

**Federal Decree-Law No. (42) of 2022**  
**On the Promulgation of the Civil Procedure Law**

**We, Mohamed bin Zayed Al Nahyan**  
**President of the United Arab Emirates**

Having reviewed the Constitution,

- And Federal Law No. (1) of 1972 concerning the Competencies of Ministries and the Powers of Ministers, and its amendments,
- And Federal Law No. (10) of 1973 regarding the Federal Supreme Court, and its amendments,
- And Federal Law No. (6) of 1978 regarding the Establishment of Federal Courts and the Transfer of Competencies of Local Judicial Bodies in some Emirates to them, and its amendments,
- And Federal Law No. (26) of 1981 regarding the Maritime Commercial Law, and its amendments,
- And Federal Law No. (5) of 1985 on the Promulgation of the Civil Transactions Law of the United Arab Emirates, and its amendments,
- And Federal Law No. (11) of 1992 regarding the Civil Procedure Law, and its amendments,
- And Federal Law No. (18) of 1993 regarding Commercial Transactions, and its amendments,
- And Federal Law No. (28) of 2005 regarding Personal Status, and its amendments,
- And Federal Decree-Law No. (9) of 2016 regarding Bankruptcy, and its amendments,
- And Federal Law No. (13) of 2016 regarding Judicial Fees before Federal Courts, and its amendments,
- And Federal Law No. (17) of 2016 on the Establishment of Mediation and Conciliation Centers in Civil and Commercial Disputes, and its amendments,
- And Federal Law No. (7) of 2017 regarding Tax Procedures, and its amendments,

- And Federal Law No. (6) of 2018 regarding Arbitration,
- And Federal Law No. (10) of 2019 regarding the Regulation of Judicial Relations between Federal and Local Judicial Authorities,
- And Federal Decree-Law No. (19) of 2019 regarding Insolvency,
- And Federal Law No. (6) of 2021 regarding Mediation for the Settlement of Civil and Commercial Disputes,
- And Federal Decree-Law No. (32) of 2021 regarding Commercial Companies,
- And Federal Decree-Law No. (46) of 2021 regarding Electronic Transactions and Trust Services,
- And Federal Decree-Law No. (32) of 2022 regarding the Federal Judicial Authority,
- And Federal Decree-Law No. (34) of 2022 regarding the Regulation of the Legal Profession and Legal Consultancy,
- And Federal Decree-Law No. (35) of 2022 on the Promulgation of the Law of Evidence in Civil and Commercial Transactions,

And based on the proposal of the Minister of Justice, and the approval of the Cabinet,

We have issued the following Decree-Law:

### **Article One**

The attached Law shall be enforced regarding civil procedures before the courts in the State.

### **Article Two**

1. Federal Law No. (11) of 1992 regarding the Civil Procedure Law and its amendments is hereby repealed.
2. Any provision in any other legislation that contradicts or conflicts with the provisions of the Civil Procedure Law attached to this Decree-Law shall be repealed, with the exception of the power of the competent authority in the Emirate that has not transferred its local judiciary to the federal judiciary to form special courts or judicial committees to hear and rule on any specific legal case or matter in accordance with its law.

### **Article Three**

1. Courts shall, without fees and of their own accord, refer any cases before them that have fallen under the jurisdiction of other courts by virtue of the provisions of the Civil Procedure Law attached to this Decree-Law, in their current state. In the absence of one of the parties, the Case Management Office shall notify them of the referral order, summoning them to appear at the specified time before the court to which the case is referred.
2. The provisions of the preceding paragraph shall not apply to disputes and cases that have been ruled upon, or cases adjourned for judgment, and to appeals filed before the effective date of the Civil Procedure Law attached to this Decree-Law. The judgments issued therein shall remain subject to the rules governing methods of appeal in force on the date of their issuance.

### **Article Four**

The Chairman of the Federal Judicial Council and the heads of local judicial bodies, as the case may be, shall issue the necessary decisions for the implementation of the provisions of the Civil Procedure Law attached to this Decree-Law.

### **Article Five**

This Decree-Law shall be published in the Official Gazette and shall come into effect as of January 02, 2023.

Mohamed bin Zayed Al Nahyan  
President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

On: 7 / Rabi' Al-Awwal / 1444 H

Corresponding to: 3 / October / 2022 AD

# **Civil Procedure Law**

## **Preliminary Chapter General Provisions**

### **Article (1)**

1. The provisions of this Law shall apply to cases that have not been decided and procedures that have not been completed before the date it comes into effect, with the exception of:-
  - a. Provisions amending jurisdiction, when their effective date is after the closing of pleadings in the case before the court of first instance.
  - b. Provisions amending time limits, when the time limit began before their effective date.
  - c. Provisions regulating methods of appeal with respect to judgments issued before their effective date, if these laws repeal or create one of those methods.
2. Any procedure correctly carried out under a law in force shall remain valid unless otherwise provided.
3. Newly introduced time limits for inadmissibility of a lawsuit, forfeiture, or other procedural time limits shall only begin from the effective date of the law that introduced them.

### **Article (2)**

No claim or defense shall be accepted if its proponent does not have an existing and legitimate interest in it. However, a potential interest is sufficient if the purpose of the claim is to take precaution against imminent harm or to secure a right whose evidence is feared to be lost at the time of dispute.

### **Article (3)**

1. A lawsuit for the annulment of administrative decisions shall not be accepted after the lapse of (60) sixty days from the date of publication of the challenged administrative decision, its notification to the concerned party, or proof of their certain knowledge of it.

2. This time limit is interrupted by a grievance and objection to the competent administrative authority according to the procedures prescribed in the relevant legislation. The administrative authority must decide on the grievance within (60) sixty days from the date of its submission. If the decision is a rejection, it must be reasoned. The lapse of (60) sixty days after the submission of the grievance without a decision from the competent authorities on the grievance is considered a rejection of it. The time limit for filing the lawsuit is calculated from the date of the explicit or implicit rejection, as the case may be.

#### **Article (4)**

1. If this Law provides for a mandatory time limit for taking a measure that is effected by notification, the time limit shall not be considered observed unless the request is submitted or the notification procedures are initiated within it.
2. If this Law provides for a measure to be carried out by deposit, the deposit procedures must be initiated within the time limit specified in the Law.

#### **Article (5)**

1. The language of the courts is Arabic. The court shall hear the statements of litigants, witnesses, or others who are ignorant of the Arabic language through an interpreter after taking an oath, in accordance with the law.
2. Notwithstanding any provision in any other law, the Chairman of the Federal Judicial Council or the head of the local judicial authority, as the case may be, may decide for certain circuits designated to hear disputes related to specialized subjects, or in a specific lawsuit, or in some lawsuits, that the language of the trial, procedures, judgments, and decisions therein shall be English. The hearing of litigants, witnesses, or lawyers, and the submission of pleadings, memoranda, requests, and documents in these circuits shall be in English. The court shall hear the statements of litigants, witnesses, or others who are ignorant of the English language through an interpreter after

taking an oath in accordance with the law, in the cases and according to the rules and conditions issued by the decision.

### **Article (6)**

1. Notification shall be made upon the request of the litigant, the order of the competent court, or the Case Management Office, by means of a process server or in the manner specified by this Law.
2. The competent court, the Case Management Office, or the Supervising Judge, as the case may be, may authorize the plaintiff or their agent to carry out the notification by the means stipulated in Clause (1) of Article (9) of this Law.
3. Notification may be made by a private company or office, or more than one, in accordance with the provisions of this Law. The Chairman of the Federal Judicial Council or the head of the local judicial authority, as the case may be, shall issue a special regulation for the conduct of notification by private companies and offices in accordance with the provisions of this Law. Anyone assigned to undertake the notification process in this regard shall be considered a process server.
4. In all cases, notification may be carried out at the state level without being bound by the rules of territorial jurisdiction.

### **Article (7)**

1. No notification or initiation of any enforcement procedure may be carried out by a process server or enforcement officer before seven o'clock in the morning or after nine o'clock in the evening, nor on official holidays, except in cases of necessity and with the permission of the Supervising Judge, the head of the competent circuit, or the judge of summary matters.
2. If the notification is made by one of the technological means, whether to natural persons or private legal persons, the time limits stipulated in Clause (1) of this Article shall not apply, except for recorded calls.
3. For the government and public legal persons, the time for notification or initiation of enforcement related to their activities shall

be during their official working hours, except for notification by one of the technological means.

### **Article (8)**

1. The notification shall include the following data:-
  - a. The name, surname, profession or job, domicile, mobile phone number, fax number, and email address of the notification applicant, or their chosen domicile and place of work, and the name, surname, profession or job, domicile, and place of work of their representative if they are acting for another.
  - b. The name, surname, profession or job, domicile, or chosen domicile of the person to be notified. If their domicile is not known at the time of notification, then their last known domicile and place of work, and their mobile phone number, fax number, and email address, if any.
  - c. The name, position, and signature of the process server and the authority to which they belong.
  - d. The date, including the day, month, year, and hour at which the notification was executed.
  - e. The name of the court, the subject of the notification, the case number, and the date of the hearing, if any.
  - f. The name and capacity of the person to whom the notification was delivered, their surname, signature, seal, or thumbprint upon receipt, or proof of their refusal and the reason for it.
2. In the case of notification by technological means, the data specified in paragraphs (a), (b), (d), and (e) of Clause (1) of this Article shall suffice.
  1. If the official language of the defendant's nationality is not Arabic, the plaintiff must attach a certified English translation of the notification, unless there is a prior agreement between the parties to attach the translation in another language.
  2. The provision of Clause (3) of this Article shall apply to all civil and commercial lawsuits, except for labor lawsuits filed by workers and personal status lawsuits.

## **Article (9)**

1. The person to be notified shall be notified by any of the following methods:-
  - a. Recorded audio or video calls, text messages on a mobile phone, smart applications, email, fax, other technological means, or any other method agreed upon by the parties from the methods mentioned in this Law.
  - b. In person wherever found, or at their domicile or place of residence, or to their agent. If the notification is not delivered for a reason attributable to the person to be notified or if they refuse to accept it, this shall be considered as service in person. If the process server does not find the person to be notified at their domicile or place of residence, they must deliver the notification to any of the persons living with them, including spouses, relatives, in-laws, or employees in their service. In the event that any of the aforementioned persons refuse to accept the notification, or if no one who can legally receive the notification is found, or if the place of residence is closed, the process server must immediately affix the notification clearly on the outer door of their place of residence, or by posting it on the court's website.
  - c. At their chosen domicile.
  - d. At their place of work. If the person to be notified is not found, the notification must be delivered to their superior at work or to someone who states they are in charge of its management or is an employee there. This excludes notifications related to personal status lawsuits, which must be delivered to the person in person at their place of work.
2. The process server must verify the identity of the person to whom they deliver the notification, such that it appears they are over (18) eighteen years of age, and neither they nor their representative has an apparent interest that conflicts with the interest of the person being notified. In the case of notification by means of communication technologies stipulated in paragraph (a) of Clause (1) of this Article, the process server must ensure that this means, whatever it may be, belongs to the person being notified. In the case of notification by



recorded audio or video calls, they must also prepare a report documenting the content of the call, its time and date, and the identity of the person served. This report shall have probative value and shall be attached to the case file.

3. If it is not possible to notify the person to be notified in accordance with Clause (1) of this Article, the matter shall be presented to the Case Management Office, the competent judge, or the head of the circuit, as the case may be, to inquire from at least one of the relevant authorities and then notify them by posting on the court's website or by publishing in a widely circulated daily electronic or print newspaper issued in the State in Arabic, and in another newspaper issued in a foreign language if necessary and the person to be notified is a foreigner.

### **Article (10)**

Unless otherwise specifically provided for in any other legislation, a copy of the notification shall be served as follows:-

1. Ministries, federal and local government departments, public authorities, and public institutions of all kinds, the notification shall be delivered to their legal representative.
2. Private legal persons, associations, companies, private and individual establishments, and foreign companies with a branch or office in the State, if the notification relates to the company's branch, shall be notified in accordance with the provisions of Clause (1) of Article (9) of this Law. The notification shall be delivered at its management center to its legal representative or their substitute or one of its partners, as the case may be. In the absence of its legal representative or their substitute, delivery shall be made to an employee of their office. If it does not have a management center, or if it is closed, or if its manager or any of its employees refuses to accept service, notification shall be made by posting on the court's website or by affixing it directly without court permission, or by publication, as the case may be.
3. Members of the armed forces, the police, or those in a similar capacity, the notification shall be delivered to the competent

department—as determined by the two aforementioned bodies—for delivery to them.

4. Prisoners and detainees, the notification shall be delivered to the administration of the place where they are held for delivery to them, and proof of delivery of the papers to be notified to the prisoner or detainee themselves.
5. Seafarers of commercial vessels or their crew, the notification shall be delivered to the captain for delivery to them. If the vessel has left the port, delivery shall be made to its shipping agent.
6. Persons located outside the State who could not be notified by technological means, through private companies or offices, or by the method agreed upon by the parties, the notification shall be sent to the Ministry of Justice for referral to the Ministry of Foreign Affairs and International Cooperation to be delivered to the relevant diplomatic mission in the State, unless the methods of notification in this case are regulated by special agreements.

### **Article (11)**

The notification shall be deemed to have produced its effects as follows:-

1. From the date of its delivery in accordance with the provisions of Articles (9) and (10) of this Law, or from the date the person to be notified refuses to accept it.
2. After the lapse of (21) twenty-one working days starting from the date the relevant diplomatic mission in the State is notified of the letter from the Ministry of Foreign Affairs and International Cooperation containing the notification.
3. From the date of receipt of the fax, or the date of sending the email, mobile phone message, or any of the information technology means, or from the date the recorded audio or video call is verified.
4. From the date the notification is posted on the court's website on the designated page, and the posting shall continue for a period of not less than (15) fifteen days, and from the date of completion of affixing or publication in accordance with the provisions stipulated in this chapter.

## **Article (12)**

1. If the law sets a time limit estimated in days, months, or years for attendance or for a procedure to take place, the day of the notification or the occurrence of the event considered by law to start the time limit shall not be counted, and the time limit shall expire at the end of its last day.
2. If the time limit is estimated in hours, the hour of the notification or the occurrence of the event considered by law to start the time limit shall not be counted, and the time limit shall expire at the end of its last hour.
3. If the time limit is one that must elapse before the procedure, the procedure may not take place until after the last day of the time limit has passed.
4. If the last day of the time limit falls on an official holiday, the time limit shall be extended to the first working day thereafter.
5. Time limits specified in months or years shall be calculated according to the Gregorian calendar, considering a month as (30) thirty days and a year as (365) three hundred and sixty-five days, unless the law provides otherwise.

## **Article (13)**

1. A procedure shall be void if the law explicitly provides for its nullity or if it is marred by a fundamental defect or deficiency that prevents the purpose of the procedure from being achieved.
2. In all cases, nullity shall not be declared, despite being stipulated, if it is proven that the purpose of the procedure has been achieved.

## **Article (14)**

Except in cases where nullity relates to public order:-

1. It may only be invoked by the party for whose benefit it was established.
2. It may not be invoked by the party who caused it.
3. The nullity is cured if the party for whose benefit it was established waives it, either expressly or implicitly.

### **Article (15)**

A void procedure may be corrected even after it has been invoked, provided that this is done within the time limit prescribed by law for taking the procedure. If the procedure has no prescribed time limit in the law, the court shall set a suitable time limit for its correction. The procedure shall not be considered valid until the date of its correction.

### **Article (16)**

If a procedure is void but contains the elements of another procedure, the latter shall be considered valid as the procedure whose elements are met. If a procedure is void in part, only that part shall be void. The nullity of a procedure does not result in the nullity of the preceding or subsequent procedures if they are not based on it.

### **Article (17)**

The minutes of the hearing shall be considered an official document for what is recorded therein. It shall be drawn up by a clerk and signed by them and the judge, electronically or on paper, otherwise the minutes shall be void.

### **Article (18)**

Neither the process server, nor the clerks, nor any other judicial assistants may perform any act falling within the scope of their functions in lawsuits pertaining to themselves, their spouses, their relatives, or their in-laws up to the fourth degree, otherwise such act shall be void.

**Book One**  
**Litigation Before the Courts**  
**Part One**

**Jurisdiction of the Courts**

**Chapter One**  
**International Jurisdiction of the Courts**

**Article (19)**

With the exception of real actions relating to immovable property abroad, the courts shall have jurisdiction to hear lawsuits brought against a citizen and lawsuits brought against a foreigner who has a domicile or place of residence in the State.

**Article (20)**

The courts shall have jurisdiction to hear a lawsuit against a foreigner who has no domicile or place of residence in the State in the following cases:-

1. If they have a chosen domicile in the State.
2. If the lawsuit relates to assets in the State, or the inheritance of a citizen, or an estate opened therein.
3. If the lawsuit relates to an obligation concluded or performed, or was conditional upon its performance in the State, or a contract to be authenticated therein, or an event that occurred therein, or a bankruptcy declared in one of its courts.
4. If the lawsuit is brought by a wife who has a domicile in the State against her husband who had a domicile therein.
5. If the lawsuit relates to the maintenance of a parent, a spouse, an interdicted person, a minor, or their lineage, or guardianship of property or person, if the maintenance claimant, the spouse, the minor, or the interdicted person has a domicile in the State.
6. If it relates to personal status and the plaintiff is a citizen or a foreigner with a domicile in the State, provided the defendant has no

known domicile abroad or the national law is applicable to the lawsuit.

7. If one of the defendants has a domicile or place of residence in the State.

### **Article (21)**

The courts shall have jurisdiction to decide on preliminary issues and incidental claims related to the original lawsuit falling within their jurisdiction. They shall also have jurisdiction to decide on any claim related to this lawsuit that the proper administration of justice requires to be heard with it. They also have jurisdiction to order urgent and precautionary measures to be executed in the State, even if they do not have jurisdiction over the original lawsuit.

### **Article (22)**

If the defendant does not appear and the court does not have jurisdiction to hear the lawsuit according to the preceding articles, the court shall, of its own accord, rule that it lacks jurisdiction.

### **Article (23)**

Any agreement that contravenes the articles of this chapter shall be void.

## **Chapter Two**

### **Subject-Matter Jurisdiction of the Courts**

### **Article (24)**

1. The Courts of First Instance shall have jurisdiction to hear all initial claims, disputes, and lawsuits, except for those excluded by a special provision.

2. The Abu Dhabi Federal Court of First Instance shall have exclusive jurisdiction to hear all disputes in which ministries and federal entities are a party.

### **Article (25)**

Notwithstanding the provisions of the preceding article, each Emirate may establish committees with exclusive jurisdiction to hear disputes related to lease contracts for premises between the landlord and the tenant, and it may regulate the procedures for enforcing the decisions of those committees.

### **Article (26)**

The Courts of Appeal shall have jurisdiction to hear and decide on appeals filed before them against judgments, decisions, and orders that are appealable, issued by the Courts of First Instance, in the manner prescribed in this Law.

### **Article (27)**

1. A judge from the Court of First Instance shall be assigned at its headquarters to rule provisionally, without prejudice to the merits of the right, on urgent matters where there is a fear of the passage of time.
2. The trial court shall have jurisdiction to hear these matters if they are brought before it as an ancillary matter.

### **Article (28)**

The summary justice system has jurisdiction to order the imposition of judicial custody on movable or immovable property, or a collection of assets, concerning which a dispute has arisen or the right to it is not established, if the interested party has reasonable grounds to fear an imminent danger from the property remaining in the hands of its possessor.

## **Article (29)**

1. The first instance circuits, composed of a single judge, shall hear the following:-
  - a. First instance lawsuits, regardless of their value.
  - b. Judgments issued by the first instance circuit shall be final if the value of the lawsuit does not exceed (50,000) fifty thousand dirhams.
2. With the exception of administrative lawsuits, urgent lawsuits, and payment orders, the Chairman of the Federal Judicial Council or the head of the local judicial authority—as the case may be—may, by a decision, assign one or more circuits to decide on the lawsuits presented to them within a single session in which the decision is issued or a session is set for its issuance, in any of the following lawsuits:-
  - a. Lawsuits whose value does not exceed (1,000,000) one million dirhams.
  - b. Lawsuits for the validity of signature, regardless of their value.
3. The Case Management Office shall prepare the lawsuit and set the first session for the circuit referred to in Clause (2) of this Article within (15) fifteen days from the date of registration of the statement of claim. This period may be extended for one similar period only by a decision of the Supervising Judge. In the case of appointing an expert, the first session shall be set within (3) three working days from the date of receipt of the expert's report. Otherwise, all rules, provisions, and procedures stipulated in this Law shall apply to the preparation of the lawsuit before those circuits.
4. The Supervising Judge, with respect to the circuits referred to in Clause (2) of this Article, shall have the powers stipulated in Articles (45) and (74) of this Law.

## **Article (30)**

1. The Chairman of the Federal Judicial Council or the head of the local judicial authority—each according to their jurisdiction—may, by a decision, refer some lawsuits to one or more circuits of the Courts of



First Instance or Appeal, as the case may be. The Supervising Judge, in the preparation stage of the lawsuit, shall be assisted by one or more local or international experts to review or prepare expert reports that are presented to these circuits. The competent court may discuss the reports prepared or reviewed by the experts and may order the completion of any shortcomings in their work and the correction of any errors it identifies.

2. Judgments from the circuits referred to in Clause (1) of this Article shall be issued with the same procedures and controls stipulated in this Law.

### **Article (31)**

1. The Chairman of the Federal Judicial Council or the head of the local judicial authority—each according to their jurisdiction—shall issue regulatory decisions regarding the following:-
  - a. Controls for referring lawsuits before the circuits referred to in Article (30) of this Law, including the type or nature of those lawsuits.
  - b. Controls for the selection, appointment, and determination of remuneration or salaries of specialized experts, and the distribution of their work among the circuits formed as stated in Article (30) of this Law.
  - c. Special controls for the work of experts, prohibitions they must avoid, and the regulation of their relationship with judges and litigants.
2. The experts referred to in Article (30) of this Law shall be subject to the provisions stipulated in the legislation regulating the profession of experts before judicial authorities.

### **Article (32)**

1. Notwithstanding the provisions of Chapter Two and Four of Part Twelve of Book One of this Law and the provisions of the Mediation and Conciliation Law, the Federal Judicial Council or the head of the local judicial authority, as the case may be, or upon the agreement of

- the parties, may issue a decision to establish a circuit formed by way of secondment or appointment in accordance with the legislation regulating each authority.
2. The circuit shall have jurisdiction to decide on inheritance lawsuits and all disputes related to the inventory list, the liquidation of the estate, the division of its assets, and their distribution among the heirs, and any civil, real estate, or commercial lawsuit arising from or branching off the estate related to its ownership, liquidation, or any of its affairs between the heirs and third parties, and disputes that occur between the heirs and guardians and those in a similar capacity, as well as any incidental requests related to the exclusion or inclusion of an heir, or to wills, endowments, or the settlement between heirs in gifts arising from the estate or inseparably linked to it.
  3. The circuit may seek the assistance of the Case Management Office and the preparatory judge stipulated in this Law.
  4. The judgment issued by the circuit stipulated in Clause (1) of this Article is not appealable except through a petition for reconsideration. It is also permissible to retract that judgment according to the cases, controls, and procedures stipulated in this Law.

## **Chapter Three**

### **Local Jurisdiction of the Courts**

#### **Article (33)**

1. Jurisdiction shall lie with the court in whose circuit the defendant's domicile is located, unless the law provides otherwise. If the defendant has no domicile in the State, jurisdiction shall lie with the court in whose circuit their place of residence or place of work is located.
2. A lawsuit may be filed with the court in whose circuit the damage occurred in cases of compensation for personal injury or property damage.
3. In commercial matters, jurisdiction shall lie with the court in whose circuit the defendant's domicile is located, or the court where the

- agreement was made or wholly or partially performed, or the court in whose circuit the agreement must be performed.
4. If there are multiple defendants, jurisdiction shall lie with the court in whose circuit the domicile of one of them is located.
  5. In cases other than those stipulated in Article (34) and Articles (36) to (41) of this Law, it may be agreed that a specific court shall have jurisdiction to hear the dispute, in which case jurisdiction shall lie with this court.

### **Article (34)**

1. In real actions relating to immovable property and actions of possession, jurisdiction shall lie with the court in whose circuit the property or a part of it is located, if it is located in the circuits of multiple courts.
2. In personal actions relating to immovable property, jurisdiction shall lie with the court in whose circuit the property or the defendant's domicile is located.

### **Article (35)**

In lawsuits related to existing companies or associations, or those in liquidation, or private institutions, jurisdiction shall lie with the court in whose circuit their management center is located. The lawsuit may be filed with the court in whose circuit the branch of the company, association, or institution is located, in matters connected with this branch.

### **Article (36)**

Lawsuits related to estates that are filed before partition by a creditor of the estate or by some heirs against others shall be under the jurisdiction of the court in whose circuit their permanent residence is located or the circuit of the court where most of the estate's assets in the State are located.

### **Article (37)**

1. In lawsuits related to bankruptcy, jurisdiction shall lie with the court in whose circuit the bankrupt's commercial establishment is located. If they have multiple commercial establishments, the court of the place they have taken as the main center for their commercial activities shall have jurisdiction.
2. If the trader retires from trade, the lawsuit shall be filed before the court to which the defendant's domicile is subject.
3. Lawsuits arising from bankruptcy shall be filed before the court that declared the bankruptcy.

### **Article (38)**

In disputes related to supplies, contracts, rent for dwellings, and wages of workers, artisans, and employees, jurisdiction shall lie with the court of the defendant's domicile or the court in whose circuit the agreement was made or performed.

### **Article (39)**

In disputes related to a claim for the value of insurance, jurisdiction shall lie with the court in whose circuit the domicile of the beneficiary or the location of the insured property is located.

### **Article (40)**

1. In lawsuits involving a request for a temporary or urgent measure, jurisdiction shall lie with the competent Court of First Instance in whose circuit the defendant's domicile is located, or the court in whose circuit the measure is requested to be taken.
2. In urgent disputes related to the enforcement of judgments and instruments, jurisdiction shall lie with the court in whose circuit the enforcement is taking place.

## **Article (41)**

The court hearing the original lawsuit shall have jurisdiction to decide on incidental claims, however, the defendant in a warranty claim may assert lack of jurisdiction of the court if it is proven that the original lawsuit was filed only for the purpose of bringing them before a court other than their competent court.

## **Article (42)**

If the defendant has neither a domicile nor a place of residence in the State, and it is not possible to determine the competent court according to the preceding provisions, jurisdiction shall lie with the court in whose circuit the plaintiff's domicile or place of residence is located. If the plaintiff has neither a domicile nor a place of residence in the State, jurisdiction shall lie with the Federal Court in the capital.

## **Article (43)**

In obligations for which a chosen domicile for their performance has been previously agreed upon, jurisdiction shall lie with the court in whose circuit the defendant's domicile or the chosen domicile for performance is located.

## **Part Two**

### **Filing, Registering, and Valuing a Lawsuit**

#### **Chapter One**

#### **Filing and Registering a Lawsuit**

## **Article (44)**

1. A lawsuit is filed with the court upon the plaintiff's request, by lodging their statement of claim with the Case Management Office, or by registering it electronically or on paper according to the practice in the court.

2. The statement of claim shall include the following data:-
- a. The plaintiff's name, surname, ID number or a photocopy thereof, or its equivalent from government-issued documents proving their identity, profession or job, domicile, place of work, phone number, fax number, or email address. If the plaintiff does not have a domicile in the State, they must specify a chosen domicile. The name of their legal representative, surname, ID number, profession or job, domicile, place of work, fax number, or email address.
  - b. The defendant's name, surname, ID number or a photocopy thereof, or its equivalent from government-issued documents proving their identity, profession or job, domicile, place of work, phone number, fax number, or email address. If the defendant or their representative does not have a domicile in the State, they must specify a chosen domicile. The name of their legal representative, surname, ID number, profession or job, domicile, place of work, fax number, or email address.
  - c. The court before which the lawsuit is filed.
  - d. The date of lodging the statement of claim with the Case Management Office.
  - e. The subject of the lawsuit, the claims, and their grounds.
  - f. The signature of the plaintiff or their representative, after verifying the identity of each.

### **Article (45)**

- 1. An office called the "Case Management Office" shall be established at the headquarters of the competent court.
- 2. The Case Management Office shall be composed of a head and a sufficient number of court employees, legal and otherwise, under the supervision of the head of the competent court or one or more judges.
- 3. The Case Management Office is entrusted with preparing and managing the lawsuit before referring it to the competent court, including its registration, notification, and the exchange of memoranda, documents, and expert reports between the litigants.

4. The Supervising Judge may issue a decision of inadmissibility of the lawsuit for non-payment of its fee, or for non-payment of the difference in fees or expenses, the non-payment of which would delay a decision in the lawsuit. They may record abandonment or waiver. The preceding decisions are subject to the usual methods of appeal according to general rules. They may appoint an expert, refer the lawsuit for investigation, hear witnesses, interrogate the litigants, and refer them to mediation or conciliation as the case may be. They may also impose the procedural penalties prescribed in this Law, have the right to meet with the parties to the lawsuit, propose settlement to them, and attempt to reconcile them. For this purpose, they may order their personal attendance. If a settlement is reached, they shall issue a decision confirming this settlement and the content of the parties' agreement, which shall have the force of an enforceable instrument.
5. If the course of the proceedings is interrupted by law due to the death of a litigant, their loss of legal capacity, or the cessation of the capacity of the representative who was conducting the proceedings on their behalf before the referral of the lawsuit, or if a request is submitted to join a party against whom the lawsuit was not filed, the Case Management Office shall refer it to the Supervising Judge to decide by a decision on the correction of the form of the lawsuit in these cases.
6. If the lawsuit before the Case Management Office includes a plea from one of the litigants that would result in not proceeding with the lawsuit, or if it is an appeal against a judgment ruling inadmissibility or lack of jurisdiction, or an appeal filed after the legally prescribed time limit, the Case Management Office shall present it to the Supervising Judge to refer it after completion of notification, by a decision, to the competent court sitting in chambers to decide on what was presented to it. The court may set a hearing to consider the merits if the matter so requires. In all cases, the trial court may not return the lawsuit to the Supervising Judge or the Case Management Office after its jurisdiction has been established.
7. If the lawsuit before the Case Management Office includes an urgent request, the Case Management Office shall promptly present it to the Supervising Judge to decide on the urgent request within a period

- not exceeding (3) three working days, and an appeal against the decision shall be made in accordance with the provisions of this Law.
8. The right to raise defenses not related to public order, as specified in Article (86) of this Law, shall be forfeited if not raised by the litigant present before the Case Management Office.
  9. If a claim is submitted to the Case Management Office that meets the conditions for issuing a payment order as stipulated in Articles (143) and (144) of this Law, it shall be presented to the Supervising Judge to refer it to the competent payment order judge to decide on it within the period specified in Clause (4) of Article (144) of this Law.

### **Article (46)**

1. The time for appearance before the Case Management Office or the competent court is (10) ten working days. In cases of necessity, this time may be reduced to (3) three working days.
2. The time for appearance in urgent lawsuits is (24) twenty-four hours. In cases of necessity, this time may be reduced to not less than one hour, provided that the notification is made to the litigant themselves, unless the lawsuit is a maritime one.
3. The reduction of the time limits referred to in Clauses (1) and (2) of this Article shall be by permission of the competent judge or the Supervising Judge—as the case may be—and a copy thereof shall be served on the litigant with the statement of claim.
4. Failure to observe the times for appearance does not result in nullity, without prejudice to the right of the person notified to request an adjournment to complete the time limit.

### **Article (47)**

1. After the fees have been paid, the Case Management Office shall register the lawsuit in the special register for that purpose—electronically or on paper—noting the date of registration and recording the plaintiff's knowledge of the hearing. The lawsuit shall then be considered registered and productive of its effects from the date the statement of claim was submitted, provided the fee is paid within a period not exceeding (3) three working days from the day



following the notification of payment, otherwise the registration shall be considered as if it had not been.

2. The Chairman of the Federal Judicial Council or the head of the local judicial authority—as the case may be—may issue a guidance manual for the system of registering lawsuits, requests, grievances, and appeals in a manner consistent with the financial, administrative, and technical rules in force in each authority and that facilitates the registration procedures and operations.

### **Article (48)**

1. In cases other than the use of remote communication technology or electronic registration, the plaintiff, upon registering their statement of claim, must deposit copies thereof equal to the number of defendants and one copy for the Case Management Office to be saved electronically or in a special file. They must also deposit with the statement of claim copies of all documents supporting their lawsuit, as well as any expert reports prepared by registered experts, if any.
2. The defendant must deposit electronically or on paper a memorandum of their defense and copies of their documents, signed by them, within (10) ten working days from the date of being notified of the lawsuit.
3. When the authenticity of copies of documents is disputed, the court, the Case Management Office, or the Supervising Judge, as the case may be, shall set the earliest session for the submission of their originals. A denial of documents submitted by a litigant shall not be considered merely because they are copies, unless the denier insists on their incorrectness or that they were not issued by the person to whom they are attributed. If the authenticity of the denied documents or their issuance by the person to whom they are attributed is proven, and the denial of their authenticity was unjustified and resulted in delaying the lawsuit proceedings or incurring additional unjustified expenses for the litigant who submitted the documents, the Supervising Judge or the competent judge, as the case may be, may decide to impose a fine on the person who denied those documents or claimed their incorrectness, of not

less than (1,000) one thousand dirhams and not more than (10,000) ten thousand dirhams. This shall not prevent addressing the body responsible for regulating the legal profession in this regard, if the court finds justification for it.

4. Taking into account the text of Article (5) of this Law, translated documents must be certified according to the law if they are written in a foreign language.

### **Article (49)**

1. In cases other than the use of technology and remote communication means, the Case Management Office shall, on the day following the registration of the statement of claim at the latest, deliver a copy of it and its accompanying copies, papers, and documents to the entity responsible for its notification, to carry out the notification on the form prepared for this purpose and to file it. If the file is electronic, the judicial authority shall enable the litigants to view it in the system or send it to them electronically or by other technological means.
2. The statement of claim shall be served electronically or in hard copy within (10) ten working days from the date of its delivery to the process server. If a hearing for the case is scheduled within this period, the service must be completed before the hearing.
3. Nullity shall not result from the failure to observe the time limit prescribed in clauses (1) and (2) of this Article.

## **Chapter Two**

### **Valuation of the Lawsuit**

#### **Article (50)**

1. The value of the lawsuit shall be estimated on the day it is filed. In all cases, the estimation shall be based on the last claims submitted by the litigants. The estimation of the lawsuit's value shall include interest, damages, revenue, expenses, and other valued accessories due on the day

it is filed. However, the value of the building or planting shall be considered in all cases if its removal is requested.

2. In all cases, a request for the appointment of an expert and other evidentiary requests shall not be included in the estimation of the lawsuit's value if submitted with other substantive claims.

### **Article (51)**

1. If the value is not stated in currency but can be estimated in currency, it shall be estimated by the Court.

2. If the subject of the claim is a sum of money in a currency other than that of the United Arab Emirates, the value of the lawsuit shall be estimated by its equivalent in the State's currency.

3. Lawsuits related to real estate ownership shall be valued based on the value of the real estate. If the real estate is not valued, or it is an unvalued vacant land, its value shall be considered to exceed the cassation appeal threshold.

4. If the lawsuit requests the validation, annulment, or termination of a contract, its value shall be estimated based on the value of the subject matter of the contract. For barter contracts, the lawsuit shall be valued based on the greater of the two exchanged values.

5. If the lawsuit requests the validation, annulment, or termination of a continuous contract, the estimation shall be based on the total monetary consideration for the entire contract period. If the said contract has been partially executed, a lawsuit for its termination shall be valued based on the remaining period.

6. Lawsuits related to the dissolution of a company and the appointment of a liquidator shall be valued based on the value of the company's capital as stated in its articles of association.

7. A lawsuit for the eviction of a leased property shall be valued based on the annual rent.

8. If the lawsuit is between a creditor and a debtor regarding a seizure or a real right in security, its value shall be estimated by the value of the debt or the value of the property subject to the seizure or the real right, whichever

is less. As for a lawsuit filed by a third party claiming ownership of this property, it shall be valued based on its value.

9. If the lawsuit includes claims arising from a single legal cause, the estimation shall be based on their total value. If they arise from different legal causes, the estimation shall be based on the value of each one separately.

10. Without prejudice to Clause (1) of this Article, and with the exception of commercial papers and documents that the Court has requested any of the litigants to submit or extract, a request to extract, retrieve, or return documents, records, or certificates shall be valued at (5,000) five thousand dirhams.

11. If the lawsuit is for compensation of an unspecified value, the value of the claim shall be considered not to exceed the cassation appeal threshold.

12. If the lawsuit is for a claim that cannot be valued according to the preceding rules, its value shall be considered equal to the minimum cassation appeal threshold.

### **Part Three**

## **Attendance and Absence of Litigants and Power of Attorney for Litigation**

### **Chapter One**

## **Attendance and Absence of Litigants**

### **Article (52)**

1. Without prejudice to the Law Practice Act, on the day appointed for hearing the lawsuit before the Case Management Office or the Court, as the case may be, the litigants shall appear in person or by an agent, whether a lawyer, a relative or an in-law up to the fourth degree, or by an agent from among their employees if the litigant is a private legal person, provided that the power of attorney - in the latter case - is issued by its legal representative, stating his/her job title, and authenticated by the notary public in each litigation.

2. For the issuance of a special power of attorney in the lawsuit referred to in the last case of Clause (1) of this Article, the agent must meet the following conditions: -

- a. Be a citizen enjoying full legal capacity and holding a university degree in law.
- b. Any other conditions specified by the Law on the Regulation of the Legal Profession.

3. The attendance of a licensed representative from a lawyer's office with a power of attorney is accepted before the Case Management Office only in lawsuits where the lawyer is appointed.

### **Article (53)**

1. If neither the claimant nor the defendant appears, the court shall rule on the lawsuit if it is ready for judgment; otherwise, it shall decide to dismiss it. If (30) thirty days elapse without any of the litigants submitting a request to proceed with it during that period, or if both parties fail to appear after it has proceeded, it shall be considered as if it had never been. The Case Management Office shall present it after the expiry of the period mentioned in this paragraph to the competent judge to issue a decision to that effect.

2. The court may decide to dismiss the lawsuit if the claimant is absent at any session and the defendant is present, unless the latter requests a judgment in the lawsuit.

3. If the lawsuit is before the Case Management Office, the decision to dismiss and consider the lawsuit as if it had never been shall be by a decision issued by the supervising judge immediately after the expiry of the period referred to in Clause (1) of this Article.

### **Article (54)**

1. The proceedings shall be considered in the presence of the defendant if he appears in person or by an agent, or submits a power of attorney for him before the Case Management Office or at any trial session or before the expert or arbitrators, or files a memorandum of his defense, even if he fails to appear thereafter.

2. Subject to the provisions of Article (76) of this Law, the claimant may not, in the session from which his opponent was absent, make new requests or amend the initial requests, unless the amendment is in the interest of the defendant and does not affect any of his rights.

3. The defendant may not, in the absence of the claimant, request a judgment against him for any claim.

### **Article (55)**

Subject to the provision of Clause (1) of Article (56) of this Law, if the served defendant fails to appear, the court shall rule on the lawsuit, and the judgment shall be considered as in the presence of the one who did not attend.

### **Article (56)**

1. If the court or the Case Management Office finds, upon the defendant's absence, that the service of the statement of claim is invalid, it must adjourn the lawsuit to a subsequent session for him to be properly served.

2. If the court finds, upon the claimant's absence, that he was not legally aware of the session, it must adjourn the lawsuit to a subsequent session where he shall be properly served.

### **Article (57)**

1. The litigant served with the lawsuit must follow its adjournments, session dates, and procedures. The judgments and decisions of the Court, the supervising judge, and the Case Management Office, as the case may be, issued after the commencement of the litigation shall be effective without the need for service, except for the administration of a decisive oath or challenging for forgery.

2. If the day specified for the session date or for the issuance of the judgment falls on a holiday for any reason, the session is considered adjourned to the same day of the following week without the need for notification.

## **Chapter Two**

### **Power of Attorney for Litigation**

#### **Article (58)**

1. The court shall accept from the litigants those whom they appoint as agents in accordance with the provisions of the law.
2. The agent must prove his power of attorney from his client with an official document.
3. The power of attorney may be given by a statement recorded in the minutes of the session.

#### **Article (59)**

1. The issuance of a power of attorney by one of the litigants shall make the domicile of his agent the considered domicile for the service of papers necessary for the progress of the lawsuit in the degree of litigation for which he is appointed. A litigant who does not have an agent in the country where the court is located must choose a domicile there.
2. The withdrawal or dismissal of the agent shall not prevent the proceedings from continuing against him unless the opponent is notified of the appointment of a replacement or of the client's intention to conduct the lawsuit himself.
3. The agent may not withdraw from the agency at an inappropriate time and without the permission of the court.

#### **Article (60)**

A power of attorney for litigation authorizes the agent to carry out the necessary actions and procedures for filing the lawsuit, following it up, defending in it, and taking precautionary measures until a judgment is issued on its substance in the degree of litigation for which he was appointed and serving this judgment, without prejudice to what this Law has required a special authorization for.

## **Article (61)**

1. Whatever the agent states in the session in the presence of his client shall be considered as what the client himself states, unless he denies it during the hearing of the lawsuit in the same session.
2. Without special authorization, it is not permissible to admit the claimed right, waive it, settle, arbitrate in it, accept, administer or refer back the oath, abandon the litigation, waive the judgment wholly or partially, or waive any means of appeal, lift a seizure, abandon securities while the debt remains, allege forgery, recuse a judge or expert, make a real offer or accept it, or any other action for which the law requires a special authorization.

## **Article (62)**

No judge, Public Prosecutor, member of the Public Prosecution, or any employee of the courts may act as an agent for litigants in attendance or pleading, whether orally or in writing, even if the lawsuit is filed before a court other than the one to which he is affiliated, otherwise the act shall be void. However, they may do so for those whom they legally represent, their spouses, ascendants, and descendants up to the second degree.

## **Part Four**

### **Intervention of the Public Prosecution**

## **Article (63)**

The Public Prosecution may file a lawsuit in the cases provided for by law, and in these cases, it shall have the same rights as the litigants.

## **Article (64)**

With the exception of summary proceedings, the Public Prosecution must intervene in the following cases, otherwise the judgment shall be void:

1. Lawsuits which it may file itself.
2. Appeals and applications before the Federal Supreme Court, with the exception of cassation appeals in civil, commercial, and administrative matters.



3. Lawsuits concerning persons with no legal capacity, persons with partial legal capacity, the absent, and the missing.
4. Lawsuits relating to charitable endowments, gifts, and bequests designated for charitable purposes.
5. Lawsuits for the recusal of judges and members of the Public Prosecution.
6. Any other case in which the law stipulates its mandatory intervention.

### **Article (65)**

With the exception of summary proceedings, the Public Prosecution may intervene in the following cases:-

1. Lack of jurisdiction due to the absence of judicial authority.
2. Preventive composition from bankruptcy.
3. Lawsuits in which it deems intervention necessary due to their connection with public order or morals.

Any other case in which the law provides for its permissible intervention.

### **Article (66)**

The court may, at any stage of the lawsuit, order the case file to be sent electronically or in hard copy to the Public Prosecution if a matter relating to public order or morals arises. The intervention of the Public Prosecution in this case shall be mandatory.

### **Article (67)**

1. The Public Prosecution is considered represented in the lawsuit once it has been notified or has submitted a memorandum of its opinion. Its attendance is not required unless the law provides for it.
2. In all cases, the attendance of the Public Prosecution is not required when the judgment is issued.

### **Article (68)**

In all cases where the law stipulates the intervention of the Public Prosecution, the Case Management Office at the court must notify the

Public Prosecution within a maximum of (3) three working days from the date of the lawsuit's registration. If a matter in which the Public Prosecution intervenes arises during the hearing of the lawsuit, its notification shall be based on an order from the court.

### **Article (69)**

The Public Prosecution shall be granted, upon its request, a period of at least (7) seven working days to submit a memorandum of its opinion. This period shall begin from the day the case file is sent to it.

### **Article (70)**

The intervention of the Public Prosecution shall be at any stage of the lawsuit before the closing of pleadings.

### **Article (71)**

In all lawsuits where the Public Prosecution is a joining party, the litigants may not, after it has presented its opinion and requests, request oral arguments or submit new memoranda. However, they may submit a written statement to the court to correct facts mentioned by the Public Prosecution. Nevertheless, the court may, in exceptional circumstances where it deems it appropriate to accept new documents or supplementary memoranda, authorize their submission and the reopening of pleadings, with the Public Prosecution being the last to speak.

### **Article (72)**

The Public Prosecution may appeal a judgment in cases where the law requires or permits its intervention, if the judgment violates a rule of public order or if the law provides for it.

## **Part Five**

### **Session Procedures and Order**

#### **Chapter One**

#### **Session Procedures**

##### **Article (73)**

Pleadings shall take place at the first session. If the claimant or the defendant submits at this session a document that he could have submitted within the period prescribed in Clause (2) of Article (48) of this Law, the court shall accept it if it does not result in the adjournment of the lawsuit's hearing. If the acceptance of the document results in the adjournment of the lawsuit, the court may, on its own initiative or upon the request of the litigants, issue a decision fining the party responsible for the delay an amount not less than (2,000) two thousand dirhams and not exceeding (5,000) five thousand dirhams. Nevertheless, both the claimant and the defendant may submit documents in response to the opponent's defense or incidental claims.

##### **Article (74)**

1. The court or the supervising judge shall impose on any court employee or litigant who fails to file documents or perform any lawsuit procedure within the time limit set by the court or the Case Management Office, a fine of not less than (1,000) one thousand dirhams and not exceeding (10,000) ten thousand dirhams. This shall be by a decision recorded in the minutes of the session, which shall have the force of an enforceable judgment, and it shall not be appealable by any means.
2. The court or the supervising judge, as the case may be, may exempt the convicted person from all or part of the fine if he presents an acceptable excuse.
3. If any litigant, after being fined, refuses to file the document or perform the required procedure in the lawsuit, the supervising judge may refer it to the competent court to rule on it in its current state or decide to consider it as if it had never been, as the case may be.

4. If any of the litigants, after being fined, refuses to file the document or perform the required procedure, the court may rule on the lawsuit in its current state.

### **Article (75)**

The fine decision issued in accordance with the provisions of Articles (73) and (74) of this Law may be enforced by the court or the supervising judge, as the case may be, and enforcement shall be carried out according to the procedures of compulsory execution provided for in this Law.

### **Article (76)**

1. The court may allow the litigants during the course of the lawsuit to submit new documents, pleas, or means of proof, or to amend their claims or submit incidental claims that they were unable to submit to the Case Management Office. It may rule that their submission is inadmissible if it is satisfied that they could have been submitted to the Case Management Office. The litigants' memoranda shall be served by filing them with the Case Management Office, by exchanging them with an endorsement on the original copy by the opponent to that effect, or by electronic means.
2. The court shall seek clarification from the litigants regarding any deficiencies it sees in the lawsuit or its documents.
3. When reserving the lawsuit for judgment, the court may allow the litigants to exchange closing memoranda within the deadlines it sets, in accordance with the rules stipulated in Article (128) of this Law.

### **Article (77)**

The court may offer settlement to the litigants, and for this purpose, it may order their personal attendance. The settlement shall be recorded and enforced in accordance with the procedures, rules, and effects stipulated in Article (81) of this Law.

### **Article (78)**

1. The court may not adjourn the lawsuit more than once for a single reason attributable to one of the litigants, except for an unforeseen reason after the referral, such as the death of a litigant, loss of legal capacity,

intervention by a third party, a challenge of forgery, submission of proof of a related criminal case on the same subject, or a request by one of the litigants to submit proof of settlement, provided that the adjournment period does not exceed two weeks.

2. The court may not adjourn the lawsuit for more than (10) ten sessions, regardless of the number of reasons.

3. In all cases, the court must issue the judgment terminating the litigation within a period not exceeding (80) eighty days from the date of the first hearing of the lawsuit before it.

## **Chapter Two**

### **Order of the Session**

#### **Article (79)**

With the exception of personal status and inheritance lawsuits, pleadings shall be public unless the laws in force in the State provide otherwise, or the court deems it necessary, on its own initiative or at the request of one of the litigants, to hold them in private to maintain public order, observe morals, or respect family privacy.

#### **Article (80)**

1. The litigants shall be called at the appointed time for the hearing of the lawsuit.

2. The claimant has the right to begin the lawsuit, unless the defendant concedes the matters stated in the statement of claim and alleges that there are legal reasons or additional facts that defeat the claimant's lawsuit, in which case the right to begin the lawsuit shall be with the defendant.

3. The litigant who has the right to begin the lawsuit may state his case and present his evidence to prove it. The other litigant may then state his defense and present his evidence to prove it.

4. The litigant who began the lawsuit may present evidence to rebut the opponent's evidence.

5. The court shall hear the oral arguments of the litigants at their request and shall determine their duration. The defendant shall be the last to speak.

6. The court may question the litigants and hear the testimony of anyone whose testimony it deems necessary to hear.

### **Article (81)**

The litigants may, at any stage of the lawsuit, request the court to record their agreement in the minutes of the session, provided it does not conflict with the applicable legislation or public order and morals in the State. The minutes and the attached agreement shall, in both cases, have the force of an executive instrument, and a copy thereof shall be provided in accordance with the rules prescribed for delivering copies of judgments.

### **Article (82)**

1. The control and management of the session are vested in its presiding judge, who, for this purpose, may remove from the courtroom anyone who disrupts its order. If he does not comply, the court may immediately order his detention for (24) twenty-four hours or fine him an amount not less than (1,000) one thousand dirhams and not exceeding (3,000) three thousand dirhams, and its order in this regard shall be final.

2. The court may, before the end of the session, revoke the order it issues pursuant to Clause (1) of this Article.

### **Article (83)**

The court may, on its own initiative, order the expungement of any inappropriate, offensive, or public order or morals-violating phrases from any litigation paper or memorandum.

### **Article (84)**

The presiding judge shall order the recording of minutes for any crime committed during the session and for any investigative measures he deems necessary to take. He shall then order the referral of the papers to the Public Prosecution to take the necessary action. If the situation requires, he may order the arrest of the person who committed the crime,

without prejudice to the provisions of the Law on the Regulation of the Legal Profession.

### **Article (85)**

If, during the trial sessions, a crime of assault is committed against the court, one of its members, or one of the court's employees, or perjury, or any crime punishable by law, the court shall order the arrest of the accused and refer him to the Public Prosecution to take the necessary action.

## **Part Six**

### **Pleas, Joinder, Intervention, and Incidental Claims**

#### **Chapter One**

#### **Pleas**

### **Article (86)**

1. The plea of lack of local jurisdiction, the plea to refer the lawsuit to another court due to the same dispute being before it or for connection, the plea of nullity not related to public order, and all other pleas related to procedures not connected to public order must be raised together before any other procedural plea, request, or defense in the lawsuit or inadmissibility, otherwise the right to what was not raised is forfeited. The appellant's right to these pleas is also forfeited if not raised in the appeal statement.

2. All grounds on which the plea related to procedures not connected to public order is based must be raised together, otherwise the right to what was not raised is forfeited.

### **Article (87)**

The plea of lack of jurisdiction of the court due to the absence of its authority or because of the type of lawsuit may be raised at any stage of the lawsuit, and the court shall rule on it on its own initiative.

### **Article (88)**

Subject to Clause (5) of Article (33) of this Law, if the litigants agree to litigate before a court other than the one to which the lawsuit was filed, the court may order the referral of the lawsuit to the court they agreed upon after verifying the validity of the agreement.

### **Article (89)**

If the same dispute is brought before two courts, the plea for referral must be raised before the court to which the dispute was brought last for a ruling.

### **Article (90)**

The plea for referral due to connection may be raised before either of the two courts, and the court to which the lawsuit is referred is obliged to hear it.

### **Article (91)**

1. Whenever the court rules for referral in the preceding cases, it may set a session for the litigants to appear before the court to which the lawsuit has been referred. The Case Management Office shall notify the absent litigants of this.
2. If the court does not set a session for the litigants, the court to which the lawsuit is referred shall set one and notify the litigants.
3. The court to which the lawsuit is referred is obliged to hear it unless it lacks subject-matter or type-matter jurisdiction.
4. If the court rules that it lacks subject-matter jurisdiction, it shall oblige the claimant to pay (10%) of the fee and return the remainder to him.

### **Article (92)**

The nullity of the service of statements of claim and summonses arising from a defect in the service, in the court's statement, or in the session date is cured by the attendance of the served person or his agent at the session specified in this service or by filing a memorandum of defense, without prejudice to his right to an adjournment to complete the notice period.



### **Article (93)**

1. A plea of inadmissibility of the lawsuit may be raised at any stage of the lawsuit.
2. If the court finds that the plea of inadmissibility of the lawsuit due to the defendant's lack of standing is well-founded, it shall adjourn the lawsuit to serve the person with standing at the claimant's request.
3. If the lawsuit is filed against a government entity or a public legal person, the effect of the correction shall extend back to the day the lawsuit was filed, even if the correction is made after the prescribed deadline for filing it.

### **Article (94)**

The plea that the lawsuit may not be heard due to a prior judgment may be raised at any stage of the lawsuit, and the court shall rule on it on its own initiative.

### **Article (95)**

The court shall rule on the pleas independently, unless it orders them to be joined to the substance. In that case, the court shall state what it has ruled on regarding both the plea and the substance.

## **Chapter Two**

### **Joinder and Intervention**

### **Article (96)**

A litigant may join in the lawsuit anyone who could have been properly sued in it when it was filed. If the defendant claims a right of recourse for the claimed right against a person who is not a party to the lawsuit, he may submit a written request to the Case Management Office or to the court, stating the nature and grounds of the claim and requesting the joinder of that person as a party to the lawsuit. This shall be done through the usual procedures for filing a lawsuit. He may also be joined if he attends the session and agrees before the court to this procedure.

### **Article (97)**

Any person with an interest may intervene in the lawsuit, either joining one of the litigants or seeking a judgment for himself on a claim related to the lawsuit. This shall be done through the usual procedures for filing a lawsuit or by an oral request made at the session in the presence of the litigants and recorded in its minutes. Intervention is not accepted after the closing of pleadings.

### **Article (98)**

1. The court may, on its own initiative, order the joinder of anyone it deems necessary for the interest of justice or to reveal the truth. The court shall specify the session to which he shall be served, determine his status in the litigation, and order his service for that session through the usual procedures for filing a lawsuit.
2. The court may instruct the Case Management Office to serve a sufficient summary of the litigants' claims in the lawsuit to any person whom it deems, for the interest of justice or to reveal the truth, should be aware of it.

## **Chapter Three**

### **Incidental Claims**

#### **Article (99)**

1. The claimant or the defendant may submit incidental claims that are connected to the original claim in a way that makes it conducive to the proper administration of justice to hear them together.
2. These claims are submitted to the court through the usual procedures for filing a lawsuit or by an oral request made at the session in the presence of the opponent and recorded in its minutes.

#### **Article (100)**

The claimant may submit incidental claims for: -

1. What includes correcting the original claim or amending its subject matter to address circumstances that arose or became apparent after the lawsuit was filed.
2. What is complementary to the original claim, resulting from it, or indivisibly connected to it.
3. What includes an addition or change in the cause of action while the subject matter of the claim remains the same.
4. A request for a precautionary measure.
5. What the court permits to be submitted that is connected to the original claim.

### **Article (101)**

The defendant may submit incidental claims for:-

1. A request for judicial set-off and a request for a judgment in his favor for damages suffered from the original lawsuit or from a procedure therein.
2. Any claim which, if granted, would result in the claimant not being awarded all or part of his claims, or being awarded them with a restriction in the defendant's favor.
3. Any claim that is indivisibly connected to the original lawsuit.
4. What the court permits to be submitted that is connected to the original lawsuit.

### **Article (102)**

1. Incidental claims are not accepted after the closing of pleadings.
2. The court shall rule on the said claims along with the original lawsuit whenever possible; otherwise, it shall reserve the incidental claim for judgment after investigation.

## **Part Seven**

### **Stay of Proceedings, Interruption, Abatement, Extinction by Lapse of Time, and Abandonment**

#### **Chapter One**

#### **Stay and Interruption of Proceedings**

##### **Article (103)**

1. The lawsuit may be stayed if the litigants agree not to proceed with it for a period not exceeding (6) six months from the date the court approves their agreement. This stay shall not affect any mandatory time limit set by law for a procedure. Neither party may expedite the lawsuit during that period except with the consent of his opponent.

2. If neither litigant expedites the lawsuit within (8) eight days following the end of the period, the claimant shall be deemed to have abandoned his lawsuit and the appellant to have abandoned his appeal. The Case Management Office shall present it after the expiry of the period mentioned in this paragraph to the competent judge to issue a decision to that effect.

##### **Article (104)**

The court shall order a stay of the lawsuit if it deems it necessary to suspend the judgment on its substance pending the resolution of another issue on which the judgment depends. Once the cause of the stay is removed, any of the litigants may expedite the lawsuit.

##### **Article (105)**

1. The course of proceedings is interrupted by law upon the death of a litigant, his loss of capacity to sue, or the loss of capacity of his legal representative, unless any of these events occur after the closing of pleadings in the lawsuit. If there are multiple litigants, the court shall declare the proceedings interrupted with respect to the one affected by the cause of interruption and adjourn the hearing for the others.

2. The proceedings are not interrupted by the death of the lawsuit's agent or the termination of his agency by withdrawal or dismissal. The court may grant a suitable period for the litigant whose agent has died or whose agency has been terminated to appoint another agent if he so desires.

3. The interruption of the proceedings results in the suspension of all procedural deadlines that were running against the litigant affected by the cause of interruption and the nullity of all procedures that take place during the interruption.

### **Article (106)**

The lawsuit shall resume its course with respect to the litigant affected by the cause of interruption by a summons served on the person who replaces the deceased, the one who lost the capacity to sue, or the one whose capacity has ceased, at the request of the other party, or by a summons served on this party at the request of those persons. The lawsuit shall also resume its course if the heirs of the deceased, the person who replaces the one who lost the capacity to litigate, or the person who replaces the one whose capacity has ceased, attend the session that was set for its hearing and proceed with it.

### **Article (107)**

If a cause of interruption occurs after the closing of pleadings in the lawsuit, the court may rule on it based on the final statements and claims, or it may reopen the pleadings at the request of the person who replaces the deceased, the one who lost the capacity to sue, or the one whose capacity has ceased, or at the request of the other party.

## **Chapter Two**

### **Abatement, Extinction by Lapse of Time, and Abandonment of Proceedings**

### **Article (108)**

1. Any litigant with an interest, in the event of non-progression of the lawsuit due to the claimant's action or omission, may request a judgment

of abatement of the proceedings once (6) six months have elapsed since the last valid litigation procedure.

2. The period for abatement of the proceedings in cases of interruption shall only begin from the day the person requesting the judgment of abatement serves the heirs of his deceased opponent, or the person who replaces the one who lost the capacity to litigate, or the one whose capacity has ceased, with notice of the existence of the lawsuit between him and his original opponent.

3. The period prescribed for the abatement of the proceedings shall apply to all persons, even those with no or partial legal capacity, without prejudice to their right to recourse against their legal representatives for compensation due to their negligence in pursuing the lawsuit, which led to its abatement.

### **Article (109)**

1. The request for a judgment of abatement of the proceedings shall be submitted to the court before which the lawsuit sought to be abated is pending.

2. Abatement of the proceedings may be claimed as a plea if the claimant expedites his lawsuit after the expiry of the (6) six months.

3. The request or plea must be made against all claimants or appellants; otherwise, it will be inadmissible.

### **Article (110)**

A judgment of abatement of the proceedings entails the abatement of judgments issued therein for evidentiary procedures and the cancellation of all litigation procedures, including the statement of claim. However, it does not extinguish the right to file the lawsuit, nor the final judgments issued therein, nor the procedures preceding those judgments, nor admissions made by the litigants, nor the oaths they have sworn. This, however, does not prevent the litigants from relying on the investigation procedures and expert works that have been completed, unless they are void in themselves.

### **Article (111)**

Whenever a judgment is rendered for the abatement of proceedings in an appeal, the appealed judgment shall be considered final in all cases.

Whenever a judgment is rendered for the abatement of proceedings in a petition for reconsideration before the judgment accepting the petition, the petition for reconsideration shall abate. However, after the judgment accepting the petition, the preceding rules for appeal or first instance shall apply, as the case may be.

### **Article (112)**

1. In all cases, the proceedings shall be extinguished by the lapse of one year from the last valid procedure therein. The extinction shall have the same effects as its abatement.

2. The provision of the preceding paragraph shall not apply to an appeal by way of cassation.

### **Article (113)**

1. The claimant may abandon the proceedings by a notice to his opponent, by an explicit statement in a memorandum signed by him or his legal representative with his opponent's acknowledgement, or by an oral statement in the session which is recorded in the minutes.

2. Abandonment is not effective after the defendant has submitted his claims except with his acceptance. However, his objection to the abandonment shall be disregarded if he has pleaded lack of jurisdiction of the court, referral of the case to another court, nullity of the statement of claim, inadmissibility due to a prior judgment, or any other plea intended to prevent the court from proceeding with the lawsuit.

### **Article (114)**

Abandonment of the proceedings shall have all the effects of its abatement, and the abandoning party shall be liable for the costs of the lawsuit.

## **Article (115)**

1. If a litigant, during the proceedings, expressly or implicitly waives a procedure or a procedural document, the procedure or document shall be considered as if it had never been.
2. Waiving a judgment entails waiving the right established by it.

## **Part Eight**

### **Disqualification, Recusal, and Withdrawal of Judges**

## **Article (116)**

1. A judge shall be disqualified from hearing a lawsuit and prohibited from hearing it, even if not recused by any of the litigants, in the following cases:
  - 
  - a. If he is the spouse of one of the litigants, or is a relative or in-law up to the fourth degree.
  - b. If he or his spouse has an ongoing dispute with one of the litigants.
  - c. If he is an agent for one of the litigants in his private business, a guardian, or a curator for him, or his presumed heir, or is the spouse of a guardian or curator of one of the litigants, or has a relationship of kinship or affinity up to the fourth degree with this guardian or curator or with a member of the company's board of directors or one of its managers, and this member or manager has a personal interest in the lawsuit.
  - d. If he, his spouse, one of his relatives or in-laws in the direct line, or someone for whom he is an agent, guardian, or curator has an interest in the pending lawsuit.
  - e. If there is a relationship of kinship or affinity up to the fourth degree between him and one of the judges of the panel. In this case, the more junior judge shall withdraw.
  - f. If there is a relationship of kinship or affinity up to the second degree between him and the representative of the Public Prosecution or the defender of one of the litigants.
  - g. If he has given an opinion, pleaded for one of the litigants in the lawsuit, or written about it, even if that was before his employment in the judiciary,



or if he had previously heard it as a judge, expert, or arbitrator, or had given testimony in it.

h. If he has filed a compensation lawsuit against the recusal applicant or filed a complaint against him with the competent authority.

2. The act or judgment of the judge in the preceding cases shall be void, even if done with the agreement of the litigants.

3. If this nullity occurs in a judgment issued in a cassation appeal, the litigant may request the court to annul this judgment and rehear the appeal before a panel in which the judge who was the cause of the nullity is not a member.

### **Article (117)**

A judge may be recused for one of the following reasons:

1. If he or his spouse has a lawsuit similar to the one he is hearing, or if a dispute arises for either of them with one of the litigants or his spouse after the lawsuit before the judge has been filed, unless this lawsuit was filed for the purpose of recusing him from hearing the lawsuit before him.

2. If his ex-wife from whom he has a child, or one of his relatives or in-laws in the direct line, has an ongoing dispute before the judiciary with one of the litigants in the lawsuit or with his spouse, unless this dispute was filed after the lawsuit before the judge was filed for the purpose of recusing him.

3. If one of the litigants works for him, or if he has been accustomed to eating or living with one of the litigants, or if he has received a gift from him before or after the lawsuit was filed.

4. If there is enmity or affection between him and one of the litigants that suggests he may not be able to judge without bias.

5. If one of the litigants has chosen him as an arbitrator in a previous case.

### **Article (118)**

1. If a judge is disqualified from hearing a lawsuit or if a cause for recusal as provided in Articles (116) and (117) of this Law exists, he must inform the president of the court of this. In the case of a cause for recusal, the

president of the court may permit the judge to withdraw, and all this shall be recorded in a special minute kept at the court.

2. A judge, even if qualified to hear the lawsuit and even if no cause for recusal exists, may, if he feels embarrassed to hear the lawsuit for any reason, present the matter of his withdrawal to the president of the court to consider approving his withdrawal.

3. If one of the preceding situations occurs with the president of the court, he shall present the matter to his deputy.

### **Article (119)**

1. If a cause for recusal as stated in Article (117) of this Law exists for a judge and he does not withdraw, the litigant may recuse him. The recusal is made by a request submitted to the president of the court to which the judge belongs, signed by the applicant himself or his authorized agent, with the power of attorney attached to the request. The recusal request must include its reasons and be accompanied by any supporting documents.

2. The recusal applicant must deposit, upon submitting the request, an amount of (5,000) five thousand dirhams as security. The security is multiplied by the number of judges sought to be recused. The president of the court will not accept the recusal request if it is not accompanied by proof of deposit of the security. A single security deposit is sufficient for each recusal request of a judge in case of multiple applicants if they submit their request in a single application, even if the reasons for recusal differ. The court shall fine the applicant an amount not less than (5,000) five thousand dirhams and not exceeding (10,000) ten thousand dirhams, with forfeiture of the security, if his request is rejected.

### **Article (120)**

1. The recusal request must be submitted before any plea or defense in the case; otherwise, the right to it is forfeited. However, a recusal may be requested if its causes arise thereafter or if the applicant proves that he was not aware of them.

2. In all cases, the litigant's right to request recusal is forfeited if the request is not submitted before the closing of pleadings, provided he was

notified of the session set for hearing the lawsuit and the reasons for recusal existed and were known to him until the closing of pleadings.

### **Article (121)**

1. The president of the court must inform the judge sought to be recused of the recusal request and its attachments as soon as possible.
2. The judge must respond in writing to the facts and reasons of the recusal within the seven days following his notification. If he does not respond within this period or accepts the reasons for recusal and these reasons are legally valid for recusal, the president of the court shall issue an order for his withdrawal.
3. If the judge responds to the reasons for recusal and does not accept a legally valid reason for his recusal, the person to whom the request was submitted shall appoint the panel that will hear the recusal and set a date for its hearing. The Case Management Office shall notify the applicant and the judge of this.

The other parties in the original lawsuit shall also be notified of the date to submit any recusal requests they may have in accordance with the preceding article. The said circuit shall investigate the recusal request in chambers, then rule after hearing the statements of the person requesting recusal and the judge's comments, if necessary or if so requested. During the investigation of the recusal request, it is not permissible to question the judge or administer an oath to him.

4. If recusal requests are submitted before the closing of pleadings in the first recusal request, the president of the court, or his substitute as the case may be, shall refer these requests to the same circuit before which the request is pending, to decide on all of them in a single judgment.
5. The proceedings for the recusal request must proceed and be decided upon even if the filer decides to withdraw it.
6. The judgment on the recusal request shall be pronounced in a public session and shall not be subject to appeal.

### **Article (122)**

The submission of a recusal request shall result in the suspension of the original lawsuit until a final judgment is rendered on it. However, in urgent

cases and upon the request of the other party, a judge may be appointed to replace the one whose recusal is requested.

### **Article (123)**

The Court of Appeal shall rule on a recusal request if the judge whose recusal is sought is a judge in that court or a judge in the Court of First Instance under its jurisdiction.

### **Article (124)**

1. If the recusal of all judges of the Court of First Instance is requested and the Court of Appeal accepts the recusal request, it shall refer the lawsuit to another Court of First Instance for a judgment on its merits.

2. If the recusal of all or some of the judges of the Court of Appeal is requested, such that an insufficient number remains to render a judgment, the recusal request shall be submitted to the next higher court. If it accepts the recusal request, it shall refer the lawsuit to another Court of Appeal for a judgment on its merits.

### **Article (125)**

The rules and procedures set forth in Chapter Eight shall apply to the recusal of a member of the Public Prosecution if they are an adjointed party, for any of the reasons stipulated in Articles (116) and (117) of this Law.

## **Chapter Nine**

### **Judgments**

#### **Section One**

#### **Issuance of Judgments**

### **Article (126)**

After reserving the case for judgment and during deliberations, the court may not hear one of the parties or their attorney except in the presence of the opposing party, nor may it accept papers or memoranda from one party without the other party's review thereof; otherwise, the procedure

shall be void, unless it is a settlement agreement signed by both parties and notarized by a notary public.

### **Article (127)**

Once the pleadings in the case are concluded, the court shall either rule on it or set a date for issuing the judgment. It may not extend the date for issuing the judgment or reopen the case for pleadings except once, through a reasoned decision announced in the session and recorded in its minutes. The issuance of this decision is considered a notification to the parties of the new date. In either case, the period shall not exceed two weeks.

### **Article (128)**

1. Deliberation on judgments shall be confidential among the judges collectively, and no one other than the judges who heard the pleadings may participate.
2. The president shall collect the opinions, starting with the most junior judge, then the most senior, and then he shall state his opinion. Judgments are issued by unanimous or majority vote. If a majority is not reached and the opinions are split into more than two, the group with the fewest members or the group including the most junior judge must join one of the two opinions from the larger group, after taking the opinions a second time.
3. The judgment shall be issued by the judge or the president and judges of the circuit, as the case may be.
4. A record shall be drafted for the filing of the judgment on the date set for its issuance, indicating the names of the judges who were present at its filing, and it shall be signed by the president of the circuit or the judge, as the case may be.

### **Article (129)**

1. In all cases, judgments must include the reasons upon which they are based, and upon issuance, they shall be filed in the case file, signed by the president and members of the circuit, whether electronically or manually.

2. In urgent matters, if the judgment is issued in the pleading session, the judgment, including its reasons, may be filed within (3) three working days from the date of its issuance.

3. Violation of the provisions contained in clauses (1) and (2) of this article shall result in the nullity of the judgment.

### **Article (130)**

1. The judgment must state the court that issued it, the date of its issuance, its location, the type of case, the names of the judges who heard the pleadings and issued the judgment, and the names of the parties and their presence or absence.

2. The judgment must include a summary of the facts of the case, then the parties' claims, a brief summary of their substantive defense, and the opinion of the Public Prosecution, if any. Thereafter, the reasons for the judgment and its operative part shall be stated.

3. Deficiency in the factual grounds of the judgment, a serious omission or error in the names and capacities of the parties, and the failure to state the names of the judges who issued the judgment shall result in the nullity of the judgment.

### **Article (131)**

1. The copy of the judgment by which execution is to be carried out shall be stamped with the court's seal and signed by the competent official after adding the executory formula. It shall only be delivered to the party who has an interest in executing the judgment, provided that the judgment is enforceable, or the judgment is appended with the executory formula by electronic signature if obtained remotely.

2. A second executory copy may not be delivered to the same party unless the first copy is lost or becomes unusable, and this shall be done by order of the judge or the president of the circuit, as the case may be.

3. A certified copy of the judgment, electronic or paper, may be given to any interested party who requests it. It shall not be given to others except with the permission of the judge or the president of the circuit, as the case may be.

## **Article (132)**

1. Notwithstanding the provisions of Articles (127) and (129) of this Law, the circuits stipulated in clause (2) of Article (29) of this Law shall decide on the cases before them by a decision, the reasons for which shall be filed in the same session.

2. The decisions referred to in clause (1) of this article may be appealed before the competent Court of Appeal sitting in chambers, in accordance with the rules, procedures, and deadlines prescribed for appealing judgments.

## **Section Two**

### **Costs of the Lawsuit**

## **Article (133)**

1. Upon issuing the judgment or decision that concludes the litigation before it, the court must, of its own accord, rule on the costs of the lawsuit.

2. The costs of the lawsuit shall be awarded against the losing party. The costs shall include the lawyer's fees, which the court assesses according to the rules and standards specified in the Law Organizing the Legal Profession, and the cost of translating the notice. If there are multiple losing parties, the court may order the costs to be divided equally or in proportion to the interest of each in the lawsuit, as the court deems appropriate. They shall not be held jointly and severally liable unless they are jointly and severally liable for the obligation adjudicated. Lawyer's fees shall not be multiplied by the number of winning or losing parties or by the number of attorneys.

3. The costs of intervention shall be awarded against the intervener if they had independent claims and their intervention was ruled inadmissible or their claims were rejected.

## **Article (134)**

The court may order the winning party to bear all or part of the costs if the winning party caused futile expenses to be incurred or left their opponent in ignorance of the decisive documents in their possession or the content of those documents.

### **Article (135)**

If each of the two parties fails in some of their claims, it may be ruled that each party bears the costs they have paid, or that the costs be divided between them as the court deems appropriate in its judgment. The court may also rule that all costs be borne by one of them.

### **Article (136)**

1. The court may award damages to cover the expenses arising from a vexatious lawsuit or defense.
2. Without prejudice to the provisions of Article (133) of this Law, the court, when issuing the final judgment on the merits, may impose a fine of not less than (1,000) one thousand dirhams and not exceeding (10,000) ten thousand dirhams on a party who takes a vexatious action or raises a vexatious claim, plea, or defense.

## **Section Three**

### **Correction and Interpretation of Judgments**

### **Article (137)**

1. The court may, by a decision issued upon the request of one of the parties or of its own accord, without a hearing, correct any purely material, clerical, or calculation errors in its decision or judgment. The correction shall be made on the decision or judgment being corrected and signed by the presiding judge of the session.
2. The incorrect entry or issuance of the decision or judgment in the electronic system is considered a material error.
3. If a decision is issued rejecting the correction, it may only be appealed along with an appeal of the decision or judgment itself. However, a decision issued for correction may be appealed independently through the appeal methods permissible for the decision or judgment being corrected.

### **Article (138)**

1. The parties may request the court that issued the judgment to interpret any ambiguity or vagueness in its operative part. The request shall be submitted in the usual manner for filing a lawsuit. The judgment issued



with the interpretation is considered to supplement in all respects the judgment it interprets and is subject to the same rules regarding methods of appeal as that judgment.

2. The parties may request the interpretation of judicial decisions and orders. In this case, the request shall be submitted in the same way the decision or order was submitted, and the same effects stipulated in clause (1) of this article shall apply.

### **Article (139)**

If the court has omitted to rule on some of the substantive claims, it shall, upon the request of an interested party, consider the request and issue a decision or judgment, as the case may be, on the omitted claims after notifying the opponent thereof. The decision or judgment shall be subject to the rules of appeal that apply to the original decision or judgment.

## **Chapter Ten Orders upon Petitions**

### **Article (140)**

1. In cases where a party has grounds to obtain an order, they shall submit a petition to the competent judge or to the president of the circuit hearing the case after its registration. This petition shall be in two copies unless filed electronically, and shall include the facts of the request, its grounds, the petitioner's domicile and place of work, and the designation of a chosen domicile for them in the State if they do not have a domicile or place of work therein. The supporting documents shall be attached to the petition.

2. The judge or the president of the circuit, as the case may be, shall issue his order in writing on one of the two copies of the petition or electronically, by the day following its submission at the latest. It is not necessary to state the reasons on which the order is based unless it contradicts a previously issued order, in which case the reasons for issuing the new order must be stated, otherwise it shall be void. This order shall be recorded in a special register or in the minutes of the session.

3. The order shall be executed by a letter issued by the judge or the president of the circuit, as the case may be, to the concerned authority.

The petition shall be kept in the file without the need for notification or an executory formula. If execution is impossible for a reason attributable to a natural or private legal person, the judge or the president of the circuit, as the case may be, may impose a fine of not less than (1,000) one thousand dirhams and not exceeding (10,000) ten thousand dirhams for each day of delay in execution. This shall be by a reasoned decision not subject to any means of appeal. The judge or the president of the circuit, as the case may be, may relieve the convicted person from all or part of the fine if they provide an acceptable excuse after full execution.

4. The fine judgment referred to in clause (3) of this article may be executed by its issuer after notifying the convicted person.

5. An order issued upon a petition shall lapse if not submitted for execution within (15) fifteen days from the date of its issuance. This lapse does not prevent the issuance of a new order.

### **Article (141)**

1. The petitioner, if the order is issued rejecting their request, the person against whom it was issued, and interested parties have the right to appeal the order to the competent court or the judge who issued it, as the case may be, unless the law provides otherwise. The original lawsuit pending before the court does not prevent the hearing of the appeal.

2. The appeal must be reasoned.

3. The appeal is submitted independently or in conjunction with the original lawsuit, through the procedures for filing ancillary claims.

4. The appeal shall be decided by upholding, modifying, or revoking the order. This judgment shall be subject to appeal only. If the order was issued by the Court of Appeal, the appeal shall be before a different panel within the same court, and its judgment shall not be subject to appeal by any means.

### **Article (142)**

Appealing an order does not suspend its execution. However, the court or the judge may order a temporary stay of execution in accordance with the provisions of Article (221) of this Law.

## **Chapter Eleven**

### **Payment Orders**

#### **Article (143)**

1. Notwithstanding the general rules for filing a lawsuit initially, the provisions of the following articles shall be followed if the creditor's right is established in writing—electronically or on paper—and is due for payment, and all that is claimed is a debt of a specific amount of money or a movable specified by its identity or by its type and quantity.
2. The provisions of clause (1) of this article shall be followed if the right holder is a creditor with a commercial paper, except for a check considered an executory instrument under paragraph (d) of clause (2) of Article (212) of this Law.
3. In all cases, seeking a payment order does not preclude the request for interest, compensation, or the taking of any precautionary measures.

#### **Article (144)**

1. The creditor must first summon the debtor to pay within a period of at least (5) five days, then obtain a payment order from a judge of the court in whose jurisdiction the debtor's domicile is located, or the court where the agreement was made or wholly or partially executed, or the court in whose jurisdiction the agreement must be executed. The right stated in the summons to pay may not be less than that requested in the petition for the payment order. The summons to pay shall be made by any of the means of notification specified in this Law.
2. The payment order is issued based on a petition, electronic or paper, as the case may be, submitted by the creditor, attaching the debt instrument and proof of the summons for its payment. The case management office shall retain the submitted petition until the appeal period expires.
3. The petition must include the data of the statement of claim as stipulated in Article (44) of this Law.
4. The order shall be issued within (3) three working days of the petition's submission, specifying the amount to be paid or what has been ordered to be delivered of movables, as the case may be, and also indicating whether it is issued in a commercial matter.

5. The petition referred to in this article shall have the effects of filing a lawsuit from the date of its submission, even if the court is not competent.

### **Article (145)**

The judge must rule on the request with full or partial acceptance or rejection. If he issues a decision of rejection or inadmissibility, this decision must be reasoned. If the decision relates to the enforcement of a commercial contract, it must be reasoned in all cases.

### **Article (146)**

1. The debtor shall be notified of the payment order issued against them in accordance with the provisions and methods set out in this Law.
2. The payment order issued against the debtor shall be deemed null and void if it is not notified within (3) three months from the date of the order's issuance.

### **Article (147)**

1. The parties may appeal a payment order if its value is within the final jurisdictional limit of the court of first instance, within (15) fifteen days from the date the debtor is notified of the order, and from the date the decision is issued for the creditor. The appeal is heard before the competent payment order judge and follows the usual procedures for filing a lawsuit. When hearing the appeal, the rules and procedures followed before the court shall be observed. The judge shall rule on the appeal with a final judgment that concludes the litigation and is not subject to further appeal, with its reasons filed in the same session.
2. Subject to clause (1) of this article, a payment order whose value exceeds the final jurisdictional limit of the court of first instance may be appealed, in accordance with the procedures and deadlines for appealing judgments. The grounds for appeal must be submitted upon its filing, otherwise it will be ruled inadmissible.
3. Subject to Articles (45) clause (8) and (150) of this Law, the court shall decide on the appeal in chambers without preparation by the case management office, within one week of completing the notification of the

appeal statement. It may set a hearing date for the merits if necessary. It may not return the claim to the court of first instance.

4. Notwithstanding the provisions of clause (3) of this article, if the claim was initially filed in the usual manner for filing a lawsuit, and the supervising judge issued a payment order for it, and the Court of Appeal finds that the conditions for issuing the order are not met, it shall return it to the court of first instance to be heard according to the usual procedure for hearing lawsuits.

5. The rules and procedures for appealing a payment order or its appeal shall apply to the precautionary measures issued with the order.

### **Article (148)**

The rules regarding expedited enforcement shall apply to the payment order in accordance with the provisions of this Law.

### **Article (149)**

If a creditor with a debt that meets the conditions for a payment order wishes to garnish the debtor's assets held by a third party, the ordinary procedures for the intended garnishment shall be followed.

### **Article (150)**

Notwithstanding the provisions of this chapter, if a case before the court meets the conditions for issuing a payment order, it shall be decided according to the rules and procedures prescribed for ruling on lawsuits.

## **Chapter Twelve**

### **Methods of Appealing Judgments**

#### **Section One**

#### **General Provisions**

### **Article (151)**

1. Judgments may only be appealed by the losing party. No appeal may be made by one who has explicitly or implicitly accepted the judgment, or by one who has been granted all their claims, unless the law provides otherwise.

2. The appellant shall not be prejudiced by their appeal.

### **Article (152)**

Judgments issued during the course of a lawsuit that do not conclude the litigation may not be appealed until after the issuance of the judgment that concludes the entire litigation. This is with the exception of temporary and summary judgments, judgments suspending the lawsuit, judgments subject to compulsory execution, judgments of lack of jurisdiction, and judgments of jurisdiction if the court does not have jurisdiction to rule on the case.

### **Article (153)**

1. The time limit for appealing a judgment begins on the day following the date of its issuance, unless the law provides otherwise. This period begins from the date of notification of the judgment to the losing party in cases where they failed to attend all the sessions scheduled for hearing the case and did not submit a statement of defense, as well as if the losing party failed to attend and submit a memorandum in all sessions following the resumption of the case after its suspension for any reason.

2. The time limit begins from the date of notification of the judgment if a reason for the interruption of the litigation occurs and the judgment is issued without joining the person who acts on behalf of the deceased, the one who lost legal capacity, or the one whose capacity has ceased.

3. The notification of the judgment shall be in accordance with the procedures prescribed in Articles (9) and (10) of this Law.

4. Failure to observe the time limits for appealing judgments results in the forfeiture of the right to appeal, and the court shall rule on the forfeiture of its own accord.

### **Article (154)**

1. The time limit for appeal is suspended by the death of the losing party, their loss of capacity to litigate, or the cessation of the capacity of the person who was conducting the litigation on their behalf.

2. The suspension shall not cease until after the notification of the judgment to the heirs collectively without mentioning their names and

capacities, at the last domicile of their decedent if the heirs are not known, or its notification to the person who acts on behalf of the one who lost capacity to litigate or whose capacity has ceased.

3. If the heirs are known, the notification shall be in accordance with the procedures prescribed in Articles (9) and (10) of this Law.

### **Article (155)**

1. If the winning party dies during the time limit for appeal, their opponent may file the appeal and notify it to their heirs collectively without mentioning their names and capacities, at the last domicile of their decedent. The appeal shall then be re-notified to all heirs by their names and capacities before the session scheduled for hearing the appeal or within the time limit set by the court for notifying the heirs who were not notified of the first session and did not attend. If the case is urgent, re-notification to the apparent heirs shall suffice.

2. If the winning party loses legal capacity to litigate during the time limit for appeal or the capacity of the person conducting the litigation on their behalf ceases, the appeal may be filed and notified to the one who lost capacity or whose representative's capacity has ceased. The appeal shall then be re-notified to the person who acts on behalf of the opponent before the session scheduled for hearing the appeal or within the time limit set by the court as mentioned above.

3. The notification in clauses (1) and (2) of this article shall be made in accordance with the procedures prescribed in Articles (9) and (10) of this Law.

### **Article (156)**

1. The notification of the appeal shall be in accordance with the procedures prescribed in Articles (9) and (10) of this Law.

2. If the respondent is the plaintiff or the appellant and did not state in the statement of claim or the statement of appeal the address for notification, and this information is not apparent from other papers in the case, the appeal shall be notified according to the procedures prescribed in Articles (9) and (10) of this Law.

### **Article (157)**

1. An appeal benefits only the one who filed it and is asserted only against the one it was filed against. However, if the judgment was issued on an indivisible matter, a joint obligation, or in a lawsuit where the law requires the joinder of specific persons, a party against whom judgment was rendered who missed the appeal deadline or accepted the judgment may appeal it during the hearing of an appeal filed in time by one of their colleagues, joining them in their claims. If they do not, the court shall order the appellant to join them in the appeal. If an appeal is filed against one of the winning parties in time, the rest must be joined, even after the deadline has passed for them.

2. If an appeal is filed in time by the guarantor or the party seeking guarantee in a judgment issued in the original lawsuit, and their defense therein was the same, the one who missed the deadline or accepted the judgment may appeal, joining their colleague. If an appeal is filed against either of them in time, the other may be joined, even after the deadline has passed for them.

3. The guarantor and the party seeking guarantee shall benefit from an appeal filed by either of them against the judgment issued in the original lawsuit if their defense therein was unified.

### **Article (158)**

1. Documents may not be returned to the parties who submitted them until after the appeal periods have expired or the filed appeal has been decided.

2. Copies of the documents referred to in clause (1) of this article may be given to any interested party who requests them.

3. If it is necessary to hand over the original documents, this shall be by order of the judge or the president of the circuit, as the case may be, and a copy thereof, certified by either of them and stamped with the court's seal, shall be retained.



## **Section Two**

### **Appeal**

#### **Article (159)**

1. The parties, except in cases exempted by law, may appeal the judgments and decisions of the Courts of First Instance before the competent Court of Appeal.
2. Judgments issued by the Courts of Appeal shall be final and not subject to cassation if the value of the lawsuit does not exceed (500,000) five hundred thousand dirhams.

#### **Article (160)**

1. Judgments and decisions issued within the final jurisdictional limit of the courts of first instance may be appealed due to a violation of rules of jurisdiction related to public order, or the occurrence of a nullity in the judgment or decision, or a nullity in the procedures that affected the judgment or decision.
2. All judgments or decisions within the final jurisdictional limit may be appealed if the judgment or decision was issued contrary to a previous judgment or decision that has not acquired the force of res judicata. In this case, the previous judgment or decision is considered appealed by force of law if it had not become final when the appeal was filed.
3. In these cases, the appellant must deposit a security of (2,000) two thousand dirhams with the treasury of the appellate court when filing the appeal. If there are multiple appellants, a single security deposit is sufficient if they file their appeal in one statement, even if the grounds for appeal differ.
4. The case management office will not accept the appeal statement if it is not accompanied by proof of this deposit. The security shall be forfeited by force of law whenever the appeal is ruled inadmissible.

#### **Article (161)**

The time limit for appeal is (30) thirty days, unless the law provides otherwise. The time limit is (10) ten days for urgent matters.

## **Article (162)**

If a judgment is issued based on fraud committed by the parties, a forged document, false testimony, or due to the non-disclosure of a decisive document in the case withheld by the opponent, the time limit for appealing the judgment shall not begin until the day the fraud was discovered, the forgery was acknowledged by its perpetrator or proven by a court, the witness was convicted of perjury, or the withheld document was revealed.

## **Article (163)**

1. Appealing a judgment on a subsidiary claim automatically entails appealing the judgment on the principal claim. In this case, the party who won the principal claim must be joined, even after the time limit has passed.
2. If the appellate court annuls the judgment on the principal claim, it must remand the case to the Court of First Instance to rule on the subsidiary claim.

## **Article (164)**

1. An appeal is filed by a statement deposited with the case management office of the competent appellate court and immediately registered in the designated register or by electronic registration. The statement must include a description of the appealed judgment, its date, the grounds for appeal, the claims, and data related to the names and capacities of the parties, the domicile of each, the domicile chosen by the appellant in the city where the competent appellate court is located, and the signature of the appellant or their representative.
2. In cases other than electronic filing, the appellant must provide a sufficient number of copies of the appeal statement for the number of respondents and a copy for the case management office, and attach to each copy the documents supporting their appeal.
3. Subject to any special provision, the appellant may submit the grounds for their appeal up to the date of the first session before the case management office or the court, as the case may be, otherwise their appeal shall be ruled inadmissible.

### **Article (165)**

1. The case management office of the court to which the appeal is filed must request the inclusion of the primary case file, electronically or on paper, on the day following the day the appeal is filed.
2. The case management office of the Court of First Instance that issued the judgment must send the case file, electronically or on paper, within a maximum of (10) ten days from the date of the request. This period is reduced to (3) three days in urgent cases.

### **Article (166)**

1. The respondent may, up to the date of the first scheduled session before the case management office or the court, as the case may be, file an appeal either through the usual procedures or by a memorandum containing the grounds for their appeal.
2. The appeal mentioned in the preceding paragraph is considered a cross-appeal if filed within the appeal period and a subsidiary appeal if filed after the period or if the filer had accepted the judgment prior to the filing of the original appeal.
3. A subsidiary appeal follows the original appeal and is dismissed if the original appellant withdraws their appeal or if the original appeal is ruled inadmissible in form. A cross-appeal, however, does not cease to exist with the dismissal of the original appeal, regardless of how it was filed.

### **Article (167)**

1. An appeal transfers the case in the state it was in before the issuance of the appealed judgment or decision, but only with respect to the part that was appealed.
2. The appellate court shall review the appeal in chambers after its referral from the case management office.
3. The court shall rule on the appeal in chambers within (20) twenty working days by a reasoned judgment or decision concluding the litigation in the appeal, either by inadmissibility, non-acceptance, forfeiture, or by upholding the appealed judgment or decision. It may set a hearing for the merits if necessary.

4. The appellate court considers the appeal based on the new evidence, pleas, and defenses presented to it, as well as what was previously submitted to the Court of First Instance.

5. New claims are not accepted in the appeal, and the court shall, of its own accord, rule or decide on their inadmissibility. However, wages, salaries, and other ancillary amounts that become due after the submission of the final claims before the Court of First Instance may be added to the original claim, as well as any increase in damages after the submission of these claims. It is also permissible, while keeping the subject of the original claim unchanged, to change its cause and add to it.

6. It is not permissible in an appeal to join someone who was not a party in the lawsuit in which the appealed judgment or decision was issued, nor is intervention permissible except by someone seeking to join one of the parties or someone against whom the appealed judgment or decision is considered binding.

7. Appealing a judgment or decision that concludes the litigation automatically entails appealing all judgments or decisions previously issued in the case, unless they have been explicitly accepted, subject to the provisions of clause (1) of this article.

### **Article (168)**

If the Court of First Instance has ruled on the merits and the Court of Appeal finds a nullity in the judgment or a nullity in the procedures that affected the judgment, it shall rule to annul it and decide the case.

However, if the Court of First Instance has ruled on lack of jurisdiction or accepted a subsidiary plea that prevented the case from proceeding, and the Court of Appeal rules to annul the judgment

and establish the court's jurisdiction or reject the subsidiary plea and hear the case, it must remand the case to the Court of First Instance to rule on its merits.

### **Article (169)**

The court shall, in all cases, rule to accept the withdrawal of the litigation in the appeal if the appellant relinquishes their right to appeal.

## **Article (170)**

The rules and procedures applicable to lawsuits before the Court of First Instance shall apply to appeals, unless the law provides otherwise.

### **Section Three** **Petition for Reconsideration**

## **Article (171)**

Parties may petition for reconsideration of final judgments and judicial decisions in the following cases:

1. If fraud by the opposing party occurred that could have affected the judgment or decision.
2. If the judgment or decision was based on documents that were subsequently acknowledged as forged or ruled to be forged, or based on the testimony of a witness who was subsequently convicted of perjury.
3. If the petitioner, after the issuance of the judgment or decision, obtained decisive documents in the case that their opponent had prevented from being submitted.
4. If the judgment or decision ruled on something not requested by the parties or more than what they requested.
5. If the operative part of the judgment or decision contradicts itself.
6. For someone against whom the judgment or decision issued in the case is considered binding, and who was not joined or did not intervene, provided they prove fraud, collusion, or gross negligence on the part of their representative.
7. If the judgment or decision was issued against a natural or legal person who was not properly represented in the lawsuit.

## **Article (172)**

The time limit for the petition is (30) thirty days. It does not begin in the cases stipulated in clauses (1), (2), and (3) of Article (171) of this Law until the day the fraud was discovered, the perpetrator acknowledged the forgery or it was proven by a court, the witness was convicted of perjury, or the withheld document was revealed. The time limit in the case

stipulated in clause (6) of Article (171) of this Law begins on the day the fraud, collusion, or gross negligence was discovered. The time limit in the case stipulated in clause (7) of Article (171) of this Law begins on the day the judgment is notified to the party against whom it was rendered or their proper representative.

### **Article (173)**

1. The petition is filed with the court that issued the judgment by a statement deposited with the case management office in accordance with the usual procedures for filing a lawsuit.
2. The statement must include a description of the judgment being petitioned, its date, and the grounds for the petition, otherwise it shall be void.
3. The court hearing the petition may be composed of the same judges who issued the judgment.
4. The petition is not accepted if its statement is not accompanied by proof of a security deposit of (500) five hundred dirhams. The security is forfeited if the petition is ruled rejected, inadmissible, or impermissible.

### **Article (174)**

1. The court, after hearing the parties, shall first rule on the admissibility of the petition. If it accepts it, it shall set a hearing for the merits without the need for a new notification. However, it may rule on the acceptance of the petition and on the merits in a single judgment if the parties have submitted their claims on the merits before it. The court shall only reconsider the claims addressed by the petition.
2. Filing or accepting the petition does not stay the execution of the judgment. However, the court hearing the petition may order a stay of execution when requested, if it is feared that execution would cause serious, irreparable harm. When ordering a stay of execution, the court may require the provision of a guarantee or order what it deems sufficient to protect the right of the respondent to the petition.
3. No petition for reconsideration may be filed against a judgment that rejected the petition or against a judgment on the merits of the case after its acceptance.

## **Section Four**

### **Cassation**

#### **Article (175)**

1. Parties may appeal by cassation against judgments issued by the Courts of Appeal if the value of the lawsuit exceeds (500,000) five hundred thousand dirhams or is of unquantifiable value, in the following cases:

- a. If the appealed judgment is based on a violation of the law or an error in its application or interpretation.
- b. If a nullity occurred in the judgment or in the procedures that affected the judgment.
- c. If the appealed judgment was issued contrary to the rules of jurisdiction.
- d. If it ruled on a dispute contrary to another judgment issued on the same subject matter between the same parties which has acquired the force of res judicata.
- e. If the judgment lacks grounds, or its grounds are insufficient or ambiguous.
- f. If it ruled on something not requested by the parties or more than what they requested.

2. Parties may appeal before the Court of Cassation against any final judgment—regardless of the court that issued it—that ruled on a dispute contrary to another judgment previously issued between the same parties which has acquired the force of res judicata.

3. Judgments issued by the Courts of Appeal in execution proceedings are not subject to appeal by cassation.

#### **Article (176)**

1. The Attorney General may appeal by way of cassation or discrimination on their own initiative or upon the request of the Minister of Justice or the head of the local judicial authority, as the case may be, accompanied by the grounds for appeal, against final judgments, regardless of the court that issued them, if the judgment is based on a violation of the law or an error in its application or interpretation, in the following cases: -

- a. Judgments that the law does not permit parties to appeal.

b. Judgments for which the parties missed the appeal deadline, waived their right to appeal, or filed an appeal that was ruled inadmissible.

2. The Attorney General files the appeal with a statement signed by them within one year from the date of the judgment's issuance. The court reviews the appeal in chambers without summoning the parties. This appeal benefits the parties.

### **Article (177)**

1. An appeal by cassation stays the execution of the judgment if it was issued for divorce, annulment of marriage, or relates to the ownership of real estate.

2. In cases other than those mentioned in clause (1) of this article, the court may order a temporary stay of the judgment's execution if the appellant requests it in the appeal statement and it is feared that execution would cause serious, irreparable harm. The president of the competent circuit shall set a session to hear this request, and the appellant shall notify the opponent thereof with the appeal statement. If the court decides to stay the execution of the judgment or finds that the appeal was based on grounds other than those stated in Article (175) of this Law, it shall set a session to hear the appeal within (60) sixty days in chambers.

3. The court must rule on the request for a stay of execution within a period not exceeding (15) fifteen working days from the date of its submission.

4. When ordering a stay of execution, the court may require the provision of a guarantee or order what it deems sufficient to protect the right of the respondent.

5. The order to stay the execution of the judgment extends to the execution procedures taken by the judgment creditor based on the appealed judgment from the date of the request for the stay of execution.

6. If the request is rejected, the appellant shall be ordered to pay its costs.

### **Article (178)**

The time limit for appeal by cassation is (30) thirty days.



## **Article (179)**

1. An appeal by cassation is filed by a statement deposited with the case management office of the court that issued the judgment, or the Federal Supreme Court, the Court of Cassation, or the Court of Discrimination, as the case may be, signed by a lawyer admitted to practice before it. Proof of full payment of the fee along with the security must be submitted within (3) three working days following the date of notification of the fee assessment. The appeal is registered in the designated register after the completion of that procedure.
2. The appellant must, at the time of submitting the statement, deposit copies of it equal to the number of respondents and one copy for the case management office.
3. The appellant must, before the appeal is reserved for judgment, deposit the power of attorney for the lawyer appointed for the appeal.
4. The statement must, in addition to the data related to the names and capacities of the parties and the address of each, include a description of the appealed judgment, the date of its issuance, the date of its notification if notification has occurred, a statement of the grounds on which the appeal is based, and the appellant's claims.
5. If the appeal is not filed in the manner prescribed above, it shall be inadmissible, and the court shall, of its own accord, rule it inadmissible.

## **Article (180)**

No ground not included in the appeal statement may be invoked before the court, unless the ground is related to public order, in which case it may be invoked at any time, and the court shall consider it of its own accord.

## **Article (181)**

1. A fixed fee of (2,000) two thousand dirhams is imposed for each appeal by way of cassation. Ministries, public bodies, government departments, and similar entities in the State are exempt from paying this fee. The president of the court or their delegate shall decide on requests for deferment or exemption from fees. The submission of the request suspends the running of the time limit for appeal.

2. An appellant by cassation must deposit the sum of (3,000) three thousand dirhams with the court's treasury as security when paying the fee for the appeal, which will be returned to them if their appeal is accepted. If appellants file their appeal in a single statement, one security deposit is sufficient. Those exempt from judicial fees are also exempt from the security.

3. A fixed fee of (1,000) one thousand dirhams is imposed for each request submitted by the appellant to stay the execution of the appealed judgment. The entities mentioned in clause (1) of this article are exempt from paying this fee.

### **Article (182)**

1. The case management office of the court of appeal shall notify the respondent of the appeal statement within (10) ten working days from the time the appeal is filed. The case management office must request the inclusion of the case file of the appealed judgment within (3) three working days from the date of submitting the statement.

2. The case management office of the court that issued the judgment must send the case file within (10) ten working days from the date of receiving the request for the file.

3. The Case Management Office of the court that issued the judgment shall send the appeal with the case file within (10) ten working days from the date of its submission.

4. The court may decide to suffice with the official copy of the judgment submitted by the appellant instead of requesting the case file.

5. The respondent may file a memorandum of his defense within (15) fifteen days from the date of his notification.

6. The court may permit the litigants to submit new information to support their pleas and may take any measure that assists it in deciding the appeal.

### **Article (183)**

1. The respondent may join in the appeal any litigant in the lawsuit in which the appealed judgment was issued to whom the appeal was not directed. Such joinder shall be effected by notifying him of the appeal,

provided that this notification is made within the period stipulated in Clause (3) of Article (182) of this Law.

2. A person joined in the appeal may file a memorandum of his defense with the Case Management Office of the court within (15) fifteen days from the date of his notification, and the appellant has the right to reply to this memorandum in accordance with the time limits prescribed in Article (182) of this Law.

### **Article (184)**

Any litigant in the lawsuit in which the appealed judgment was issued, who was not notified of the appeal by the appellant, may intervene in the appeal to request its dismissal. His intervention shall be by filing a memorandum of his defense with the Case Management Office within (15) fifteen days from the date of his knowledge of the appeal.

### **Article (185)**

1. The preparatory judge shall prepare a summary report on the grounds of the appeal and the response thereto. Upon the filing of the report, the Case Management Office shall present the case file to the President to schedule a session to consider the appeal in chambers. If the court finds the appeal inadmissible due to its forfeiture, the invalidity of its procedures, or its being based on grounds other than those specified in Article (175) of this Law, or because the legal issue raised in the appeal has already been subject to a judicial precedent issued by the court from which it sees no reason to depart, it shall order its inadmissibility by a decision recorded in the session's minutes with a brief indication of the reason for the decision.

2. If the court deems the appeal worthy of consideration, it shall set a session for its hearing in which the summary report shall be read, and the court shall rule on the appeal after deliberation and without oral arguments.

3. If the court deems oral arguments necessary, it may hear the statements of the lawyers for the litigants or the litigants themselves.

### **Article (186)**

If the court accepts the appeal and the subject matter is ready for judgment, or if it is the second appeal, it shall proceed to decide it and may complete the necessary procedures. In other cases, the court shall quash the judgment in whole or in part and refer the case back to the court that issued the appealed judgment, unless the court decides to hear it before a panel of different judges or refers it to the competent court to rule on it anew. The court to which the case is referred shall be bound by the cassation judgment on the points it decided.

### **Article (187)**

1. The quashing of a judgment shall result in the annulment of all judgments based on the appealed judgment, regardless of the court that issued them.
2. If the judgment is only partially quashed, it shall remain in force with respect to the other parts, unless they are dependent on the quashed part.

### **Article (188)**

If the court rules that the appeal is not permissible, inadmissible, or rejects it in whole or in part, it shall order the appellant to pay appropriate costs, in addition to forfeiting the security deposit in whole or in part, as the case may be.

### **Article (189)**

Judgments of cassation may not be challenged by any means of appeal, except for those issued on the merits of the dispute, which may be challenged by way of a petition for reconsideration in the cases stipulated in Clauses (1, 2, 3) of Article (171) of this Law.

### **Article (190)**

1. Without prejudice to Clause (1) of Article (185) and as an exception to the provision of Article (189) of this Law, the court may retract a decision issued by it in chambers or its final judgment, either on its own initiative or upon the request of the person against whom the decision or judgment was issued, in any of the following cases:

a. If the decision or judgment was marred by a procedural error committed by the court or its auxiliary bodies that affected the outcome of its decision or judgment.

b. If the decision or judgment was based on a repealed law, and the application of the correct law would have changed the opinion in the case.

c. If the decision or judgment was issued in contravention of any of the judicial principles established by the panel or the combined circuits of the court, as the case may be, without being presented to them, or was issued in contravention of the principles established by the court or those issued by the committee for the unification of principles between the federal and local judicial authorities.

2. The request for retraction shall be submitted by the person against whom the decision or judgment was issued to the Case Management Office of the Federal Supreme Court, the Court of Cassation, or the Court of Distinction, as the case may be, signed by a lawyer admitted to practice before it and accompanied by a security deposit of (20,000) twenty thousand dirhams. If the retraction is initiated by the court itself, its president shall refer it, along with a report from the technical office, to the panel stipulated in Clause (3) of this Article.

3. The request for retraction or the referral decision thereon, as stipulated in Clause (2) of this Article, shall be considered by a panel composed of (5) five judges of the court, other than those who participated in issuing the decision or judgment. The panel, meeting in chambers, shall issue a reasoned decision on the request for retraction by a majority of (4) four judges. The security deposit shall be confiscated if the request is rejected. If the request is accepted, it shall be referred to another circuit to hear the appeal anew and rule on it, with the security deposit being returned to the applicant.

4. In all cases, the referral or submission of a request for retraction may be made only once, and it may not be referred or submitted after the lapse of one year from the date of issuance of the decision from the chambers or the final judgment.

## **Article (191)**

1. The rules and procedures applicable to appeals before the Court of Appeal shall apply to appeals by cassation, in so far as they do not conflict with the provisions of this Chapter.
2. Appeals by cassation against judgments issued by the federal courts shall be brought before the Federal Supreme Court in the cases and in accordance with the procedures and rules prescribed in this Chapter, unless a special provision is made in the Federal Supreme Court Law.

## **Book Two**

### **Miscellaneous Procedures and Litigations**

#### **Part One**

#### **Offer and Deposit**

### **Article (192)**

A debtor who wishes to fulfill his obligation may make a real offer to the creditor of the money, documents, or movables he is obliged to deliver, at the creditor's domicile.

The offer shall be made by an application submitted to the Case Management Office or to the president of the Court of First Instance, as the case may be, and shall be notified to the creditor through the process server. A record shall be drawn up containing a description of the thing offered, the conditions of the offer, and its acceptance or refusal. The offer may be made during the session before the court without procedures if the person to whom the offer is made is present.

### **Article (193)**

The debtor may, along with the offer, request the creditor's consent to release his assets from a real security or from any other restriction limiting disposition.

### **Article (194)**

The validity of the offer is subject to the following conditions:-

1. That it be directed to a person with the capacity to receive it or to his representative.
2. That it be made by a person who can validly perform the obligation.
3. That the offer includes the due sums, items, accessories, and expenses.
4. That the condition related to the obligation is fulfilled.
5. That the debtor makes the offer to the creditor himself or at his domicile.

### **Article (195)**

1. If the offered item is money or other things that can be transported and deposited in the court treasury and is refused by the person to whom the offer was made, the president of the Court of First Instance or the presiding judge, as the case may be, shall order its immediate deposit in that treasury.
2. If the offer is refused and the offered item is something that cannot be deposited in the court treasury, the presiding judge or the president of the Court of First Instance, upon the request of the process server, as the case may be, shall order its deposit in a place he designates if the item can be easily moved without difficulty. However, if it is intended to remain where it is or can only be moved with difficulty, he shall order it to be placed under sequestration.
3. If the offered item is perishable or its deposit or custody would incur exorbitant expenses, the debtor or the process server may request the president of the Court of First Instance to order its sale by public auction and the deposit of the proceeds in the court treasury. If it has a known market price or is commonly traded, it may not be sold by public auction unless a private sale at the known price is not possible.
4. The offeror may request a decision confirming the validity of the offer.

### **Article (196)**

A decision on the validity of the offer shall not be issued unless the offered item and the accessories due up to the day of deposit have been deposited. The court shall, along with the validity of the offer, declare the debtor discharged from the obligation from the day of the offer.

### **Article (197)**

The debtor may withdraw an offer that his creditor has not accepted and may reclaim what he has deposited after the lapse of (10) ten working days from the date of notifying his creditor of the offer and deposit.

### **Article (198)**

The offer may not be withdrawn nor the deposited item reclaimed after the creditor has accepted this offer or after a decision confirming the validity of the offer has been issued and has become final.

### **Article (199)**

A creditor may accept an offer he had previously refused and receive what was deposited for him, provided that the debtor has not withdrawn his offer.

## **Part Two**

### **Litigation Against Judges and Public Prosecution Members**

#### **Article (200)**

Litigation against judges of the Courts of First Instance and Courts of Appeal, and members of the Public Prosecution is permissible in the following cases:-

1. If the judge or member of the Public Prosecution commits fraud, deceit, or gross professional misconduct in their work.
2. In other cases where the law provides for the liability of the judge and sentences him to pay compensation.

#### **Article (201)**

1. A litigation claim is filed by a report at the Case Management Office of the Court of Appeal to which the judge or Public Prosecution member belongs, signed by the applicant or his authorized representative. The report must include a statement of the grounds for litigation and its evidence, and the supporting documents must be filed with it, along with a security deposit of (1,000) one thousand dirhams.



2. The litigation claim is presented for consideration of its admissibility to one of the circuits of the Court of Appeal by order of its president, after a copy of the report is served on the judge or Public Prosecution member.
3. It shall be considered in chambers at the first session held after the eight days following the service. The Case Management Office shall notify the applicant and the respondent of the session. If the judge being litigated against is a judge of the Court of Appeal, or if the Public Prosecution member being litigated against is the Public Prosecutor or at least a Chief Prosecutor, one of the Cassation circuits shall decide on the admissibility of the litigation in chambers. If it rules it admissible, it shall refer the subject matter of the litigation to a special circuit composed of (5) five of its judges according to their seniority.

### **Article (202)**

The court shall rule expeditiously on the relevance of the grounds for litigation to the case and its admissibility, after hearing the applicant or his agent, and the judge or Public Prosecution member being litigated against - as the case may be - in person or through an agent from the judiciary, and the statements of the Public Prosecution if it intervened in the case.

### **Article (203)**

1. If the litigation is ruled admissible, the judgment shall set a date for a public session to hear the merits of the litigation, and a ruling shall be made after hearing the applicant, the respondent, and the statements of the Public Prosecution if it intervened in the case.
2. The judge shall be disqualified from hearing the case from the date of the judgment accepting the litigation.

### **Article (204)**

1. If the litigation is ruled inadmissible on procedural grounds or dismissed on the merits, the applicant shall be ordered to forfeit the security deposit, along with compensation if applicable.
2. If the litigation is deemed valid, the judge or Public Prosecution member shall be ordered to pay damages and costs, and his action shall be nullified. The State shall be responsible for the damages awarded against the judge or Public Prosecution member and shall have the right of

recourse against him. The judgment in the litigation claim may be executed directly against the State.

3. However, a judgment issued in favor of a party other than the plaintiff in the litigation claim shall not be nullified until that party has been notified to make his statements. In this case, the court may issue a new judgment in the original case if it deems it ready for decision, after hearing the statements of the litigants.

### **Article (205)**

The judgment issued in a litigation claim may only be challenged by way of cassation.

## **Book Three**

### **Execution**

#### **Part One**

### **General Provisions**

#### **Chapter One**

### **The Execution Judge**

#### **Article (206)**

1. Execution shall be carried out under the supervision of an Execution Judge at the headquarters of each Court of First Instance or the execution department or court - as the case may be - in each judicial authority, assisted by a sufficient number of execution officers and bailiffs, or private companies and offices designated by a decision from the Minister of Justice or the head of the local judicial authority. They may, after observing the relevant financial legislation, determine the fees due for execution work entrusted to private companies and offices.

2. The procedures prescribed for the Court of First Instance shall be followed before the Execution Judge, unless the provisions of the Law provide otherwise.

## **Article (207)**

1. With the exception of real estate ownership claims, the Execution Judge shall have exclusive jurisdiction to execute the writ of execution and to decide on all substantive and temporary execution disputes in an urgent manner. He shall also have jurisdiction to issue judgments, decisions, and orders related thereto.
2. Jurisdiction for execution shall lie with the Execution Judge in the circuit of the court that issued the judgment, decision, or order, or in whose circuit the writ of execution was authenticated or certified, or the circuit of the court where the judgment debtor's domicile or assets are located.
3. If the execution relates to an interim measure to be taken in the circuit of another court, the competent Execution Judge may delegate the Execution Judge in the circuit where the measure is to be taken to carry it out.
4. Delegation may be electronic or in writing.
5. If there are multiple execution files between the same parties pending before Execution Judges in different court circuits, they may be consolidated to be heard by the Execution Judge before whom the first execution file was registered. If there are multiple attachments by Execution Judges in different court circuits, the Execution Judge who made the first attachment shall be competent to distribute the proceeds of the sales among the creditors.
6. If the required measure is to issue a detention order, in accordance with the provisions for debtor's imprisonment set out in the law, and the debtor's domicile is located in a different court circuit from the court executing the writ, the competent Execution Judge shall initiate the imprisonment procedures and may refer the matter to the Execution Judge in the circuit where the measure is to be taken to conduct the investigation, issue the appropriate order, and execute it.

## **Article (208)**

1. Delegation shall be made from the competent Execution Judge to the Execution Judge in the circuit where the measure is to be taken, accompanied by all the legal documents required for its execution.

2. The delegated Execution Judge shall take the necessary decisions to execute the delegation and shall decide on the execution disputes presented to him. His decisions may be challenged or appealed before the competent court - as the case may be - in accordance with the procedures and periods stipulated in Article (209) of this Law.

3. The Execution Judge who carried out the delegated execution shall inform the competent Execution Judge of what has been done and shall transfer to him any items received or other funds resulting from the sale of attached property.

4. If the delegated Execution Judge finds that there are legal reasons preventing execution or if he is unable to execute for any other reason, he shall inform the competent Execution Judge thereof.

### **Article (209)**

1. The decisions of the Execution Judge may be challenged in any of the following cases:-

- a. The order of priority among the judgment creditors or their inclusion or exclusion from the distribution list.
- b. Postponement of the execution of the judgment for any reason.
- c. Granting the debtor a grace period for payment or an installment plan for the amount being executed.
- d. The acceptance or rejection of a guarantee.
- e. A travel ban or refusal to order one.
- f. An arrest and summons order or refusal to order one.

The challenge shall be filed before the president of the court or his delegate, other than the judge who issued the decision, within (7) seven working days from the day following the date of its issuance for a person in whose presence the measure was issued, and from the date of his notification for a person in whose absence the measure was issued, by means of a request filed in the same execution file. The judge before whom the challenge is made may cancel or amend the challenged decision as he deems appropriate without the need to summon the parties, unless he deems it necessary. The decision issued on the challenge shall be final and not subject to appeal.

2. The decisions of the Execution Judge may be appealed directly before the competent Court of Appeal within (10) ten working days from the date of the decision's issuance if it was in the party's presence, or from the day of its notification or knowledge thereof if issued in the party's absence, in any of the following cases:-

- a. The jurisdiction or lack of jurisdiction of the Execution Judge to execute the writ of execution.
- b. The attached property being of a type that cannot be attached or sold.
- c. The participation of persons other than the litigants in the attachment.
- d. The refusal to imprison the debtor or his imprisonment, provided that in the latter case, the appellant provides a guarantor responsible for producing the person against whom execution is sought or for paying the judgment amount. If he is unable to produce him and the guarantor fails to produce his principal, the court shall oblige the guarantor to pay the value of the guarantee, which shall be collected from him in the same manner as judgments are executed.
- e. The decision issued regarding the determination of the amount to be executed, and whether to proceed with its execution or not.

3. The competent Court of Appeal may hear the appeal in chambers. In the cases referred to in Clause (2) of this Article, it may order a temporary stay of the challenged procedure pending a decision on the dispute, unless its nature would affect the entire execution, in which case it may order a stay of the entire execution.

### **Article (210)**

The President of the Federal Judicial Council and the heads of the local judicial authorities shall, each within his jurisdiction, issue organizational decisions regarding the registration of execution requests and the creation of their files.

### **Article (211)**

If resistance or assault occurs against the execution officer, resulting in the obstruction of execution, he must draw up a report of the incident and immediately notify the Execution Judge to order what he deems appropriate regarding the taking of precautionary measures, requesting

police assistance, and referring the report to the Public Prosecution to take appropriate action.

## **Chapter Two**

### **The Writ of Execution**

#### **Article (212)**

1. Forced execution may only be carried out with a writ of execution for a right that is confirmed, of a specific amount, and currently due.
2. The writs of execution are: -
  - a. Judgments and orders, including criminal judgments in respect of restitution, compensation, fines, and other civil rights.
  - b. Authenticated documents in accordance with the law regulating authentication and certification.
  - c. Settlement agreements ratified by the courts.
  - d. Other documents to which the law gives this status.
3. Execution may not be carried out - except in cases exempted by a provision of law - except by virtue of a copy of the writ of execution bearing the following enforcement formula: "The competent authorities and bodies must proceed to execute this writ and carry out its requirements and must assist in its execution, even by force, whenever requested to do so."
4. If the execution applicant fails to request any action in the file for a period exceeding one year after the last procedure, the Execution Judge may order the temporary closure of the file.
5. Writs of execution shall not be enforced if left for a period of (15) fifteen years from the date of the last execution transaction or if left for the same period since their issuance without execution.

#### **Article (213)**

In urgent matters or in cases where delay would be harmful, the court may, upon the request of the concerned party, order the execution of the judgment without notification and without affixing the enforcement formula.

## **Chapter Three**

### **Expedited Enforcement**

#### **Article (214)**

1. Judgments may not be forcibly executed as long as an appeal is permissible, unless expedited enforcement is provided for in this Law or has been ordered by the court.
2. Precautionary measures may be taken based on primary judgments that are appealable or not subject to expedited enforcement.

#### **Article (215)**

1. Expedited enforcement is mandatory by force of law in any of the following cases: -
  - a. Judgments issued in urgent matters, regardless of the court that issued them.
  - b. Judgments in personal status cases concerning alimony, wages, and related expenses, and their increase or reduction.
  - c. Judgments ordering the handover of a minor, visitation rights, or temporary custody.
  - d. Orders issued on petitions.
2. Expedited enforcement shall be without a guarantee unless the judgment or order stipulates the provision of a guarantee.

#### **Article (216)**

The court may, upon the request of the concerned parties, include in its judgment expedited enforcement with or without a guarantee in any of the following cases: -

1. Judgments issued in commercial matters.
2. If the judgment debtor has acknowledged the creation of the obligation, even if he disputes its scope or claims its extinguishment.
3. If the judgment was issued in execution of a previous judgment that has acquired the force of res judicata or was subject to expedited enforcement without a guarantee, or was based on an official document not challenged

for forgery or a customary document not denied, provided the judgment debtor was a party to the previous judgment or a party to the document.

4. If the judgment was issued in favor of the execution applicant in an execution dispute related to him.

5. If the judgment orders the payment of wages, salaries, or compensation arising from a work relationship.

6. If the judgment was issued in a possession case or for the eviction of a tenant whose contract has expired or been terminated, or for the eviction of an occupant without a legal title, provided the plaintiff's right is not denied or is established by an official document.

7. In any other case where a delay in execution would cause serious harm to the interests of the judgment creditor, provided this is fully explained in the judgment.

### **Article (217)**

1. Expedited enforcement - by force of law or by court order - extends to the accessories of the original claim and to the costs of the lawsuit.

2. It is not permissible to agree before the issuance of the judgment to include expedited enforcement in a case where it is not otherwise applicable.

### **Article (218)**

In cases where the judgment or order cannot be executed except with a guarantee, the person obliged to provide it has the option to present a solvent guarantor, to deposit sufficient cash or securities in the court treasury, or to agree to deposit the proceeds of the execution in the court treasury or to hand over the item ordered to be delivered in the judgment or order to a trustworthy custodian.

### **Article (219)**

1. The person obliged to provide a guarantee shall declare his choice either through the execution officer in a separate document or within the notification of the writ of execution.

2. In all cases, the choice must include the designation of an elected domicile in the State for the execution applicant if he does not have a



domicile or place of work therein, to which documents related to the dispute over the guarantee shall be notified.

3. The concerned parties may, within (3) three days of the declaration of the choice, file a grievance before the Execution Judge challenging the solvency of the guarantor, the trustworthiness of the custodian, or the sufficiency of the deposit. The decision issued on the grievance shall be final.

4. If the grievance is not filed within the specified period or is filed and rejected, the Execution Judge shall take an undertaking from the guarantor for the guarantee or from the custodian for accepting the custody. The record containing the undertaking of the guarantor or the acceptance of the custodian shall serve as a writ of execution against him for the obligations arising from the guarantor's undertaking or the custodian's acceptance.

### **Article (220)**

1. A grievance may be filed before the Court of Appeal against the characterization of the judgment using the usual procedures for filing an appeal. The Court of Appeal shall hear it in chambers.

2. The grievance mentioned in Clause (1) of this Article may be raised during the session - even after the appeal deadlines have passed - while the appeal against the judgment is being heard.

3. The grievance shall be decided independently of the main subject matter.

### **Article (221)**

1. In all cases, the court to which the appeal or grievance is submitted may, upon the request of the concerned party, order a stay of enforcement if there is a fear of serious harm from the execution.

2. When ordering a stay of execution, the court may require the provision of a guarantee or order what it deems sufficient to protect the right of the judgment creditor.

## **Chapter Four**

### **Execution of Foreign Judgments, Orders, and Writs**

#### **Article (222)**

1. Judgments and orders issued in a foreign country may be ordered to be executed in the State under the same conditions prescribed in the law of that country for the execution of judgments and orders issued in the State.

2. The order for execution is requested by a petition submitted by the concerned party, containing the information specified in Article (44) of this Law, to the Execution Judge. The judge shall issue his order within (5) five working days from the date of its submission. The order is subject to direct appeal in accordance with the rules and procedures for appealing judgments. An order for execution shall not be issued until the following has been verified:-

- a. That the courts of the State do not have exclusive jurisdiction over the dispute in which the judgment or order was issued, and that the foreign courts that issued it have jurisdiction according to the rules of international judicial jurisdiction prescribed in their law.
- b. That the judgment or order was issued by a court in accordance with the law of the country in which it was issued and has been duly certified.
- c. That the parties to the lawsuit in which the foreign judgment was issued were summoned to attend and were properly represented.
- d. That the judgment or order has acquired the force of *res judicata* according to the law of the court that issued it, provided that a certificate is submitted stating that the judgment has become *res judicata* or it was stated in the judgment itself.
- e. That the judgment does not conflict with a judgment or order previously issued by a court in the State and does not contain anything contrary to public order or morals therein.

3. The Execution Judge has the right to request the documents supporting the application before issuing his decision.

### **Article (223)**

The provision of Article (222) of this Law shall apply to arbitration awards issued in a foreign country. The arbitration award must be issued in a matter that is arbitrable according to the law of the State and be enforceable in the country in which it was issued.

### **Article (224)**

1. Authenticated documents and settlement agreements ratified by courts in a foreign country may be ordered to be executed in the State under the same conditions prescribed in the law of that country for the execution of their counterparts issued in the State.

2. The order for execution mentioned in Clause (1) of this Article is requested by a petition submitted to the Execution Judge under the same procedures and conditions stipulated in Clause (2) of Article (222) of this Law. The order for execution shall not be issued until it has been verified that the conditions for the enforceability of the document or agreement are met according to the law of the country where it was authenticated or ratified, and that it does not contain anything contrary to public order or morals in the State.

### **Article (225)**

The rules stipulated in this Chapter shall not prejudice the provisions of treaties and agreements between the State and other countries regarding the execution of foreign judgments, orders, and writs.

## **Chapter Five**

### **Execution of Writs and Decisions Concerning Personal Status Matters**

### **Article (226)**

Notwithstanding the provisions of Article (207) of this Law, the execution of personal status judgments and decisions shall be carried out under the supervision of a specialized judge appointed at the headquarters of each court, assisted by a sufficient number of execution officers and social workers.

The provisions and procedures for execution contained in this Law shall apply to matters not covered by the articles in this Chapter.

### **Article (227)**

The Personal Status Execution Judge shall have exclusive jurisdiction to execute writs and decisions related to personal status judgments, to decide on all execution disputes and impediments, and to issue travel ban orders, taking into account the prevailing customs, traditions, and norms in the State during execution.

### **Article (228)**

The Personal Status Execution Judge may, when necessary, seek the assistance of any experts and specialists in personal status matters he deems appropriate.

### **Article (229)**

The Personal Status Execution Judge may propose a settlement to the parties of the execution, and he may ratify settlement agreements reached between the parties regarding the manner of executing the writ. He may at any time propose to the parties to amend the times and places of visitation, contact, and accompaniment, even if it contradicts the writ of execution or the decision being executed, provided that the interests of the children in custody are not prejudiced.

### **Article (230)**

Execution sessions in personal status matters shall be held in private, and execution decisions shall be issued without the need to hold a session, unless the Personal Status Execution Judge decides otherwise.

### **Article (231)**

The execution of writs and decisions related to personal status matters shall take place after (7) seven days from the date of notification of the writ.

## **Article (232)**

1. Judgments issued by the Personal Status Execution Judge in substantive execution disputes are appealable within (15) fifteen days from the date of their issuance.
2. If the execution applicant or the person against whom execution is sought has other execution files related to personal status matters between them pending in other court circuits, they may be consolidated to be heard by the Execution Judge before whom the first execution file was registered, unless the parties agree otherwise.

## **Chapter Six**

### **Execution Procedures**

## **Article (233)**

1. The execution applicant must specify the measures to be taken in the list of execution requests upon electronic or paper registration.
2. Execution must be preceded by the notification of the writ of execution in accordance with the notification procedures prescribed in this Law.
3. The notification must include a statement of what is required, and a summons to the debtor to comply within (7) seven days from the date of his notification, and the designation of an elected domicile for the execution applicant in the circuit of the court where the execution is taking place if his original domicile, place of work, or elected domicile is not there.
4. If the writ of execution is issued based on a credit facility agreement, an extract of the debtor's account from the creditor's commercial books must be notified with it.
5. In the case of execution for the eviction of a property or the delivery of movable or immovable assets, the notification of the writ of execution must include a sufficient description of these assets.
6. If the writ of execution includes a deadline for eviction or delivery, the notification must include this deadline.

### **Article (234)**

1. Notwithstanding the provisions of Article (233) of this Law, and without prejudice to the rules of precautionary attachment of movables and real estate and attachment of the debtor's assets held by third parties and what is provided for in any other legislation, the Execution Judge may order a precautionary attachment of the debtor's assets in accordance with the rules and procedures prescribed in this Law before notifying him of the writ of execution if it appears to him that the debtor is attempting to smuggle his assets, based on a credit information report, circumstantial evidence, or the creditor's loss of general security.
2. The Execution Judge may order an inquiry into the debtor's assets before notifying him of the writ of execution.
3. The Execution Judge may impose a travel ban on the person against whom execution is sought before notifying him of the writ if it appears to him that the debtor is attempting to leave the country.

### **Article (235)**

1. If the debtor offers to the execution officer, upon notification of the writ of execution or at any stage of the procedures, to pay all or part of the subject matter of the execution, or to deliver it, the execution officer must record this in the report and instruct the debtor to deposit the offered amount in the court treasury for the benefit of the execution applicant. The deposit or delivery shall take place on the same day or the following day at the latest.
2. If the offer is for part of the debt, the execution officer must continue the execution for the remainder.

### **Article (236)**

The execution officer may not break doors or forcibly open locks to carry out execution except with the approval of the Execution Judge. This shall be done in the presence of a police officer, whose presence shall be recorded in the execution report, otherwise it shall be void.

### **Article (237)**

1. If the debtor dies, loses capacity, or the capacity of the person carrying out the procedures on his behalf ceases before the start of execution or before its completion, execution may not be initiated or continued against his heirs, whose names and capacities are specified in the legal heirship certificate, or against his substitute until (7) seven days have passed from the date of their notification of the writ of execution.
2. If the creditor dies, loses capacity, or the capacity of the person carrying out the procedures on his behalf ceases after the start of execution, the execution procedures and all applicable time limits against him shall be suspended until expedited by one of the parties to the execution.
3. Before the expiry of (3) three months from the date of death, the notification referred to in Clauses (1) and (2) of this Article may be made to all heirs at the last domicile of their decedent without specifying their names and capacities. If the notification is made after the expiry of this period, they must be notified by their capacities and in person.

### **Article (238)**

A third party may not pay what is required under the writ of execution, nor be compelled to pay it, until after the debtor has been notified of the intention to carry out this execution at least seven days before it occurs.

## **Chapter Seven**

### **Execution Impediments**

#### **Article (239)**

1. If an impediment arises during execution and an interim measure is required, the execution officer, the person against whom execution is sought, or the concerned party shall present this impediment to the Execution Judge to decide whether to stay or proceed with the execution.
2. In all cases, the execution officer may not complete the execution before the judge issues his decision. This decision may be challenged in accordance with Clause (1) of Article (209) of this Law.

3. If the Execution Judge finds that the submitted impediment constitutes a substantive execution dispute, he shall authorize the person who submitted it to register it within a period of (7) seven working days from the date of authorization. Execution shall continue unless a decision to stay execution is issued in the dispute.

4. If the Execution Judge finds that the raised impediment relates to a real estate ownership claim registered through the usual procedures for filing a lawsuit before the competent court, the filing of such claim shall result in a stay of execution, unless the court orders otherwise.

5. The submission of any subsequent impediment, or after the filing of any substantive execution dispute, shall not result in a stay of execution, unless the Execution Judge decides otherwise, or the law requires a stay of execution.

### **Article (240)**

A real offer shall not result in a stay of execution if the offer is in dispute. The Execution Judge may order a temporary stay of execution with the deposit of the offered item or a larger amount designated by him.

### **Article (241)**

The party raising the impediment shall, upon registering a temporary execution dispute, provide a security deposit of (5,000) five thousand dirhams, which shall be returned if the impediment is accepted and forfeited by force of law if he loses, except in personal status cases.

In all cases, the dispute shall not be accepted if it is not accompanied by proof of the security deposit.



## **Part Two**

### **Attachments**

#### **Chapter One**

#### **General Provisions**

##### **Article (242)**

Without prejudice to any provision in any other legislation, the following may not be attached:-

1. Public funds of the State or one of its Emirates, and endowment (Waqf) funds.
2. The dwelling considered the residence of the debtor or the judgment debtor and his relatives whom he is legally obliged to support, who reside with him, in the event of his death, unless the dwelling or a common share in it is mortgaged and the debt arose from its price, in which case it may be attached to satisfy the debt.
3. The debtor's necessary clothing, and the essential household furniture and kitchen utensils for him and his family, as well as the food and fuel they need for a period of (6) six months.
4. The land or agricultural tools owned by a farmer or fisherman, to the extent sufficient for his livelihood and that of his dependents.
5. Funds gifted or bequeathed to be, or for their proceeds to be, for temporary or lifelong alimony or salary, and amounts awarded by the court as temporary or arranged sums for alimony or for disposal for a specific purpose, all except to the extent of one-quarter in satisfaction of a determined alimony debt.
6. Funds gifted or bequeathed with a condition that they may not be attached, if the attaching creditor is a creditor of the donee or legatee whose debt arose before the gift or bequest, except for a determined alimony debt and within the limit of one-quarter.
7. The books, tools, and equipment necessary for the debtor to practice his profession or craft himself, unless the attachment is to claim their price, maintenance costs, or a determined alimony.

8. Movables considered real property by destination if attached independently of the real property they are designated to serve, unless the attachment is to claim their price or maintenance costs.

9. Wages and salaries held by the employer, even if transferred to a bank account, except to the extent of one-quarter of the fixed gross wage or salary. In case of competing claims, priority shall be given to the alimony debt.

10. The assets of foreign embassies and diplomatic missions enjoying diplomatic immunity, on the condition of reciprocity.

### **Article (243)**

If the attachment is not completed in one day, it may be completed on one or more consecutive days. The execution officer must take the necessary measures to preserve the attached items and the items to be attached until the report is completed. The report must be signed whenever the attachment procedures are paused.

However, if the situation requires, the execution officer may continue the attachment procedures after the times prescribed in Article (7) of this Law, or on official holidays, and he may complete them without needing to obtain permission from the Execution Judge.

### **Article (244)**

At any stage of the proceedings before the auction is awarded, a sum of money equal to the debts for which the attachment was made and the expenses may be deposited in the court's treasury.

This deposit shall result in the removal of the attachment from the attached assets and its transfer to the deposited amount.

### **Article (245)**

The debtor may, at any stage of the proceedings, request the execution judge to estimate an amount or its equivalent to be deposited in the court's treasury for the benefit of the attaching creditor. This deposit shall result in the removal of the attachment from the attached assets and its transfer to the deposited amount.

## **Article (246)**

The attachment shall be made within the limits of the claimed debt. If the value of the right for which the attachment is made is disproportionate to the value of the attached assets, the debtor may request the competent judge, as the case may be, to limit the attachment to some of his own assets that are subject to attachment.

## **Chapter Two**

### **Precautionary Attachment**

## **Article (247)**

Without prejudice to the provisions of any other legislation, a creditor may request the court hearing the case or the judge of summary matters, on a temporary basis as the case may be, to impose a precautionary attachment on the real estate and movables of his opponent in any of the following cases:-

1. Any case where there is a fear of losing the guarantee of his right, such as the following cases:-
  - a. If the debtor does not have a stable residence in the State.
  - b. If the creditor fears that his debtor may flee or smuggle or hide his assets, and there is serious evidence of this.
  - c. If the debt securities are at risk of being lost.
2. For the lessor of the property against the original tenant and the sub-tenant on the movables, fruits, and crops present in the leased property, as a guarantee for the lien legally established for him. He may also do so if the movables, fruits, and crops were moved without his knowledge, unless (30) thirty days have passed since their transfer, or if sufficient assets remained in the leased property to guarantee his established lien.
3. If the creditor holds an official or ordinary deed for a debt that is due and not subject to a condition, or if he has a non-enforceable judgment where the established debt is of a specific amount.
4. For the worker, when it is not possible to settle his entitlements as specified by the law governing the relationship between them, to

guarantee the payment of his entitlements after their temporary assessment by the competent administrative authority.

5. In all cases, the court may, before granting the attachment request, ask for any data, evidence, or sworn statements, conduct a brief investigation, or order necessary inquiries with the assistance of the competent administrative authorities, whenever it deems it necessary.

### **Article (248)**

The owner of a movable asset and whoever has a real right over it or the right to retain it may request the imposition of a precautionary attachment on it with the person who possesses it, by means of a petition containing a full statement of the movable asset on which attachment is requested.

### **Article (249)**

1. If the creditor does not have an executive instrument or his debt is of an indeterminate amount, the judge of summary matters may order the attachment and temporarily estimate the attaching creditor's debt based on a reasoned petition submitted by the attachment applicant. Before issuing the order, the judge may conduct a brief investigation if the documents supporting the request are insufficient.

2. In the case of an attachment on a real estate property, an official copy of the title deed of the property requested for attachment must be submitted with the petition.

3. If the lawsuit regarding the right has already been filed before the competent court, the attachment order referred to in clause (1) of this Article may be requested from the court hearing the lawsuit.

### **Article (250)**

1. The rules and procedures stipulated in Articles (264) to (282) of this Law shall be followed for precautionary attachment on movables, except for those related to setting the date of sale, unless these movables are perishable, in which case the provision of clause (2) of Article (273) of this Law shall be observed. The rules and procedures stipulated in Articles (285) to (305) of this Law shall be followed for precautionary attachment on real estate, except for those related to submitting the executive instrument and the procedures for sale by auction.

2. The attaching creditor must, within (8) eight days from the date of the attachment decision, file a lawsuit before the competent court to establish the right, in cases where the attachment is ordered by the judge of summary matters; otherwise, the attachment shall be considered null and void. The attachment shall also be considered null and void if the final judgment issued in his favor is not enforced within (30) thirty days from the date it becomes final.
3. The person whose request was rejected, the debtor, and any interested party may appeal the attachment order before the judge of summary matters or the competent court, as the case may be, whether the appeal concerns the substance of the attachment or its timing. In all cases, the attachment shall be terminated if a final judgment is issued dismissing the lawsuit to establish the right.
4. If a judgment is issued dismissing the appeal and it is enforceable or becomes so, the procedures prescribed for sale in Articles (264) to (282) and (285) to (305) of this Law shall be followed, as the case may be, or enforcement shall be carried out by delivering the movable in the case referred to in Article (248) of this Law.
5. The attachment procedures taken pursuant to an enforceable judgment or decision shall remain in effect unless the judgment or decision to annul them has become final.

### **Article (251)**

1. If the lessor of the property imposes an attachment on the movables of the sub-tenants in accordance with clause (2) of Article (247) of this Law, the procedures must be directed to both the original tenant and the sub-tenant.
2. The notification of the attachment to the sub-tenant shall also be considered as a garnishment of the rent in his possession.
3. If the original tenant is not prohibited from sub-letting, the sub-tenant may request the lifting of the attachment on his movables, while the garnishment on the rent in his possession remains.

## **Chapter Three**

### **Garnishment of Debtor's Assets with a Third Party**

#### **Article (252)**

1. Any creditor may request the competent court or the judge of summary matters to attach the movables or debts of his debtor held by a third party, even if they are deferred, conditional, or subject to dispute.
2. If the attachment is not made on a specific movable or debt, it shall cover all movables of the debtor in the possession of the garnishee and debts owed by him until the time of the declaration of assets.
3. Garnishment of the debtor's assets with a third party shall be imposed on the debtor's movables in the possession of his legal representative.

#### **Article (253)**

The attachment is made - without prior notification to the debtor - by an order signed by the judge and served on the garnishee by the process server, and it shall include the following data:-

1. A statement of the principal amount for which the attachment is made and the expenses.
2. An unambiguous identification of the attached asset if the attachment is on a specific asset, and a prohibition for the garnishee to pay what he holds to the debtor or to hand it over to him.
3. The case number or attachment request number, the name of the attaching creditor, his domicile or place of business in the State. If he has no domicile or place of business in the State, he must designate an elected domicile within the jurisdiction of the court where the execution is taking place.
4. An order for the garnishee to declare his assets and liabilities and to inform the court that ordered the attachment within (7) seven days of being notified of the attachment.

### **Article (254)**

If the order does not include the data mentioned in clauses (1) and (2) of Article (253) of this Law, the attachment shall be void, and any interested party may invoke this nullity.

### **Article (255)**

1. Payment from the garnishee shall be made by depositing what he owes into the court's treasury. If the subject of the attachment is movables that cannot be deposited in that treasury, they may be handed over to a custodian appointed by the authority that ordered the attachment, upon a request submitted to it by the garnishee or the debtor.
2. The deposit must be accompanied by a statement signed by the garnishee of the attachments made in his possession, their notification dates, the names of the attaching creditors and debtors, their capacities, addresses, the instruments under which the attachments were made, and the amounts for which they were made.
3. The authority that ordered the attachment must immediately inform the attaching creditor and the debtor of the deposit or the placement of the movables under a custodian.
4. The deposit or placement of movables under custody shall suffice in lieu of the declaration of assets if the amount or movable is sufficient to satisfy the attaching creditor's debt.
5. If a new attachment is made on the deposited amount or the movables placed under custody, and either becomes insufficient, any of the attaching creditors may require the garnishee to declare his assets and liabilities within (7) seven days from the date of such requirement.

### **Article (256)**

1. If the deposit is not made in accordance with Article (255) or Articles (244) and (245) of this Law, the garnishee must declare his assets and liabilities to the authority that ordered the attachment within (7) seven days of being notified of the attachment. The declaration shall state the amount of the debt, its cause, and the reasons for its extinction, if any. If the garnishee has movables in his possession, he must attach a detailed statement thereof to the declaration.

2. If the attachment is with the Government or one of the public institutions, public authorities, or a bank, the declaration of assets shall be made by a letter sent by the garnishee entity to the authority that ordered the attachment within the aforementioned period, containing the details of the declaration.

3. The garnishee is not exempt from the duty to declare his assets and liabilities even if he is not indebted to the debtor. In that case, the declaration may be made by a statement submitted to the authority that ordered the attachment. Professional secrecy also does not exempt him from the duty to declare his assets and liabilities.

### **Article (257)**

If the garnishee dies, loses his legal capacity, or his capacity or that of his representative ceases, the attaching creditor may serve a copy of the attachment paper on the garnishee's heirs or his substitute and require them to declare their assets and liabilities within (7) seven days of this requirement.

### **Article (258)**

Disputes regarding the garnishee's declaration shall be brought before the court hearing the attachment lawsuit at any stage of the litigation.

### **Article (259)**

1. If the garnishee fails to declare his assets and liabilities as legally required, or submits an insufficient or untrue declaration, or conceals the documents he must deposit to support the declaration, he may be judged to pay the creditor who has obtained an executive instrument for his debt the amount for which the attachment was made, by a lawsuit filed through the usual procedures. His claim shall not be admissible after the lapse of (3) three years from the date of the decision on the declaration of assets.

2. The execution of the judgment against the garnishee shall be considered as fulfillment of the attaching creditor's right against the debtor. This shall not prejudice the garnishee's recourse against the debtor for what he has paid to the attaching creditor.



3. The judgment shall not be issued if the garnishee remedies the cause for which the lawsuit was filed until the closing of the pleadings, even before the Court of Appeal.

4. In all cases, the garnishee must be ordered to pay the costs of the lawsuit and the damages resulting from his negligence or delay.

### **Article (260)**

If the attaching creditor's right is established by an executive instrument, he may, immediately after the declaration of assets, request the execution judge to issue an order to the garnishee to pay the attaching creditor the amount he has declared or what is sufficient to satisfy the attaching creditor's right, provided that the procedures stipulated in Article (238) of this Law are followed.

### **Article (261)**

If payment is not made in accordance with Article (260), nor is a deposit made in accordance with Articles (244), (245), and (255) of this Law, the attaching creditor may execute against the garnishee's assets by virtue of his executive instrument, accompanied by an official copy of the garnishee's declaration, taking into account the provisions of Article (233) of this Law.

### **Article (262)**

If the attachment is on movables, they shall be sold according to the procedures prescribed for the sale of attached movables in the debtor's possession.

### **Article (263)**

A creditor may garnish what he owes to his debtor in his own hands. This shall be by an order from the competent judge, served on the debtor, containing the data required to be mentioned in the attachment notification paper. If the attaching creditor does not have an executive instrument or a judgment, the procedures and periods stipulated in clauses (2, 3, 4, 5) of Article (250) of this Law shall be followed.

## **Chapter Four**

### **Attachment of Movables in the Debtor's Possession**

#### **Article (264)**

1. Subject to the provisions of Article (236) of this Law, the attachment shall be carried out by means of an electronic or paper record, as the case may be, drawn up at the place of its signing. It must include, in addition to the data required to be mentioned in the notification, the following:-

- a. Mention of the executive instrument.
- b. Mention of the attaching creditor's domicile or place of business in the State. If he has no domicile or place of business in the State, he must designate an elected domicile within the jurisdiction of the court where the execution is taking place.
- c. The place of attachment, the procedures carried out by the process server, the obstacles and objections encountered during the attachment, and the actions taken in their regard.
- d. The details of the attached items, stating their type, description, quantity, weight, or measurement, and an approximate statement of their value.

2. The process server and the debtor, if present, must sign the attachment record. In case of his refusal to sign, the process server shall record this in the attachment record. The mere signature of the debtor shall not be considered as his consent to the judgment.

3. The attachment does not require the removal of the attached items from their location except by order of the execution judge.

4. The items become attached as soon as they are mentioned in the attachment record, even if no custodian is appointed for them.

Photographing the attached items by the process server shall be considered supplementary to the attachment record.

5. If the attachment is made in the presence of the debtor or at his domicile or place of business, a copy of the record shall be delivered to him or to whoever receives it on his behalf. If the attachment is made in his absence and not at his domicile or place of business, he must be notified

of the record in the manner specified in Article (10) of this Law within the seven days following the attachment.

### **Article (265)**

1. If the attachment is on jewelry, gold or silver bullion, or other precious metal, or on jewels or precious stones, they must be weighed and their descriptions accurately stated in the attachment record. These items shall be valued by an expert appointed by the execution judge on his own initiative or at the request of the execution applicant.
2. Works of art and other valuable items may be valued in this manner at the request of the attaching creditor or the debtor. In all cases, the expert's report shall be attached to the attachment record.
3. If it is necessary to move them for weighing or valuation, they must be placed in a sealed package, and this shall be mentioned in the record with a description of the seals, and they shall be deposited in the court's treasury.
4. If the attachment is on cash or paper currency, the execution officer must state its description and amount in the record and deposit it in the court's treasury.

### **Article (266)**

1. The process server shall appoint a custodian for the attached items. He shall choose the custodian if the attaching creditor or the debtor does not bring a capable person. The debtor must be appointed if he so requests, unless there is a fear of dissipation for which there are reasonable grounds stated in the record. In that case, the debtor's opinion on those grounds shall be recorded, and the matter shall be immediately presented to the execution judge to take his decision on the matter.
2. If the process server does not find anyone at the place of attachment who accepts custody and the debtor is present, he shall assign him the custody, and his refusal shall not be considered. If he is not present, he must take all possible measures to preserve the attached items and immediately report the matter to the execution judge to order either their removal and deposit with a trustee who accepts custody, chosen by the attaching creditor or the process server, or to assign the police temporary custody.

### **Article (267)**

1. If the custodian is present at the time of attachment, the attached items shall be delivered to him at the place of attachment after he signs the attachment record and is given a copy of it. If he is absent or appointed later, the attached items must be inventoried and delivered to him after he signs the inventory record and is given a copy of it.
2. If the custodian refuses to sign the attachment or inventory record or refuses to receive his copy, the process server must replace him with another custodian. Otherwise, he must immediately present the matter to the execution judge to decide what he deems appropriate.

### **Article (268)**

A custodian who is not the debtor or possessor is entitled to a fee for his custody, and this fee shall have the privilege of judicial expenses over the attached movables. The custodian's fee shall be determined by an order issued by the execution judge based on a petition submitted to him.

### **Article (269)**

1. The custodian may not use, exploit, lend, or expose the attached items to damage, otherwise he shall be deprived of the custody fee in addition to being liable for damages. However, if he is the owner or has a usufructuary right over them, he may use them for their intended purpose.
2. If the attachment is on livestock, goods, tools, or machinery necessary for the management or exploitation of land, a factory, a workshop, an establishment, or the like, the execution judge may, upon a petition submitted by an interested party, order the custodian to manage or exploit them if he is fit to do so, or replace him with another custodian to do so.

### **Article (270)**

1. The custodian may not request to be relieved of custody before the day set for the sale except for compelling reasons. His relief shall be by an order on a petition issued by the execution judge.
2. The process server shall inventory the attached items when the new custodian takes over his duties, and shall draw up a record thereof, which this custodian shall sign and receive a copy of.

## **Article (271)**

1. If the process server proceeds to attach movables already attached in the debtor's possession, the custodian thereof must show him a copy of the attachment record and present the attached items. The process server must inventory them in a record and attach what has not been previously attached, and make the first attachment's custodian the custodian thereof if they are in the same place.
2. This record shall be notified within (3) three working days to the first attaching creditor, the debtor, and the custodian if he was not present, and also notified to the authority that ordered the first attachment.
3. This notification shall result in the attachment remaining for the benefit of the second attaching creditor even if the first one waives it, and it shall also be considered as a garnishment in the hands of the process server on the proceeds of the sale.
4. If the first attachment on the movables is void, this shall not affect subsequent attachments if they are valid in themselves.

## **Article (272)**

1. After the attachment is completed, the debtor may submit a request to the execution judge to sell the attached assets to a buyer, attaching to his request the sale price and the buyer's consent. This shall be presented to the attaching creditor or creditors, if there are several, if the sale price is less than the debt for which the attachment was made, within (7) seven days from the date of submitting the request. If they do not object within (7) seven days from the date of their notification or upon their approval, the sale shall be conducted and the price deposited in the court's treasury for the benefit of the creditors.
2. Subject to the provisions of Article (276) of this Law, if it is not possible to obtain the consent of the attaching creditor or he refuses, the day, time, and place of the sale shall be determined by the execution judge. The process server must then immediately post the announcement on the court's website, or affix it to the door of the place where the attached items are, as well as on the notice boards designated for this purpose at the court.

3. The execution judge may order its announcement in a daily newspaper published in the State in Arabic or a foreign language when necessary, or through other technical means and various media, or by any other means he deems appropriate.

### **Article (273)**

1. The sale shall take place at the location of the attached items or at the place designated by the execution judge for the sale of attached items, unless the interest requires otherwise. It shall be conducted at least (3) three days after the completion of the procedures for posting the announcement on the court's website, affixing it, or publishing it. Those who wish to inspect the attached items shall be allowed to do so during the said period.

2. If the attached items are perishable or goods subject to price fluctuations, the execution judge may order the sale to be conducted at the place he deems appropriate and from hour to hour, as the case may be, based on a request submitted to him by the custodian, an interested party, or the process server.

3. If the creditor does not proceed with the sale of the attached items within (30) thirty days after the attachment - unless there are legal impediments - the execution judge may initiate the sale procedures or lift the attachment from the attached items, as the case may be, and the expenses shall be deducted from the sale proceeds.

### **Article (274)**

If the sale does not take place on the day specified in the attachment record, another day shall be set for it, and the custodian and interested parties shall be notified. The announcement shall be reposted on the court's website, affixed, or published in the manner described in the articles of this chapter, with the possibility of reducing the valuation by (5%) for (5) five times, then selling at a price determined by the execution judge.

### **Article (275)**

1. The sale shall be conducted by public auction under the supervision of the execution judge, announced by the process server, on the condition of

immediate payment of the price. The judge may grant him a period not exceeding (5) five days. The process server shall not begin the sale until after inventorying the attached items and recording their condition in the sale record. He shall record in it all the sale procedures, the objections and obstacles he encountered, and the actions taken in their regard. He shall also record the presence or absence of both the attaching creditor and the debtor and his signature if present, or his refusal to sign.

2. The process server must record in the record the names of the bidders, the domicile of each, his place of business or email address, as the case may be, the prices they offered, and their signatures. The record must also specifically mention the price at which the auction was awarded, the name of the successful bidder, his domicile, place of business, and signature.

3. It is sufficient to announce the continuation or postponement of the sale for the process server to state it publicly and record it in the sale record.

4. The remote communication technology stipulated in the law may be used in any of the public auction sale procedures mentioned in this Article and in Articles (276) to (278) of this Law.

### **Article (276)**

If no one comes forward to buy the jewelry, gold or silver bullion, ornaments, precious stones, and appraised items at their value according to the expert's estimate, and the creditor does not accept to satisfy his debt in kind at this value, the sale shall be extended to the next day if it is not a holiday, or to the first working day after the holiday. If no buyer comes forward with the estimated value, the sale shall be postponed to another day and the notice shall be re-affixed or published in the manner described in the preceding articles. Then the execution officer shall present the matter to the competent judge to order the auction to be awarded at the price he deems appropriate, even at another time.

### **Article (277)**

If the successful bidder does not pay the price immediately, the judge may grant him a period of (5) five days for payment. After the said period expires without the successful bidder committing to payment, the sale must be re-conducted at his expense in the aforementioned manner at any price. He shall be liable for any shortfall in the price, as well as the costs

and fees of the resale, and the sale record shall be considered an executive instrument for the price difference against him.

He shall not be entitled to any increase in the price; rather, it shall be due to the debtor and his creditors. The process server shall be liable for the price if he does not collect it from the buyer immediately and does not proceed with the resale at his expense, and the sale record shall be considered an executive instrument against him.

### **Article (278)**

The process server shall cease the sale if it yields an amount sufficient to satisfy the debts for which the attachment was made and the expenses. Any attachments made thereafter in the hands of the process server or anyone else who has the price shall only cover the surplus over the satisfaction of the aforementioned.

### **Article (279)**

A claim for recovery of attached items shall be filed before the competent court. Filing it shall result in the suspension of the sale, unless the court rules for the continuation of execution under conditions it deems appropriate. The court may impose a fine of not less than (1,000) one thousand dirhams and not more than (5,000) five thousand dirhams if the recovery claim is dismissed.

### **Article (280)**

The recovery claim must be filed against the attaching creditor, the debtor, and the intervening attaching creditors, and its statement must include a full account of the evidence of ownership, otherwise it will be inadmissible, and the court shall rule it inadmissible on its own initiative.

### **Article (281)**

1. The attaching creditor has the right to proceed with the execution if the court dismisses the recovery claim, or if it is considered as if it had not been, or if it is so ruled. He also has the right to proceed with the execution if the claim is dismissed, or ruled as outside the court's jurisdiction or inadmissible, or its statement is nullified, or the litigation therein is abated, or its waiver is accepted.



2. The attaching creditor shall proceed with the execution even if the judgments referred to in clause (1) of this Article are appealable.

### **Article (282)**

1. If a second recovery claim is filed by the same claimant whose first claim was considered as if it had not been, or was so ruled, or was dismissed or held inadmissible, or the court lacked jurisdiction, or its statement was nullified, or the litigation therein was abated, or its waiver was accepted, the sale shall not be suspended unless the competent court decides to suspend it. This provision shall apply if the recovery claim is renewed after being struck out or suspended.

2. The provision referred to in clause (1) of this Article shall apply if a second recovery claim is filed by another claimant, and the claim is considered second if it is filed at a later date, even before the suspensive effect of the sale resulting from the filing of the first claim has ceased.

## **Chapter Five**

### **Attachment of Shares, Bonds, Revenues, and Quotas**

#### **Article (283)**

1. If the shares and bonds are bearer or endorsable, their attachment shall be in accordance with the provisions for the attachment of movables in the possession of the debtor or a third party.

2. The attachment of annuities, registered shares, profit shares due from legal persons, and the rights of limited partners in companies shall be in accordance with the provisions for the garnishment of the debtor's assets with a third party. The attachment thereof shall result in the attachment of their yields until the day of sale.

#### **Article (284)**

Shares, bonds, and other items mentioned in Article (283) of this Law shall be sold by public auction in accordance with the procedures stipulated in Article (288) and subsequent articles of this Law, under the supervision of the execution judge.

## **Chapter Six**

### **Attachment and Sale of Real Estate**

#### **Article (285)**

1. The attaching creditor shall submit a request for the attachment of real estate to the execution judge. The request shall include the following data:-

- a. The name, surname, profession, domicile, place of business of the applicant, and his elected domicile within the jurisdiction of the court where the execution is taking place if he has no domicile or place of business there.
- b. The name, surname, profession, domicile, and place of business of the person whose property is to be attached.
- c. A description of the real estate to be attached, stating its location, area, boundaries, or number and real estate zone, and any other data useful for its identification, in accordance with what is recorded in the official registers prepared for this purpose.

2. The creditor may obtain an order on a petition from the execution judge authorizing the process server to enter the property to obtain the necessary data for its description and to determine its contents. This order cannot be appealed.

#### **Article (286)**

1. If the execution judge finds that the request for real estate attachment has met its legal conditions, he shall issue his decision of attachment. The process server shall carry it out electronically or notify this decision to the competent department for real estate registration to be noted in the special records for this property, specifying the time and date.

2. The registration of the attachment decision shall result in the property being considered attached.

3. The competent department where the property is attached must inform the execution judge, based on the real estate register, of the creditors with registered rights, the domicile and place of business of each, and whether there are any impediments to the disposal of the property.

### **Article (287)**

1. The process server shall serve a copy of the attachment request on the debtor, the possessor, and the in-rem guarantor, after it has been endorsed to indicate its registration, within (7) seven days of the attachment.
2. Within the same period mentioned in clause (1) of this Article, the same attachment shall be notified to the creditors with registered rights. These creditors shall, upon being notified, become parties to the proceedings as attaching creditors. The notification shall be made, in the event of the death of any of them, to their heirs at the domicile specified in the registration if not more than (3) three months have passed since the death.

### **Article (288)**

1. After the attachment is completed, the debtor may submit a request to the execution judge to sell the attached property to a buyer, attaching to his request the sale price and the buyer's consent. This shall be presented to the attaching creditor or creditors, if there are several, if the sale price is less than the debt for which the attachment was made, within (7) seven days from the date of submitting the request. If they do not object within (7) seven days from the date of their notification or upon their approval, the sale shall be conducted and the price deposited in the court's treasury for the benefit of the creditors.
2. Before proceeding with the sale of the property by auction, the execution judge must notify the debtor to pay the debt within (15) fifteen days from the date of notification, otherwise the property will be sold by auction. The debtor may, within this period, request a postponement of the sale, and the execution judge may grant the request in either of the following two cases:-
  - a. If the income from the property for a period of (5) five years is sufficient to pay the debt, interest, fees, and expenses. In this case, the execution judge may authorize the creditor, under his supervision, to collect the property's income until full payment. If an unforeseen event prevents the creditor from receiving his rights regularly, the execution judge, upon the creditor's request, shall continue the procedures for selling the property.
  - b. If the income from the property for a period of (5) five years is not sufficient to pay the debt, interest, fees, and expenses, and the debtor has

other income in addition to the property's income that is sufficient to pay the debt in installments over a period not exceeding the period mentioned in this paragraph, with guarantees he deems appropriate. If the debtor fails to pay any of these installments, the execution judge, upon the creditor's request, shall continue the procedure for selling the property.

3. If the notification period stipulated in clause (1) of this Article expires and the debtor does not pay or does not submit a request to postpone the sale, or this request is rejected, the execution judge shall set the place, day, and period for the auction.

4. Before announcing the sale, the execution judge shall appoint one or more experts to estimate the price of the property, within a period not exceeding (15) fifteen days from the date the judge assigns him the task.

5. The process server must notify the debtor, the possessor, and the in-rem guarantor of the place, day, and period of the auction, and announce the sale not more than (30) thirty days before the day set for it, by posting the announcement on the court's website or by publishing it in two daily newspapers issued in the State. A copy of the announcement shall be affixed in a prominent place on the property and another on the court's notice board, or by any other means the execution judge deems appropriate.

### **Article (289)**

1. The sale announcement shall include the following data:-

a. The name, surname, profession, domicile, and place of business of each of the attaching creditor, the debtor, and the possessor or in-rem guarantor.

b. A description of the property as stated in the attachment declaration.

c. The base price determined by the expert, the expenses, and the deposit that a prospective buyer must pay in advance, which shall not be less than (20%) of the base price, and any special conditions for the sale.

d. A statement of the court before which the sale will take place, the day of the auction, and the period during which the auction will be held.

2. The attaching creditor, the debtor, the possessor, the in-rem guarantor, and any interested party may obtain permission from the execution judge to publish other announcements about the sale in newspapers and other

media due to the importance of the property or other circumstances. The increase in publication shall not delay the sale in any way, and the judge's order in this regard cannot be appealed.

### **Article (290)**

If the property offered for sale is divisible and a part of this property is sufficient, according to the experts' estimate, to pay the debt, its interest, fees, and expenses, the execution judge must separate that part and offer it for auction, excluding the other parts. If it appears from the auction result that the price offered for that part of the property is not sufficient for payment, the execution judge must offer the rest of the property or any other additional part sufficient for payment for auction. If a claim of ownership is filed for a part of the property offered for auction and the court decides to postpone the auction, this decision does not require the postponement of the auction for the remaining parts unless the shares, according to the experts' estimate, are indivisible, in which case the auction for the remaining shares must be postponed.

If there are multiple properties to be sold by auction, each property shall be offered for sale separately unless the execution judge finds, after consulting the experts, that it is in the interest to sell more than one property or all properties in a single auction.

### **Article (291)**

The property may only be sold to a citizen, with the exception of special cases where foreigners are allowed to own real estate as stipulated in the laws in force in the State, all while observing the rules for the transfer of real estate ownership.

### **Article (292)**

1. The disposition of the property by the debtor, possessor, or in-rem guarantor, as well as any mortgage or lien resulting from it, shall not be effective against the attaching creditors, even if they are ordinary creditors, nor against the successful bidder, if the disposition, mortgage, or lien was registered after the registration of the attachment decision.
2. The property's fruits and revenues for the period following the registration of the attachment decision shall be attached to the property.

The revenue and the price of the fruits and crops shall be deposited in the court's treasury. If the property is not leased, the debtor shall be considered its custodian until the sale is completed. If the property is leased, the rent due for the period following the registration of the attachment request shall be considered garnished in the hands of the tenant as soon as he is required by the attaching creditor or any creditor with an executive instrument not to pay it to the debtor. If the tenant pays the rent before this requirement, his payment is valid, and the debtor shall be held accountable for it as a custodian.

3. If the lease agreement was registered before the tenant was required to pay, the agreement shall remain in effect against the attaching creditor and the creditors with registered rights before the registration.

### **Article (293)**

1. If the property is encumbered by a real security and has passed to a possessor by a registered contract before the attachment, the possessor must be warned before the attachment is requested to pay the debt or vacate the property, otherwise the execution will proceed against him.

2. The warning shall include, in addition to the general data in the notification and the demand for payment or vacating, the following data:-

a. The executive instrument.

b. Notification to the debtor and demand for payment in accordance with Article (233) of this Law.

c. A statement of the property subject to execution as recorded in the official registers prepared for this purpose.

3. The warning referred to in clause (1) of this Article shall be directed to the mortgagor in cases where execution is carried out on a mortgaged property not owned by the debtor.

4. The notification of the warning shall have, in respect of the person notified, all the provisions and effects stipulated in Article (292) of this Law.

### **Article (294)**

1. Interested parties must raise grounds for nullity in the notification provided for in Articles (287) and (288) of this Law by a request submitted

to the execution judge at least three days before the session set for the sale, otherwise the right to raise them shall be forfeited.

2. The execution judge shall rule on the grounds for nullity referred to in clause (1) of this Article on the day set for the sale before the auction opens. His judgment cannot be appealed in any way. If he rules that the notification procedures are null, he shall postpone the sale to a day he sets and order the re-execution of these procedures.

3. If he rules to reject the request for nullity, he shall order the auction to proceed immediately.

4. The debtor, possessor, in-rem guarantor, and the creditors referred to in Article (286) of this Law must raise other grounds for nullity related to the procedures preceding the sale session, as well as objections to the sale conditions, at least ten days before the date of that session, otherwise the right to raise them shall be forfeited. This shall be done by a request submitted to the competent execution judge. The execution judge shall rule, based on the said request, to suspend or continue the sale, depending on whether he finds these grounds to be serious or not. If he decides to continue the sale, he shall order the auction to proceed immediately.

### **Article (295)**

Before starting the auction procedures, the creditor must deposit an amount estimated by the execution judge to cover the expenses and costs of selling the property, including lawyer's fees. This amount shall be deducted from the sale price of the property and returned to the creditor.

### **Article (296)**

1. The execution judge shall supervise the auction on the day appointed for the sale. The auction may not begin until it has been verified that the judgment being executed has become final.

2. If one or more buyers come forward in the first sale session, the execution judge shall, at the end of the period set for the auction, approve the highest bid, provided it is not less than the base price determined by the expert plus expenses. If the bid is less than that, or if no buyer comes forward in this session, the execution judge shall decide to postpone the sale to the next day at the same place and for the same auction period. If

no buyer comes forward in the second session with the base price, the judge shall postpone the sale to the next day, reducing the base price by (5%), then to a subsequent session, and so on, reducing the price by (5%) each time. If the total reduction reaches (25%), the sale must be postponed for a period not exceeding (3) three months, with the announcement procedures being repeated. In this case, the property shall be sold for the highest bid, provided it is not less than (50%) of the base price determined by the expert.

3. The sale session, in the context of this Article, includes the electronic session.

### **Article (297)**

1. The person whose bid is approved by the execution judge must deposit the full approved price and expenses within ten days following the sale session. If the price is paid, the judge shall rule to award the auction to him.

2. If the successful bidder does not deposit the full price, the execution judge shall offer the property to the next highest bidder at the price he offered. If he accepts, the judge shall approve his bid, and he must deposit the price within the period specified in clause (1) of this Article. If the second bidder refuses, the execution judge shall re-auction within (15) fifteen days with the same previous procedures, and then the judge shall rule to award the auction to the highest bidder.

3. Any person not prohibited from bidding may increase the price within (10) ten days following the award of the auction, provided that this increase is not less than one-tenth of the price. The bidder in this case must deposit the full offered price with the expenses in the court's treasury. The auction shall be re-conducted in this case within (7) seven days. If no one comes forward with a higher offer, the judge shall rule to award the auction to him.

4. The defaulting bidder shall be liable for any shortfall in the price of the property. The judgment awarding the auction shall include an order for the defaulting bidder to pay the price difference, if any. He shall not be entitled to any increase, which shall be due to the debtor, possessor, or in-rem guarantor, as the case may be.



5. In all cases, a guarantee from an accredited bank in the State or a certified check shall substitute for the deposit. If the person required to deposit is a creditor and the amount and rank of his debt justify exempting him from the deposit, the judge shall exempt him from depositing all or part of the price and expenses that the law requires him to deposit.

6. Under no circumstances may the terms of sale include anything that contradicts this.

7. If, for a reason beyond the buyer's control, the sale and registration transaction cannot be completed at the auction value within (30) thirty days from the date the auction is awarded, the buyer has the right to request the cancellation of the auction and the return of the cash payment he made. If this request is granted, the execution judge must re-conduct the auction.

8. The debtor may, at any time before the transfer of ownership and registration of the property to the buyer as a result of the auction is completed, pay the debt, interest, fees, and expenses, or sell the property with the approval of the execution judge and under his supervision at a higher price and with an increase of not less than (10%) ten percent of the price at which the auction was awarded.

### **Article (298)**

1. If the auction is delayed for legal reasons, the auction must be re-conducted within a period of (15) fifteen days from the date the reasons for the delay are removed.

2. If the auction is abandoned due to the creditor's failure to pursue it for a period of (6) six months or more, the auction must be re-conducted anew, and the previous deadlines shall be cancelled.

### **Article (299)**

1. The judgment awarding the auction shall be issued with the preamble of judgments and shall include a copy of the request for attachment of the property, a statement of the procedures followed in its regard and in the announcement of the sale, and a copy of the minutes of the sale session. Its operative part shall include an order to the debtor, possessor, or in-rem guarantor to deliver the property to the person to whom the auction was

awarded. The judgment must be filed in the case file on the day following its issuance.

2. The judgment referred to in clause (1) of this Article shall not be served, and shall be enforced by compulsion by requiring the debtor, possessor, in-rem guarantor, or custodian, as the case may be, to be present at the place of delivery on the day and at the hour specified for it, provided that the notification thereof is made at least two days before the day appointed for delivery.

3. If there are movables in the property to which a third party has a right, the execution applicant must, by a petition to the execution judge, request that the necessary measures be taken to protect the rights of the interested parties. He may hear their statements whenever the situation requires before issuing his order.

4. If the transfer of ownership of the sold property or part of it becomes impossible for any reason not attributable to the parties, the execution judge may cancel the judgment awarding the auction and restore the situation to what it was.

### **Article (300)**

1. The judgment awarding the auction may not be appealed, except for a defect in the auction procedures or in the form of the judgment, or for its issuance without suspending the procedures in a case where their suspension is legally mandatory.

2. The appeal shall be filed in the usual manner within (7) seven days from the date of the judgment's pronouncement.

### **Article (301)**

1. The execution judge, upon the request of the interested parties, shall request the competent administration for real estate registration to register the judgment awarding the auction after the person to whom the auction was awarded has deposited the full price, unless he has been exempted from the deposit. The rules established for real estate registration shall be followed in registering the judgment.

2. The registration referred to in clause (1) of this Article shall result in the clearing of the sold property from liens, security mortgages, and

possessory mortgages whose owners were notified in accordance with Article (286) of this Law, and only their right to the price shall remain.

### **Article (302)**

1. A third party may request the nullity of the execution procedures along with a claim of ownership of the attached property or part of it, by a lawsuit filed through the usual procedures before the competent court, in which the attaching creditor and the aforementioned creditors are impleaded

to them in Article (286) of this Law and the debtor, possessor, or in-kind guarantor. The court shall, in the first session, order the suspension of the sale procedures if the statement of claim includes a precise account of the evidence of ownership or the facts of possession or entitlement on which the claim is based, and is accompanied by supporting documents.

1. If the day designated for the sale arrives before the court rules on the suspension, the claimant may request the execution judge to stop the sale, provided that an official copy of the served statement of claim is deposited in the execution file.
2. Judgments issued in accordance with clauses (1) and (2) of this Article to suspend or proceed with the sale may not be appealed.
3. A claim of entitlement shall not be accepted until a security deposit of AED (10,000) ten thousand is deposited upon its registration, which shall be returned upon its acceptance and confiscated in case of rejection.

### **Article (303)**

1. If the claim of entitlement only pertains to a part of the attached real properties, the sale shall not be suspended for the remainder.
2. Without prejudice to the provision of clause (1) of this Article, the execution judge may, upon the request of the concerned party, order the suspension of the sale for all real properties if there are serious reasons to do so.

### **Article (304)**

If the auctioned property is claimed by a third party, the winning bidder may seek recourse for the price and compensation from the creditors or debtors, if applicable. The conditions of sale may not include an exemption from the refund of the price.

### **Article (305)**

The debtor, judges, members of the Public Prosecution, execution officers, court clerks, and lawyers representing the debtor, or their relatives up to the second degree, are not permitted to bid in the auction, either themselves or through others; otherwise, the sale shall be void.

## **Chapter Seven**

### **Some Special Sales**

### **Article (306)**

1. The sale of a bankrupt's real property shall be conducted by auction in accordance with the Federal Bankruptcy Law, and shall proceed based on the conditions of sale submitted by the bankruptcy trustee.
2. The sale of real property of an incapacitated person, for which a sale is authorized, and the real property of an absent person, shall be conducted by auction. It shall proceed based on the conditions of sale submitted by the creditors' agent or the representative of the incapacitated or absent person to the execution judge, after his approval.
3. The conditions of sale must include the sale authorization issued by the competent court.
4. The Case Management Office at the court must notify the Public Prosecution of the conditions of sale before presenting them to the execution judge.

### **Article (307)**

1. If the court orders the sale of a jointly-owned real property because partition is not possible without damage, the execution judge shall conduct the sale by auction upon the request of one of the co-

owners, without prejudice to the provisions of Article (291) of this Law.

2. The conditions of sale must include a statement of all co-owners, the domicile of each, and a copy of the judgment ordering the sale.

### **Article (308)**

The rules related to the procedures for selling real property at the request of creditors, as stipulated in this Law, shall apply to the sales provided for in Articles (306) and (307) of this Law.

### **Article (309)**

Subject to the provisions of this Chapter, the execution judge may entrust any natural or legal person, whether private or public, with undertaking the procedures for imposing attachment or selling attached assets, whether wholly, partially, or assisting in their performance, in accordance with the rules and procedures issued by a decision of the Chairman of the Federal Judicial Council or the head of the competent judicial authority - each according to their jurisdiction - provided that these rules specify their mechanism of work and the calculation of their fees.

## **Part Three**

### **Distribution of Execution Proceeds**

### **Article (310)**

1. Once money in the debtor's possession is attached, or the attached property is sold, or (10) ten days have passed from the date of the garnishee's declaration in an attachment of the debtor's assets held by a third party, the execution proceeds shall be distributed among the attaching creditors and those considered parties to the procedures without any further action, even if the proceeds are insufficient to fully satisfy their rights.
2. All creditors in the execution groups and consolidated execution files shall be considered parties to the procedures within the meaning of the preceding paragraph, even if they have not submitted a request to that effect, and they shall be included in the distribution list of the

execution proceeds in accordance with the requirements of Articles 311 - (314) of this Law.

### **Article (311)**

1. If the execution proceeds are sufficient to satisfy all the rights of the attaching creditors and those considered parties to the procedures, the execution judge shall order that each creditor's debt be satisfied after submission of their enforcement deed.
2. If one of the creditors referred to in clause (1) of this Article does not possess an enforcement deed, and the action to establish the right is still pending, an amount corresponding to the debt for which attachment was made shall be allocated to this creditor and kept in the court's treasury for their account, pending the final judgment in the action.

### **Article (312)**

1. If the execution proceeds are insufficient to satisfy all the rights of the attaching creditors and those considered parties to the procedures, whoever holds these proceeds must immediately deposit them in the court's treasury, accompanied by a statement of the attachments made.
2. The distribution among holders of preferred debts and holders of registered rights shall be according to their respective ranks as specified in the law.

### **Article (313)**

The distribution procedures shall begin with the execution judge preparing a distribution list, notifying the debtor, possessor, attaching creditors, and those considered parties to the procedures to appear before him in a session he sets for that purpose. The execution judge shall rule on any objection that may be submitted before the disbursement of the amounts within (3) three days following the date of the session.

### **Article (314)**

1. The execution judge shall file the final distribution list with the Case Management Office at the court, showing what each creditor is entitled to in principal and expenses.
2. In all cases, the execution judge shall order the issuance of payment orders from the court's treasury and the cancellation of registrations, whether they relate to debts included in the list or to debts not covered by the distribution.

### **Part Four**

### **Specific Performance**

### **Article (315)**

1. In the case of enforcement by delivery of a movable or real property, the execution officer must go to the location of the object to deliver it to the applicant. He must state in his report the objects of delivery, the enforcement deed, and the date of its notification. If the delivery concerns a real property occupied by a precarious possessor, the execution officer shall notify them to recognize the new possessor after the delivery of the property is completed.
2. If the objects to be delivered are under attachment, the execution officer may not deliver them to the applicant and must inform the attaching creditor.
3. The execution judge shall issue the necessary orders to preserve the rights of the concerned parties, upon the request of the interested party or the execution officer.

### **Article (316)**

1. The execution officer shall inform the person obligated to evacuate the real property of the day on which the eviction will be executed, at least three days before the scheduled day. On the scheduled date, he shall enable the applicant to take possession of the property. If the said property contains movables not required to be delivered to the applicant for eviction and their owner does not move them immediately, the execution officer must entrust their custody in the

- same place to the applicant, or move them to another place at the expense of the person against whom execution is levied if the applicant does not agree to custody. If these movables are under attachment or receivership, the execution officer must inform the creditor who placed the attachment or receivership at their request. In both cases, the execution officer shall refer the matter to the execution judge to take what he deems necessary to preserve the rights of the concerned parties.
2. The execution officer shall draw up a report stating the enforcement deed and the date of its notification, a description of the real property subject to eviction, the movables not required to be delivered to the applicant, and the measure taken regarding them.

### **Article (317)**

1. Whoever requests compulsory execution of an obligation to do or refrain from doing an act must submit a request to the execution judge to determine the method by which this execution is to be carried out. The request shall be accompanied by the enforcement deed and its notification.
2. After notifying the other party to hear their statements, the execution judge shall issue his order specifying the method by which the execution is to be carried out, appointing an execution officer to carry it out, and the persons assigned to complete the work or removal.

### **Article (318)**

1. If specific performance in the manner specified in Article (317) of this Law is impossible, or if the execution requires the debtor to perform it himself and he fails to do so, the execution judge may compel him with a daily fine of not less than AED (1,000) one thousand and not more than AED (10,000) ten thousand, which shall be disbursed as compensation to the execution creditor for the delay, provided that the total fines do not exceed the original debt subject to execution.
2. The execution judge has the right to cancel the fine, or part of it, if the person against whom execution is levied proceeds with the execution before it is actually disbursed.



3. The provisions of clause (1) of this Article shall apply to the legal representative of a legal person, and to any of their employees who personally caused the obstruction of execution.

## **Part Five**

### **Imprisonment of the Debtor, Travel Ban, and Other Precautionary Measures**

#### **Chapter One**

#### **Imprisonment of the Debtor**

##### **Article (319)**

1. The execution judge may issue an order, upon a request submitted by the judgment creditor, to imprison the debtor if he refuses to execute any enforcement deed, unless he proves his inability to pay. A debtor is not considered capable of paying if it is proven that his entire wealth consists of assets that cannot be attached or sold.
2. A debtor's claim of inability to pay shall not be accepted if he refuses to pay in any of the following cases:
  - a. If he has smuggled or concealed his assets with the intent to harm the creditor, making it impossible for the creditor to execute against those assets.
  - b. If the debt is an installment or more of the installments decided upon the debtor, or if the debtor is one who guaranteed the original debtor's payment before the court or the execution judge, unless the debtor proves the occurrence of new facts that affected his solvency and rendered him unable to pay the installments or the value of the guarantee or any part thereof, after these installments were decided upon him or after he provided the guarantee.
3. The execution judge shall order the imprisonment of the debtor in the cases specified in paragraphs (a) and (b) of clause (2) of this Article for a period not exceeding one month, which may be renewed for other periods. If the debtor is not a flight risk and has a residence, the periods of imprisonment may not exceed (6) six consecutive months. His imprisonment may be renewed after the lapse of (90)

ninety days from his release if he remains in refusal of execution, provided that the total periods of the debtor's imprisonment do not exceed (36) thirty-six months, regardless of the number of debts or creditors, in the case of concurrent enforcement deeds, unless the matter relates to a debt resulting from intentional financial crimes, in which case the imprisonment periods may reach (60) sixty months.

### **Article (320)**

1. Before issuing the imprisonment order, the execution judge shall conduct a summary investigation if the documents supporting the request are not sufficient.
2. The judge may grant the debtor a grace period for payment not exceeding (6) six consecutive months, or to pay the amount being executed in suitable installments not exceeding (3) three years with guarantees or precautionary measures that the judge deems appropriate if there is a fear of the debtor fleeing the country.
3. A grievance or appeal against the order mentioned in clauses (1) and (2) of this Article shall be made through the procedures prescribed in Article (209) of this Law.

### **Article (321)**

1. The issuance of an order to imprison the debtor is prohibited in any of the following cases: -
  - a. If he has not reached (18) eighteen years of age or has exceeded (70) seventy years of age.
  - b. If he has a child who has not reached (15) fifteen years of age and his spouse is deceased or imprisoned for any reason.
  - c. If he is the spouse or an ascendant of the creditor, unless the debt is an adjudicated alimony.
  - d. If he provides a bank guarantee or a solvent guarantor accepted by the execution judge, to pay the debt on the specified dates or discloses assets he owns in the State that can be executed against and are sufficient to pay the debt.
  - e. If it is proven by an accredited medical certificate that the debtor is suffering from a chronic illness for which no cure is expected and with which he cannot tolerate imprisonment.

- f. If the debt being enforced is less than AED (10,000) ten thousand, unless it is a financial penalty, adjudicated alimony, work wages, or an obligation to do or refrain from doing an act.
- 2. The execution judge may postpone the issuance of the order to imprison the debtor in either of the following two cases: -
  - a. For a pregnant woman and for a period of two years from the date of her delivery, and this period is reduced to (3) three months from the date of a stillbirth.
  - b. If it is proven by an accredited medical certificate that the debtor is suffering from a temporary illness with which he cannot tolerate imprisonment, until his recovery.

### **Article (322)**

If the debtor is a private legal person, the order shall be issued to imprison its legal representative or others if the refusal to execute is personally attributable to them. A travel ban may be imposed in accordance with the procedures and controls stated in Articles (324) to (326) of this Law, even if the creditor does not have an enforcement deed against them, after conducting an investigation in both cases.

### **Article (323)**

The execution judge shall order the lapse of the order issued to imprison the debtor in any of the following cases:

- 1. If the creditor agrees in writing to waive the order.
- 2. If the debtor's obligation for which the order was issued is extinguished for any reason.
- 3. If any of the conditions necessary for ordering imprisonment ceases to exist, or if a ground for preventing its issuance arises.

## **Chapter Two**

### **Debtor's Travel Ban**

### **Article (324)**

- 1. The creditor, even before filing the substantive action, if there are serious reasons to fear the debtor's escape and the debt is not less

than AED (10,000) ten thousand, unless it is an adjudicated alimony, an obligation to do or refrain from doing an act, or work wages, may request the competent judge or the head of the circuit, as the case may be, to issue an order banning the debtor from travel in either of the following two cases:-

1. First: If the debt is known, due, and not subject to a condition.
2. Second: If the debt is not of a specific amount, the judge shall make a temporary estimation, provided that the following two conditions are met:
  - a. The claim for the right is based on written evidence.
  - b. The creditor provides a guarantee acceptable to the court, in which he guarantees all damages and losses that may befall the debtor as a result of the travel ban if it turns out that the creditor is not rightful in his claim.
2. Before issuing the order, the judge may conduct a summary investigation if the documents supporting the request are not sufficient. He may also order the deposit of the debtor's passport in the court's treasury and circulate the travel ban order to all ports of the country in case a travel ban order is issued.
3. The personal status execution judge may issue an order banning a child under custody from travelling in cases that violate the conditions and controls of the provisions stipulated in the Federal Personal Status Law.
4. The person against whom a travel ban order was issued or whose request was rejected may file a grievance against it through the procedures prescribed for grievances against orders on petitions, unless the issuer of the order is the competent execution judge, in which case the grievance against his decision shall be in accordance with the procedures stipulated in clause (1) of Article (209) of this Law.
5. An order imposing a travel ban shall not prevent the execution of final judgments ordering deportation. The travel ban order, in the event of a final judgment or an administrative order for deportation, shall be presented to a judicial committee headed by a judge, whose formation shall be determined by a decision of the Council of Ministers, to consider which of them to execute.
6. The head of the competent court or his delegate may approve the travel of the debtor due to his illness or that of one of his ascendants

or descendants of the first degree or his spouse. It is required that the request be accompanied by a medical certificate from an official authority stating the need for treatment abroad and the impossibility of treatment within the country, while the travel ban order remains in effect.

### **Article (325)**

The travel ban order shall remain in effect until the debtor's obligation to the creditor who obtained the order is extinguished for any reason. However, the competent judge shall order the lapse of the order in any of the following cases:

1. If any of the conditions necessary for ordering the travel ban ceases to exist.
2. If the creditor agrees in writing to waive the order.
3. If the debtor provides a sufficient bank guarantee, or a solvent guarantor accepted by the judge, and the guarantee deed containing the guarantor's undertaking, accompanied by the judgment or order obligating the debtor, shall be an enforcement deed against him for what is adjudicated by that judgment.
4. If the debtor deposits in the court's treasury an amount of money equal to the debt and expenses, and it is allocated to satisfy the right of the creditor who requested the order. This amount shall be considered attached by force of law in favor of the creditor.
5. If the creditor does not provide the judge with evidence of filing the action for the debt within (8) eight days of the issuance of the travel ban order, or does not begin to execute the final judgment issued in his favor within (30) thirty days from the date it becomes final.
6. If (3) three years have passed since the last valid procedure for the execution of the final judgment for the debt for which the travel ban order was issued, without the judgment creditor submitting a request to the execution judge to continue with the execution procedures of that judgment.
7. If a request is received from the competent authorities stating that the residence of the person banned from travel in the country has become illegal and he must be deported, and it is not proven that he has assets in the country that can be executed against.

## **Article (326)**

The provisions of Articles (324) and (325) of this Law shall not apply to foreigners against whom decisions have been issued for their surrender to a foreign state in accordance with the provisions of the Federal Law on International Judicial Cooperation in Criminal Matters.

## **Chapter Three**

### **Other Precautionary Measures**

## **Article (327)**

If the debtor who is banned from travel refuses to hand over his passport without justification, or if it becomes apparent to the judge that he has disposed of or smuggled his assets, or that he is preparing to flee the country despite the measures taken to prevent him from travelling, the judge may decide to have him brought in and compel him to provide a payment guarantee or a personal appearance bond, or to deposit the claimed amount in the court's treasury. If he does not comply with the order, the judge may decide to detain him temporarily until the order is executed. This decision is appealable within (7) seven days from the date of its issuance.

## **Part Six**

### **Use of Remote Communication Technology in Civil Procedures**

## **Article (328)**

The use of remote communication technology in civil procedures means the use of audio-visual communication means between two or more parties to achieve remote attendance and exchange of documents, which includes the registration of a lawsuit, notification procedures, trial, and execution that are carried out through the use of such technology.

## **Article (329)**

For the definitions of: Electronic Document, Electronic Information, Electronic Information System, Electronic Signature, reference is made to

the meaning specified in the Federal Law on Electronic Transactions and Trust Services.

### **Article (330)**

The provisions for fee payment, registration, notification, submission of documents, attendance, publicity, pleading, hearing of witnesses, interrogation, deliberation, issuance of judgments, filing of appeals, and execution with all its procedures stipulated in this Law are deemed fulfilled if carried out wholly or partially through remote communication technology.

### **Article (331)**

The President of the Court, the Head of the Circuit, the competent judge, or their delegate, may take procedures remotely whenever they deem it appropriate to do so at any stage of the civil action, in a way that facilitates litigation procedures.

### **Article (332)**

Remote procedures may be taken outside the territorial jurisdiction of the courts of any emirate that conducts civil procedures remotely. Coordination, when necessary, shall be with the competent authority in the emirate where the person concerning whom the procedure is to be taken is located, or where any documents to be submitted in the case are located.

### **Article (333)**

In trials conducted remotely, at any stage of the trial, any of the parties to the case may request the court to conduct the trial in person. The court, after notifying the other parties, shall decide on this request.

### **Article (334)**

1. Remote litigation records shall be recorded and saved electronically before being transcribed. They shall have a confidential status, and it is not permissible to circulate, access, copy, or delete them from the

electronic information system except with the permission of the competent court, as the case may be.

2. The court may dispense with the recording if the remote litigation procedures are documented directly during the session in the electronic case file and approved by its president.

### **Article (335)**

The remote communication technology stipulated in this Law is subject to the approved information security regulations and policies in the State.

### **Article (336)**

1. The competent authority may transcribe the remote litigation procedures into minutes or paper or electronic documents that it approves, without the need for signatures from the concerned parties.
2. The court may be satisfied with the minutes of remote litigation procedures if they are documented directly during the session in the electronic case file and approved by its president.

### **Article (337)**

Remote communication technology may be used to request or execute letters rogatory and judicial assistance with foreign countries, in accordance with the provisions of agreements and treaties ratified by the State.

### **Article (338)**

An electronic signature and electronic documents shall have the same legal authority as that prescribed for a signature or for official and customary paper documents stipulated in the aforementioned Federal Law on Evidence in Civil and Commercial Transactions, provided they meet the conditions and provisions stipulated in the Federal Law on Electronic Transactions and Trust Services.