is administered may refer it back to their opponent, provided that it is not permissible to refer it back if the oath pertains to a fact not shared by both opponents but is exclusive to the person to whom the oath was administered.

3. It is not permissible for the one who administers or refers back the decisive oath to retract it once their opponent has agreed to swear.

Article (95)

1. The swearer must be legally competent to act in the matter upon which they are swearing.

2. Representation is not permissible in taking an oath, but a special power of attorney is accepted for administering the oath, accepting it, refusing it, and referring it back.

Article (96)

1. The oath is administered by the swearer saying, "I swear by Almighty God to tell the whole truth and nothing but the truth." The oath shall be taken in accordance with the customs of their religion or belief, upon their request.

2. The oath shall be administered in the wording approved by the Court.

Article (97)

1. It is not permissible to administer an oath on a matter that contravenes public order.

2. The Court shall prevent the administration of an oath if it is irrelevant to the lawsuit, unproductive, or impermissible. The Court may also prevent its administration if the opponent is acting in bad faith.

Article (98)

1. If the plaintiff is unable to provide evidence and requests the opponent's oath, the opponent shall swear it. If they refuse, the oath is referred back to the plaintiff upon the defendant's request. If the plaintiff then refuses the referred oath, their lawsuit is dismissed.

2. The oath is not referred back in matters known exclusively to the defendant, and judgment is rendered against them for their refusal.

3. The plaintiff may request the opponent's oath, provided that the case has not been decided by a final judgment.
4. It is not permissible for the one who administers or refers back the oath to retract it once their opponent has agreed to swear.

Article (99)

A party may not prove the falsity of an oath after it has been taken by the party to whom it was administered or referred back. However, if the falsity of the oath is established by a criminal judgment, the party who suffered harm from it may claim compensation, without prejudice to any right they may have to appeal the judgment issued against them due to the false oath.

Article (100)

The guardian, custodian, endowment supervisor, and those in their capacity may administer, refuse, and refer back the oath in matters in which they are permitted to act. The decisive oath shall be administered to them regarding actions they have directly undertaken.

Article (101)

Whoever administers an oath to their opponent must precisely state the facts on which they want the opponent to swear and present the wording clearly. The Court may amend it to direct it clearly and precisely to the fact required to be sworn upon.

Article (102)

The oath must be taken in the presence of the party who requested it, unless they decide to waive their presence or fail to attend despite being aware of the session's date.

Article (103)

1. Whoever is summoned to the Court to take an oath must attend.
2. If the person to whom the oath is administered appears in person and does not dispute its permissibility or relevance to the case, they must take it immediately or refer it back to their opponent; otherwise, they shall be considered as having refused. If they fail to attend without a valid excuse, they shall be considered as having refused.

3. If the person to whom the oath is administered appears and disputes its permissibility or relevance to the case, they must state the reasons. If the Court is not convinced, they must take the oath; otherwise, they shall be considered as having refused.

Article (104)

1. The oath shall be administered multiple times according to the number of beneficiaries, unless they are partners in the right or are content with a single oath.

2. The oath shall be administered multiple times according to the number of persons to whom it is directed.

3. The Court may be content with a single oath if multiple claims are combined.

Article (105)

1. At any stage of the case, the judge may, on their own initiative, administer a supplementary oath to either of the parties to base their judgment or decision on it regarding the subject of the case or the value of the award. The condition for administering this oath is that there is no complete proof in the case, and the case is not devoid of any evidence.

2. The party to whom this oath is administered may not refer it back to the other party.

Article (106)

The supplementary oath shall be taken by the guardian, custodian, endowment supervisor, and those in their capacity regarding actions they have directly undertaken.

Chapter Nine

Inspection

Article (107)

1. The Court or the supervising judge, as the case may be, may, on its own initiative or upon the request of a party, decide to inspect the subject of the dispute. The inspection decision shall specify its date, place, and method. The Court may delegate one of its judges for this purpose or appoint an expert to travel and inspect. Any absent parties shall be notified

at least (24) twenty-four hours before the scheduled time, and a report shall be drawn up detailing all actions related to the inspection.

2. The Court or the supervising judge, as the case may be, may appoint an expert to assist in the inspection and may hear any witnesses it deems necessary. The summons for these witnesses to attend shall be by request, even if verbal, from the clerk.

Article (108)

1. A person who fears the loss of evidence of a fact that is likely to become the subject of a dispute before the judiciary may request its inspection and the establishment of its condition. The request shall be submitted as an urgent case to the competent court in accordance with the relevant procedures. The provisions of Article (107) of this Law shall be observed in the inspection and establishment of the condition.

2. In the case of an urgent lawsuit, the Court may appoint an expert to travel, inspect, and hear the statements of those it deems necessary to hear. The Court must set a session to hear the parties' observations on the expert's report and work, following the rules stipulated in Chapter Ten of this Law.

Chapter Ten

Expertise

Article (109)

1. The Court or the supervising judge, as the case may be, may, on its own initiative or upon the request of a party, decide to appoint one or more experts from among state employees or from the list of experts, or appoint a local or international expert firm registered in the list of experts in accordance with applicable laws, to provide an opinion on technical matters required for deciding the case.

2. The selection of the expert shall take into account the suitability of their technical knowledge and expertise to the subject of the dispute.

3. If the parties agree on the choice of one or more experts, the Court shall approve their agreement.

Article (110)

If the expert is not registered in the list of experts, they must swear an oath before the appointing authority, whether it is the Court or the supervising judge, as the case may be, to perform their work with honesty and integrity; otherwise, the work shall be void. The presence of the parties is not required when the expert takes the oath. A record of the oath-taking shall be drawn up, signed by the judge, and filed in the case file.

Article (111)

The operative part of the decision to appoint an expert must include a precise statement of their mission and powers, the scheduled date for submitting the report, the session set for its review whether it is submitted or not, and the urgent measures they are authorized to take.

Article (112)

1. The Court shall, when necessary, determine the amount allocated for the expertise, the party responsible for depositing the amount, and set a deadline for it.
2. If the responsible party does not deposit the allocated amount for the expertise within the specified deadline, the other party may deposit the amount without prejudice to their right of recourse against their opponent.
3. If neither party deposits the amount, the Court may decide to stay the proceedings until the deposit is made for a period not exceeding one non-extendable month, whenever the decision depends on the expert's report, or it may decide to forfeit the party's right to insist on the appointment decision if it finds the excuses provided unacceptable.

Article (113)

Before commencing their mission, the expert must disclose any relationship with the parties to the lawsuit or any interest they have in it. Failure to do so shall result in the Court ruling for their removal and the return of any amounts received. This ruling shall be final and not subject to appeal, without prejudice to disciplinary sanctions and the right of the concerned parties to seek compensation from them.

Article (114)

1. Any of the parties may request the recusal of the expert if there is a reason to believe they cannot perform their mission impartially. In particular, an expert may be recused if they are a relative or in-law up to the fourth degree of one of the parties, an agent for one of them in their private business, a custodian or guardian of one of the parties, an endowment supervisor or similar, employed by one of the parties, or has a dispute with one of them, unless this dispute arose after the expert's appointment with the intention of recusing them.
2. A recusal request is not accepted from the party who appointed the expert based on their choice unless the reason for recusal occurred after their appointment. In all cases, a recusal request is not accepted after the closing of pleadings.
3. The expert must be notified of the recusal request filed against them and given a period not exceeding (2) two working days to respond to the request.
4. The Court or the supervising judge, as the case may be, shall decide on the recusal request within (3) three working days from the date of the expert's response or from the expiry of the deadline for its submission. The ruling issued on the request shall be final and not subject to appeal.

Article (115)

To perform their mission, the expert shall do the following:

1. Hear the statements and observations of the parties, and anyone whose statements are deemed necessary if the appointment decision authorizes it.
2. Request from the parties or others to hand over or allow inspection of books, records, documents, papers, or items deemed necessary for carrying out their mission.
3. Inspect the facilities, places, and items that need to be inspected to carry out their mission.

Article (116)

1. No person may, without legal justification, refuse to enable the expert to perform their mission as provided in Article (115) of this Law. In such a case, the expert shall report the matter to the Court, which may decide as

it deems appropriate, including compelling the refusing person and using force if necessary.

2. The expert must report to the Court or the supervising judge, as the case may be, if an obstacle prevents them from continuing their mission or if the scope of their mission needs to be expanded. The Court shall decide as it deems appropriate.

Article (117)

1. The expert shall prepare a report on their work, which must include the following:

a. A statement of the mission assigned according to the appointment decision.

b. The work completed in detail, statements of the parties and others, documents and evidence provided, and the technical analysis thereof.

c. The opinions of any experts consulted.

d. The result of their work, their technical opinion, and the grounds on which it is based, with precision and clarity.

2. If there are multiple experts, they must prepare a single report. If their opinions differ, they must state each opinion and its reasons in the report.

Article (118)

1. If the expert does not commence their mission without an acceptable excuse, is negligent in its performance, or delays submitting the report on the specified date without justification, a warning shall be issued within a period not exceeding (5) five working days. If they do not respond within the specified period, the Court shall decide to remove them and order the return of any amounts received, without prejudice to disciplinary sanctions and the right of concerned parties to claim compensation.

2. The decision to remove the expert and oblige them to return what they received shall be final and not subject to appeal.

3. If it becomes clear to the Court or the supervising judge, as the case may be, that the delay is caused by a party's fault, it shall impose a fine of not less than (3,000) three thousand dirhams and not exceeding (10,000) ten thousand dirhams. It may also rule for the forfeiture of their right to insist on the expert appointment decision.

Article (119)

1. The expert must file their report, in paper or electronic form, with the case management office. The report must be signed by them and contain the information referred to in Article (116) of this Law.
2. Before filing the final report, the expert must provide the parties with a copy of the preliminary report and give them a period of not less than (3) three working days to receive comments and observations. The expert must respond to these within (5) five working days, submit the final report to the Court or supervising judge in accordance with Clause (1) of this article, and send a copy of the final report to the parties within (3) three working days of filing.
3. Parties are prohibited from submitting new objections to the expert's report after it has been filed with the Court, unless such objections are new and based on evidence that was not available until after the report was filed.

Article (120)

Upon completion of their mission, the expert must return all papers, documents, or other items received within (10) ten days from the date of completion. If they refuse without an acceptable excuse, the Court shall order them to hand over what they received and impose a fine not exceeding (10,000) ten thousand dirhams. This ruling shall be final and not subject to appeal.

Article (121)

The Court or the supervising judge, as the case may be, may, on its own initiative or upon the request of a party, at any stage of the case, take the following actions:

1. Order the summoning of the expert to a session to discuss their report orally or in writing, and may ask them any questions it deems appropriate.
2. Allow the parties to question the expert.
3. Order the expert to complete any deficiencies in their work and rectify any shortcomings or errors. It may also appoint one or more experts to join the previously appointed expert.
4. Appoint another expert or more to complete deficiencies in the previous expert's work, rectify any shortcomings or errors, or re-examine the

mission. The person appointed by the Court may use the information from the previous expert.

Article (122)

1. The parties may, even before filing a lawsuit, agree to accept the result of the expert's report, and the Court shall act on their agreement, unless the report contains anything contrary to public order.
2. Without prejudice to the provision of Clause (1) of this article, the expert's opinion is not binding on the Court. If the Court does not adopt it in whole or in part, it shall state the reasons in its judgment.
3. If the Court does not adopt the expert's report in whole or in part due to the expert's negligence or error, it may order them to return all or part of what they received, as the case may be, without prejudice to disciplinary sanctions and the right of the concerned parties to seek compensation from them.

Article (123)

The party who lost the claim that was the subject of the expertise shall bear the cost of the expertise, unless the loss is partial, in which case each party shall bear the cost in proportion to their loss. The Court shall specify this in the judgment issued on the subject of the case.

Article (124)

1. As an exception to the procedures governing expertise, the Court or the supervising judge, as the case may be, may, by a decision recorded in the session minutes, appoint an expert to give their opinion orally on a simple technical matter that does not require lengthy or complex work. The Court may also decide that the opinion be submitted in writing.
2. The Court or the supervising judge, as the case may be, shall specify in the decision the date of the session in which the expert will present their opinion orally or the deadline by which the written opinion must be submitted.

Article (125)

The Court may rely on an expert's report submitted in another case instead of engaging an expert in the current case, without prejudice to the parties' right to discuss the contents of that report.