

Federal Decree-Law No. (42) of 2022 Promulgating the Civil Procedure Code

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

- Having reviewed:
- The Constitution;
- Federal Law No. (1) of 1972 regarding the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (10) of 1973 regarding Supreme Federal Court, as amended;
- Federal Law No. (6) of 1978 concerning the Establishment of Federal Courts and the Transfer of Jurisdictions of the Current Judicial Authorities in some Emirates thereto, as amended;
- Federal Law No. (26) of 1981 concerning the Maritime Commercial Law, as amended;
- Federal Law No. (5) of 1985 promulgating the Civil Code of the United Arab Emirates, as amended;
- Federal Law No. (11) of 1992 regarding the Civil Procedure Code, as amended;
- Federal Law No. (18) of 1993 regarding commercial transactions, as amended;
- Federal Law No. (28) of 2005 regarding Personal Status, as amended;
- Federal Decree Law No. (9) of 2016 regarding Bankruptcy, as amended;
- Federal Law No. (13) of 2016 regarding Judicial Fees Payable to Federal Courts, as amended;
- Federal Law No. (17) of 2016 Establishing Centers of Mediation and Conciliation in Civil and Commercial Disputes, as amended;
- Federal Law No. (7) of 2017 regarding Tax Procedures, as amended;
- Federal Law No. (6) of 2018 regarding Arbitration;
- Federal Law No. (10) of 2019 Regulating the Judicial Relations between Federal and Local Judicial Authorities;
- Federal Decree-Law No. (19) of 2019 regarding Insolvency;

- Federal Law No. (6) of 2021 regarding Mediation for the Settlement of Civil and Commercial Disputes;
- Federal Decree-Law No. (32) of 2021 regarding commercial companies,
- Federal Decree-Law No. (46) of 2021 regarding Electronic Transactions and Trust Services,
- Federal Decree-Law No. (32) of 2022 regarding the Federal Judicial Authority;
- Federal Decree-Law No. (34) of 2022 Regulating the Legal and Legal Consultancy Professions;
- Federal Decree-Law No. (35) of 2022 promulgating the Law of Evidence in Civil and Commercial Transactions; and
- And based on the Presentation of the Minister of Justice and the Approval of the Cabinet.

Have enacted the following Decree-Law:

Article (1)

The accompanying law shall apply to civil procedures before the courts in the State.

Article (2)

Federal Law No. (11) of 1992 regarding the Civil Procedure Code as amended, is hereby repealed.

Any provision contained in any other legislation that contradicts or is in conflict with the provisions of the Civil Procedure Code attached to this Decree-Law is hereby repealed, with the exception of the authority 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 consider and decide on any lawsuit or specific rights-related issue in accordance with its law.

Article (3)

1. The courts shall refer, without fees and of their own volition, the cases brought thereto that have already fallen within the jurisdiction of other courts pursuant to the provisions of the Civil Procedure Code attached to this Decree-Law, in their existing stage of proceedings. In the event of the absence of one of the litigants, the case management office shall serve on him the referral order and instruct him to appear on the set date before the court to which the case is referred.
2. The provisions of the preceding paragraph shall not apply to the disputes and lawsuits that have been adjudicated, or the lawsuits that have been postponed for the pronouncement of judgment, or the appeals filed prior to the effective date of the Civil Procedure Code attached to this Decree-Law and the judgments issued thereon shall remain subject to the rules regulating the appeal methods applicable on the date of their issuance.

Article (4)

The President of the Federal Judicial Council and the heads of the local judicial authorities, as the case may be, shall issue the necessary decisions to implement the provisions of the Civil Procedure Code attached to this Decree-Law.

Article (5)

This Decree-Law shall be published in the Official Gazette, and shall come into force as of January 2, 2023.

Mohammed Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

On: 28 Rabi' Al-Awwal 1446 A.H.

Corresponding to: October 01, 2024 AD

Preliminary Part

General Provisions

Article (1)

1. The provisions of this Code shall apply to all legal proceedings that have yet to be adjudicated on, as well as all procedures that have yet to be implemented, prior to the date of entry into force of this Code, with the following exceptions:

- a. The jurisdiction-amending provisions where their date of entry into force falls beyond the close of pleadings into the legal proceeding before the Court of First Instance;
- b. The time limit-amending provisions where the underlying time limit has already commenced prior to their entry into force; and
- c. The provisions regulating the means of challenging judgments with regard to the judgments rendered prior to their date of entry into force, where such laws are either repealed or creating any of such means.

2. Every procedure validly conducted under an applicable law shall remain valid and effective unless otherwise stipulated.

3. The time limits regulating the inadmissibility or lapse of proceedings or other procedural time limits that are newly prescribed shall only commence on the date of entry into force of the law prescribing the same.

Article (2)

No application or plea shall be admitted insofar as the filing party thereof has no existing lawful interest in respect thereof. However, the potential interest shall be legally sufficient for the application or plea to be admitted if the purpose of the same is to take a precautionary measure to avoid an imminent damage or to safeguard a right which might be lost if it becomes a matter of dispute.

Article (3)

1. Legal proceeding for revocation of administrative decisions shall not be admitted after sixty [60] days from the date of publishing the underlying administrative decision, or the date of serving the same upon the interested party, or the date on which it is established that the

interested party has become fully aware of the same.

2. This time limit shall be interrupted when a grievance or objection is filed with the competent administrative authority based on the applicable procedures set out in the relevant legislation. In which case, the competent administrative authority shall decide on the grievance within sixty [60] days following its filing date. If the grievance is rejected, the rejection decision shall be reasoned. The lapse of sixty [60] days following the filing date of the grievance with no decision being made on the grievance by the competent administrative authority shall be construed as rejection of the grievance. The time limit for instituting the case shall commence on the date of explicit or implicit rejection, as the case may be.

Article (4)

1. Where this Code prescribes a mandatory time limit for taking any action that is conducted by service of process, the time limit shall only be observed if either the application is submitted or the service of process is conducted within such a time limit.

2. Where this Code prescribes that a particular action be performed by way of filing, the filing procedures shall be performed within the time limit described in the Law.

Article (5)

1. Arabic shall be the official language of courts, and the Court shall hear the statements of the non-Arabic-speaking litigants, witnesses and others through an interpreter after the latter takes the oath according to the Law.

2. Notwithstanding any provision set forth in any other law, the Chairman of the Federal Judicial Council or the Head of the Local judicial body, as the case may be, may decide that English be the language of trials, procedures, judgments and decisions in respect of certain tribunals that are assigned to hear the proceedings involving specialized matters, specific cases or particular proceedings. In which case, the statements of litigants, witnesses or lawyers, shall all be heard in English, and the statements, pleadings, applications and other documents shall also be submitted to such tribunals in English. In addition, the court shall hear the statements of non-English-speaking litigants, witnesses or other persons through an interpreter after the latter takes the oath according to the law, in the cases and according to

the controls and conditions to be prescribed in the relevant decision.

Article (6)

1. The service of process shall be conducted upon the request of the litigant, or based on an order of the competent court or a decision of the Case Management Office, either by the process server or by the means prescribed by this Code.
2. The competent court, the Case Management Office or the supervising judge, as the case may be, may authorize the Plaintiff or its Lawyer to serve the process by the means described in Article [9.1] of this Code.
3. The service of process may be conducted by one or more private companies or firms according to the provisions of this Code, and the Chairman of the Federal Judicial Council or the Head of the Local judicial body, as the case may be, shall issue the rules regulating the service of process by private companies and firms according to the provisions of this Code. Anybody tasked with serving the process in this regard shall be deemed a process server.
4. In all cases, the service of process may be conducted throughout the State without compliance with the rules of territorial jurisdiction.

Article (7)

1. Any service of process shall be conducted, or any Execution procedure shall be initiated by the process server or the Execution Bailiff, between seven in the morning [07:00 am] and nine in the afternoon [09:00 pm], and the same shall only be conducted on public holidays where there is a state of urgency based on the permission of the supervising judge, the chief justice of the competent court or the judge of urgent matters.
2. Should the service of process be conducted by any modern means of communication, whether upon natural persons or legal persons, the time limits set forth in Clause [1] of this Article shall not apply, except for the recorded calls.
3. For the government and public legal persons, the time of service or commencement of Execution in relation to their activities shall be their working hours, except for the service of process by any modern means of communication.

Article (8)

1. The process to be served shall include the following details:

- a. The Plaintiff's name, surname, occupation or profession, domicile, mobile phone number, fax number, email, or its elected domicile and place of residence, the legal representative's name, surname, occupation or profession, domicile and place of work if working for a third party;
- b. The name, surname, occupation or profession, domicile or elected domicile of the Defendant. If the latter has no known domicile at the time of serving the notice, the last known domicile and place of work of the same shall be included, along with its mobile phone number, fax number and email address, if any;
- c. The process server's name, occupation and employer, and his signature;
- d. The date of the day, month, year and hour of serving the notice;
- e. The name of the court, subject of the service of process, case number and the hearing date, if any; and
- f. The name, capacity, surname, seal or fingerprint of the person receiving the process as a proof of receipt, or the reasons for his / her refusal to receive the process.

2. If the service of process is conducted by modern means of communication, the data described in the paragraphs [A], [B], [D] and [E] of Clause [1] of this Article shall be legally sufficient.

3. If the Defendant's native language is not Arabic, the Claimant shall enclose with the process a certified translation thereof in English, unless there is prior agreement between the parties to provide the translation in any other language.

4. The provision of Clause [3] of this Article shall apply to all civil and commercial proceedings, except for the labor proceedings initiated by the employee and workers, as well as personal status proceedings.

Article (9)

1. The Defendant shall be served by any of the following means:

- a. Audio or video recorded call, SMS to mobile phone, smart applications, email, fax, other modern means of communication or by any other means to be agreed upon by

the parties from among the means of service described herein;

- b. By hand delivery to the Defendant at his / her place of residence or domicile, or to his / her attorney. If the process fails to be served due to any reason on the part of the Defendant, or if the latter refuses to receive the process, the same shall be construed as personal service upon the intended person. If the process server fails to find the Defendant at his / her place of residence or domicile, the process shall be served upon any person cohabitating with the intended person; i.e. his / her spouse, relative by blood or marriage or servant. If none of the above-mentioned persons is willing to receive the notice, or where there is no person upon whom the notice can be legally served, or the place of residence is closed, the process server shall either directly post the process visibly on the outer door of the intended recipient's place of residence, or post the same on the court's website;
 - c. At the elected domicile of the Defendant; or
 - d. At the place of work of the Defendant. If the Defendant is not available at his / her place of work, the process shall be delivered to his boss, any person in charge of the management of the Defendant, or his / her colleague, with the exception of the service of process relating to personal status proceedings, which shall be served upon the Defendant in person at his / her place of work.
2. The process server shall verify the identity of the person served, by ensuring that his appearance indicates that he is at least eighteen [18] years of age, and that neither he nor his representative has an apparent interest that conflicts with that of the Defendant. If the process is served by the means of communications described in [1.A] of this Article, the process server shall ensure that the means of communication used is personally relating to the Defendant. If the notice is served by audio or video recorded calls, the process server shall draw up a report setting out the content, time and date of the call and the details of the call recipient. Such a report shall have the probative force as evidence and shall be enclosed with the case file.
3. If the Defendant cannot be served as indicated in Clause [1] of this Article, the matter shall be referred to the Case Management Office, the competent judge or the chief justice of the court, as the case may be, in order to gather information from at least one relevant

entity and then serve the notice upon the intended person either by posting on the court's website or by publication in both a widely-circulated electronic or paper daily newspaper that is published in the State in Arabic, and a foreign newspaper published in a foreign language, if necessary, where the Defendant intended to be served is a foreigner.

Article (10)

Unless otherwise provided for in any other legislative instrument, a copy of the process shall be served as follows:

1. For the ministries, federal and local government bodies, public authorities and public institutions of all types, the process shall be served upon their legal representative;
2. For the private legal persons, private societies, companies and organizations, private sole proprietorships and foreign companies that have a branch or representative office in the State, if the process is relating to the company's branch, it shall be served according to the provisions of Article [9.1] of this Code, and shall be delivered at their headquarters to their legal representative or any person acting on his behalf or any partner thereof, as the case may be. If neither the legal representative nor any person acting on his behalf is available, the process shall be delivered to any employee of their office. If the organization concerned has no headquarters or is closed, or if its manager or any of its employees refuses to receive the process, the same shall be served by positing on the court's website, by directly posting the process on the door without permission of the court, or by publication, as the case may be;
4. For members of the armed forces or the police or the like, the process shall be served upon their competent department as instructed by the aforesaid bodies;
4. For the persons in prison and detention, the process shall be delivered to their place of existence for service, and the delivery of the papers required to be served upon the intended person shall be established;
5. For the seafarers or crew members of commercial vessels, the process shall be delivered to their captain for service. If the vessel has already set out from the port, the process shall be delivered to its shipping agent; and
6. For the persons whose whereabouts are outside the State and could not be served by way

of the means of communication, private companies or firms, or the way agreed upon by the parties, the process shall be submitted to the Ministry of Justice, in order to be referred to the Ministry of Foreign Affairs and International Cooperation, so as to be delivered to the diplomatic mission concerned in the State, unless the means of service is such a case is regulated by special agreements.

Article (11)

The service of process shall be deemed effective as follows:

1. As of the date of service according to the provisions of Articles [9] and [10] of this Code, or the date on which the Defendant refuses to receive the same;
2. Following the expiry of twenty-one [21] business days, starting from the date on which the diplomatic mission concerned in the State receives the Ministry of Foreign Affairs and International Cooperation's letter containing the process to be served;
3. As of the date of receiving the fax or the sending date of the email message or text message to the mobile phone, the date of sending the process by means of communication, or the date of making the audio or video recorded message; or
4. As of the date of posting the process on the court's website on the designated page. The posting shall remain valid for at least fifteen [9] days, and as of the date of completing the posting or publication according to the provisions of this Part.

Article (12)

If the law prescribes a time limit in days, months or years for appearance or for the occurrence of a particular procedure, neither the day of service nor the date of occurrence of the incident regarded by the law as giving rise to the relevant time limit shall be included in the time limit, and the same shall expire upon the lapse of the last day thereof.

If the time limit is prescribed in hours, neither the hour of service nor the hour of occurrence of the incident regarded by the law as giving rise to the relevant time limit shall be included in the time limit, and the same shall expire upon the lapse of the last hour thereof.

If the time limit is required to expire before a particular procedure takes place, the underlying procedure shall only occur after the lapse of the last day of the time limit.

If the last day of the time limit falls on a public holiday, the time limit shall be automatically extended to the first following business day.

The time limits specified in months or years shall be calculated in the Gregorian calendar, so that the month is thirty [30] days and the year is three hundred sixty-five [365] days, unless the law provides otherwise.

Article (13)

1. The procedure shall be invalid if such invalidity is explicitly provided for in the law, or if the underlying procedure involves any essential defect or shortcoming due to which the purpose of the procedure cannot be achieved.
2. In all cases, the invalidity shall not be decided in spite of being provided for in the law, if the purpose of the underlying procedure is achieved.

Article (14)

Except for the cases where the invalidity is relating to the public order:

1. Invalidity may only be invoked by the party in whose favor the same is established by the law.
2. Invalidity may not be invoked by the party causing the same.
3. Invalidity shall be extinguished if the party in whose favor such invalidity is established explicitly or implicitly waives the same.

Article (15)

The invalid procedure may be rectified even after being invoked, provided that such rectification takes place within the time limit prescribed by law for the underlying procedure to be performed. If there is no time limit prescribed by law in respect of the underlying procedure, the Court shall determine an appropriate time limit for rectifying the same. The procedure rectified shall only become effective as of its rectification date.

Article (16)

If the procedure is invalid but satisfies the elements of any other procedure, the latter shall be deemed valid as being the procedure whose elements are satisfied. If the procedure is partially invalid, only the invalid part thereof shall be invalid.

Invalidity of the procedure shall not invalidate the procedures preceding, or subsequent to, it, if they are not dependent thereupon.

Article (17)

The transcript of court hearing shall be deemed an official deed in respect of its content, and shall be drawn up by a clerk who, together with the judge, shall sign the transcript in a paper or electronic format.; otherwise, the transcript shall be null and void.

Article (18)

The process server, clerks or other judicial assistants shall not get involved in any activity that falls within the scope of their jobs in respect of the legal proceedings relating to them or their spouses, blood relatives or in-laws up to the fourth degree; otherwise, such an activity shall be null and void.

Title One

Litigation Before Courts

Part One

Jurisdiction of Courts

Chapter One

Universal Jurisdiction of Courts

Article (19)

Except for actions in-rem relating to real property abroad, the Courts shall have the jurisdiction to hear and adjudicate on the legal proceedings instituted against national citizens as well as foreigners having a place of residence or domicile in the State.

Article (20)

The Courts shall have the jurisdiction over the foreigner who has no place of residence or domicile in the State in the following cases:

1. If the foreigner has an elected domicile in the State;
2. If the legal proceeding is relating to property in the State, inheritance share of a national citizen or an estate opened in the State;
3. If the legal proceeding is relating to an obligation that is executed or performed, or required to be performed, in the State, a contract required to be attested in the State, an incident taking place in the State, or a bankruptcy process established by any Court of the State;
4. If the legal proceeding is instituted by a wife who has a place of residence in the State against her husband who had a place of residence therein;
5. If the legal proceeding is relating to the maintenance expenses of either parent, a wife, an interdicted person, a young child or his / her parentage, guardianship over the property or persons, in the event that the party claiming the maintenance expenses, the wife, the young child or the interdicted person has a place of residence in the State;
6. If the legal proceeding is relating to personal status matters, and the Plaintiff is a UAE national or foreigner having a place of residence in the State, if the Defendant has no known address abroad, or where the national law is applicable to the legal proceeding; or ;
7. If any of the Defendants has a place of residence or domicile in the State.

Article (21)

The Courts shall have the jurisdiction to adjudicate on the preliminary matters and interlocutory applications associated with the main case falling within their jurisdiction, as well as every motion or application relating to such a case where the proper administration of justice entails that the same be heard concurrently with the main case. They shall also have the jurisdiction to adjudicate on summary and precautionary measures to be enforced in the State, even if they have no jurisdiction over the main case.

Article (22)

If the Defendant fails to appear and the Court has no jurisdiction over the case according to the foregoing Articles, the Court shall, sua sponte, decide that it lacks the jurisdiction.

Article (23)

Any agreement that goes against the Articles of this Chapter shall be null and void.

Chapter Two

Subject-Matter Jurisdiction of Courts

Article (24)

The Courts of First Instance have the jurisdictions to hear all claims, disputes and proceedings of first instance, except for those excluded under a special provision.

Abu Dhabi Federal Court of First Instance shall have the exclusive jurisdictions to hear all proceedings to which ministries and federal entities are parties.

Article (25)

Notwithstanding the provisions of the text of the foregoing Article, each Emirate may form committees to be vested with the exclusive authority to hear the disputes in relation to lease agreements between the Landlord and the Tenant, and may regulate the procedures for implementing the decisions of such committees.

Article (26)

The Courts of Appeal shall have the jurisdiction to hear and adjudicate on the appeals filed therewith against the appealable judgments, decisions and orders rendered by the Courts of First Instance, as described in this Code.

Article (27)

1. A judge of the Court of First Instance shall be designated at the seat of the Court to render a judgment on a temporary basis without prejudice to the substance of the right involved

on the urgent matters where the passage of time could affect them.

2. The Trial Court shall have the jurisdiction to hear such issues if they are brought before it by way of subordination.

Article (28)

The courts of summary jurisdiction shall be exclusively authorized to impose receivership on any movable property, immovable property or a set of properties in respect of which there is a dispute or if the right connected therewith is not established, if the person having a beneficial interest of the property has reasonable reasons based on which there is concerns that the underlying property remains in the possession of its current possessor.

Article (29)

1. The First Instance Tribunals comprising a single judge shall hear the following cases:
 - a. First instance cases, regardless of their value.
 - b. Judgments rendered by the First Instance Tribunal shall be conclusive if the value of the case does not exceed [AED 50,000] fifty thousand dirhams.
2. With the exception of administrative cases, summary proceedings and writs of debt, based on a decision of the Chairman of the Federal Judicial Council or the Head of the Local Judicial Body, as the case may be, one or more tribunals may be designated to adjudicate on the cases brought before it at a single hearing in which the decision is to be issued or to schedule a hearing for such a decision to be issued thereon in any of the following cases:
 - a. Cases whose value does not exceed [AED 1,000,000] one million dirhams;
 - b. Signature authentication cases of whatever value;
3. The Case Management Office shall prepare the case and schedule the first hearing for the Tribunal referred to in Clause [2] of this Article not later than [15] fifteen days following the date of filing the statement of claims. Such a time limit may be extended only for one similar period based on a decision of the supervising judge. In the event that an expert witness is engaged, the first hearing shall be determined not later than [3] three business days from the date of receiving the expert report. Otherwise, all the rules, provisions, and procedures stipulated in this Code shall apply to the preparation of the case before such

tribunals.

4. With regard to the tribunals referred to in Clause [2] of this Article, the supervising judge shall have the powers set forth in Articles [45] and [74] of this Code.

Article (30)

1. Based on a decision of the Chairman of the Federal Judicial Council or the Head of the Local Judicial Body – within the areas of their respective competence - certain cases may be assigned to one or more tribunals of the Courts of First Instance or Appeal, as the case may be. The supervising judge shall, during the case preparation stage, engage one or more local or international expert witnesses to review or draw up expert reports to be submitted to such tribunals. In addition, the competent court may conduct discussion with the expert witnesses on the reports reviewed or drawn up by them, and may order that any deficiencies in their work be completed and any errors found be rectified.
2. Judgments shall be rendered by the tribunals referred to in Clause [1] of this Article, based on the same procedures and controls prescribed by this Code.

Article (31)

1. The Chairman of the Federal Judicial Council or the Head of the Local Judicial Body, within the areas of their respective competence, shall issue regulatory decisions on the following matters:
 - a. The controls for assignment of the cases to the tribunals referred to in Article [30] of this Code, including the type or nature of such cases;
 - b. The controls for selection and appointment of specialized experts, the determination of their remuneration or fees and their assignment to the tribunals formed as stated in Article [30] of this Code; and
 - c. The controls in relation to the mission of experts and the prohibitions they are required to avoid, and the regulation of their relationship with judges and litigants.
2. The expert witnesses referred to in Article [30] of this Code shall be subject to the provisions prescribed in the legislation regulating the profession of expert witnesses

before the judicial authorities.

Article (32)

1. By way of exception to the provisions of Chapters Two and Four of Section Twelve of Book One of this Law and the provisions of the Mediation and Conciliation Law, the President of the Federal Judicial Council or the Head of the Local Judicial Authority, as the case may be, may issue a decision establishing one or more divisions to be formed by way of delegation or appointment in accordance with the legislation regulating each authority.
2. The division referred to in Clause (1) of this Article shall have jurisdiction to adjudicate estate actions and all disputes relating to the inventory list, liquidation of the estate, division of its assets, and their distribution among the heirs, as well as any civil, real estate, or commercial action arising from or connected with the estate relating to its ownership, liquidation, or any of its affairs between the heirs and third parties, disputes arising between heirs and guardians or persons of equivalent status, and any incidental applications relating to the inclusion or exclusion of an heir, wills, endowments (waqf), or settlements between heirs in respect of gifts, where such matters arise from the estate or are inseparably connected thereto.
3. The division may seek the assistance of the Case Management Office and the Preparatory Judge provided for in this Law.
4. The division may seek the assistance of one or more local or international experts to review or prepare expert reports submitted thereto. It may discuss such reports with the experts who prepared or reviewed them and may order the completion of any deficiencies in their work and the rectification of any technical shortcomings identified therein.
5. Judgments issued by the division referred to in Clause (1) of this Article shall not be subject to appeal except by way of petition for reconsideration, and such judgment may also be revoked in accordance with the cases, controls, and procedures stipulated in this Law.
6. The President of the Federal Judicial Council or the Head of the Local Judicial Authority, as the case may be, may, upon the request or agreement of the parties to a civil or commercial action, issue a decision establishing a division to adjudicate such action in accordance

with the provisions of Clause (1) of this Article. The provisions set out in Clauses (3), (4), and (5) of this Article shall apply to such division and to the judgments issued thereby.

Chapter Three

Territorial Jurisdiction of Courts

Article (33)

1. The court, within the territorial jurisdiction of which the Defendant's domicile is located, shall have the jurisdiction over the case, unless the law provides otherwise. If the Defendant has no domicile in the State, the court, within the territorial jurisdiction of which the Defendant's place of residence or workplace is located, shall have the jurisdiction.
2. The legal proceeding may be filed with the court within the territorial jurisdiction of which the damage occurs, with regard to the claims for compensation due to damage to persons or property.
3. For commercial matters, the jurisdiction shall be vested in the court within the territorial jurisdiction of which the Defendant's domicile is located, the Court within the territorial jurisdiction of which the agreement, in whole or in part, is executed or performed, or the court within the territorial jurisdiction of which the agreement is required to be performed.
4. If there are several Defendants, the jurisdiction shall be vested in the court within the territorial jurisdiction of which the domicile of one Defendant is located.
5. Notwithstanding the cases prescribed in Article [34] and Articles [36] through [41] of this Code, the parties may agree that a specific court have the jurisdiction to hear the dispute. In which case, the court so chosen shall have the jurisdiction.

Article (34)

1. Jurisdiction on actions in-rem involving real property and the legal proceedings for possession shall be vested in the court, within the territorial jurisdiction of which the property or any part thereof is located if the same is located within the circuits of several courts.

2. The jurisdiction over personal real property cases shall be vested in the court within the territorial jurisdiction of which the property or the Defendant's domicile is located.

Article (35)

Jurisdiction over the cases relating to companies or associations existing or undergoing liquidation or private establishments, shall be vested in the court within the territorial jurisdiction of which the headquarters of the same is located. Legal proceedings may be filed with the court within the territorial jurisdiction of which the branch of the company, association or establishment is located in respect of the matters relating to such a branch.

Article (36)

The jurisdiction over estate-related proceedings filed before division by the creditor of the estate or by any heirs against other heirs shall be vested in the court within the territorial jurisdiction of which the permanent residence of the deceased is located or the within the territorial jurisdiction of which most of the estate property in the State is located.

Article (37)

1. Jurisdiction over bankruptcy-related cases shall be vested in the court within the territorial jurisdiction of which the business place of the bankrupt is located. If there are several business places of the bankrupt, the Court within the territorial jurisdiction of which the headquarters of the bankrupt is located shall have the jurisdiction.
2. If the trader retires, the case shall be instituted before the court having the jurisdiction over the Defendant's domicile.
3. Bankruptcy-based cases shall be filed with the court that establishes the bankruptcy.

Article (38)

Jurisdiction over the proceedings relating to supplies, contracting projects, property rents, wages of employees, craftsmen and daily workers shall be vested in the court within the territorial jurisdiction of which the Defendant's domicile is located, or the court within the

territorial jurisdiction of which the agreement is executed or performed.

Article (39)

Jurisdiction over the proceedings relating to insurance claims shall be vested in the court within the territorial jurisdiction of which the beneficiary's domicile or the insured property is located.

Article (40)

1. For the cases involving a claim to take an interim or summary measure, the jurisdiction shall be vested in the competent court of first instance within the territorial jurisdiction of which the Defendant's domicile is located, or the court within the territorial jurisdiction of which the underlying measure is required to be performed.
2. For summary proceedings relating to the enforcement of judgments and instruments, the jurisdiction shall be vested in the court within the territorial jurisdiction of which the enforcement is to take place.

Article (41)

The court that hears the main case shall have the jurisdiction to decide on the interlocutory applications. However, for the legal proceedings involving the claim for compensation, the Defendant may object to the court's jurisdiction if it is proven that the main case is only instituted with the intention of bringing the Defendant before a court other than the competent court.

Article (42)

If the Defendant has no domicile or place of residence in the State, and it is not possible to designate the competent court in accordance with the aforementioned provisions, the jurisdiction shall be vested in the court within the territorial jurisdiction of which 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, the jurisdiction shall be vested in the Federal Court in the capital.

Article (43)

For the obligations in respect of their performance an elected domicile has been chosen in advance, the jurisdiction shall be vested in the court within the territorial jurisdiction of which the Defendant's domicile or the elected domicile of performance is located.

Part Two

The Institution, Registration and Determination of Value of Case

Chapter One

Institution and Registration of Case

Article (44)

1. The case shall be instituted before the Court at the request of the Plaintiff, through filing a statement of claims with the Case Management Office, or through filing the same in an electronic or paper format according to the applicable procedures of the court.
2. The statement of claims shall include the following details:
 - a. The Plaintiff's name, surname, ID number or a photocopy thereof, or any documents issued by government entities that prove his / her identity, profession, occupation, domicile, place of work, phone number, fax number or e-mail. If the Plaintiff has no domicile in the State, he / she shall name an elected domicile and his legal representative's name, surname, ID number, profession, occupation, domicile, place of work, fax number or e-mail.
 - b. The Defendant's name, surname, ID number or a photocopy thereof, or any documents issued by government entities that prove his / her identity, profession, occupation, domicile, place of work, phone number, fax number or e-mail. If the Defendant or his representative has no domicile in the State, he shall name an elected domicile and his legal representative's name, surname, ID number, profession, occupation, domicile, place of work, fax number or e-mail;
 - c. The court before which the case is instituted;
 - d. The date of filing the statement of claims with the Case Management Office;
 - e. The subject of the case, relief sought and relevant grounds; and

- f. The signature of the Plaintiff or his representative after verifying the identity of each.

Article (45)

1. An office, to be known as the "Case Management Office", shall be established at the seat of the competent court.
2. The Case Management Office shall be made up of one head and a sufficient number of court employees, both legal and others, to be working under the supervision of the chief justice or one or more judges of the competent court.
3. The Case Management Office shall be charged with the preparation and management of the case before being referred to the competent court, including its registration and service, exchange of submissions, documents and experts' reports between the litigants.
4. The supervising judge may issue a decision dismissing the case due to the Plaintiff's failure to pay its fees or the difference in fees or expenses where such failure would preclude adjudication on the case. The supervising judge may also establish the discontinuance or waiver of proceedings. The said decisions shall be subject to the standard methods of challenge according to the general rules. The Supervising Judge may also appoint expert witnesses, refer the case to investigation, hear the witnesses, examine the litigants and refer them to mediation or conciliation, as the case may be. He may also impose the procedural penalties prescribed in this Code, meet with the parties to the pending case and propose conciliation and try to have the dispute between them amicably settled. For such purpose, he may order that the parties appear in person. If amicable conciliation is established, a decision shall be issued establishing such conciliation and the content of the agreement of the parties, and shall have the legal force of a writ of execution.
5. If the legal proceeding is stayed by operation of law due to the death or incapacitation of either of the litigants, or due to the loss of legal capacity of the representative acting on behalf of either litigant before the case is referred, or where an application is filed for the impleader of any party against whom the case has not been instituted, the Case Management Office shall refer the underlying legal proceeding to the supervising judge to issue a decision amending the form of the case in such circumstances.
6. If the pending legal proceeding before the Case Management Office includes a plea filed

by either litigant, which would result in a stay of proceeding, or of the legal proceeding involves an appeal against a judgment that decided inadmissibility or lack of jurisdiction, or an appeal filed after the legally prescribed time limit, the Case Management Office shall submit the same to the supervising judge, who, in turn, shall, by a decision, refer the same, after being duly served, to the competent court that shall hold its hearing in chambers to decide on the matters referred thereto. The Court may schedule a hearing to consider the merits if necessary. In all cases, the Trial Court may not remand the case to the supervising judge or the Case Management Office whenever its jurisdiction over it is established.

7. If the pending case before the Case Management Office includes a summary claim, the Case Management Office shall promptly present it to the supervising judge to decide on the summary claim, not later three [3] business days. Such a decision may be challenged in accordance with the provisions of this Code.
8. The right to submit the pleas that are not relevant to the public order set forth in Article [86] of this Code shall lapse if the same is not presented by the party appearing before the Case Management Office.
9. If a claim is submitted to the Case Management Office and satisfies the requirements for issuing the writ of debt prescribed in Articles [143] and [144] of this Code, such a claim shall be submitted to the supervising judge, who, in turn, shall refer the same to the judge having the jurisdiction to issue the writ of debt, in order to decide on the same within the time limit specified in Article [144.4] of this Code.

Article (46)

1. The time limit for appearance before the Case Management Office or the competent court shall be ten [10] business days. Whenever necessary, this time limit may be shortened up to three [3] business days.
2. The time limit for appearance with regard to summary proceedings shall be [24] twenty-four hours. When necessary, such a time limit may be shortened but not up to less than an hour, provided that the litigant is personally served, unless the case is a maritime one.
3. The reduction of time limits referred to in Clauses [1] and [2] of this Article shall be based on the permission of the competent judge or the supervising judge - as the case may be -

and a copy thereof, along with the statement of claims, shall be served upon the adverse party.

4. Failure to observe the appearance time limits shall not give rise to invalidity, without prejudice to the right of the Defendant to request adjournment for completion of the time limit.

Article (47)

1. After the fees are collected, the Case Management Office shall have the case registered in the relevant record, whether electronically or in a paper format, indicating the date of registration and the Plaintiff's knowledge of the hearing. In which case, the case shall be deemed registered and effective from the date of filing of the statement of claims, provided that the legal fee is paid not later than [3] three business days of the date of the day following the notice for payment, otherwise, the registration shall be deemed null and void.
2. The Chairman of the Federal Judicial Council or the Head of the Local Judicial Body, as the case may be, may issue the guidebook for the system of registration of the cases, motions, grievances and appeals in accordance with the financial, administrative and technical rules in force at each body and for facilitating the registration procedures and operations.

Article (48)

1. Other than the cases of using remote communication technology or electronic registration, the Plaintiff shall, upon registering its statement of claim, file as many photocopies thereof as the number of Defendants in addition to a copy for the Case Management Office to be saved electronically or in a special file. Additionally, the Plaintiff shall submit, together with the statement of claim, photocopies of all documents supporting its claim, as well as any expert witness's reports drawn up by registered expert witnesses, if any.
2. The Defendant shall submit, whether electronically or in a paper format, a statement of defense and copies of its documents duly signed, not later than [10] ten business days following the date of being served the process.

3. Where a dispute arises as to the authenticity of photocopies of documents, the court, the Case Management Office or the supervising judge, as the case may be, shall determine the nearest hearing for their originals to be submitted. The allegation of forgery of the documents submitted by the litigant merely on the ground that they are photocopies shall not be relied upon, unless the denying party asserts that they are not authentic or that they are not issued by the person to whom they are alleged to belong. If the denied documents are eventually proven to be authentic or are proven to have been issued by the person to whom they are alleged to belong, and the allegation of their forgery is unjustified causes delay of the case procedures or causes the litigant who presented the underlying documents to incur unjustifiably additional expenses, the supervising judge or the competent judge, as the case may be, may decide to impose on the party denying, or raising doubts about, the authenticity of such documents a fine of not less than AED [1,000] one thousand dirhams and not more than AED [10,000] ten thousand dirhams. This fine shall not preclude the Court from addressing the body in charge of regulating the legal profession in this regard, if it deems it warranted.
4. Subject to the provision of Article [5] of this Code, the translated documents shall be duly certified according to the law, if they are issued in a foreign language.

Article (49)

1. Other than the cases of using means and remote communication, the Case Management Office shall, not later than the day following the date of registration of the statement of claims, deliver a copy thereof, along with the copies, papers and documents attached therewith, to the body charged with the service thereof, in order to be served on the relevant form designated for this purpose. If the file is saved electronically, the judicial authority shall either enable the litigants to review the statement of claim and its attachments on the system or send the same to them electronically or by any other means of communication.
2. The statement of claims shall be served in an electronic or paper format within [10] ten business days of the date of being delivered to the process server. If a hearing is scheduled for the case and falls within such a time limit, the statement of claim shall be served before

the hearing.

3. No invalidity shall result from failure to comply with the time limit set forth in Clauses [1] and [2] of this Article.

Chapter Two

Determination of Case Value

Article (50)

1. The value of the case shall be determined on the filing day thereof. Under all circumstances, the determination shall be based on the closing arguments of the litigants. In addition, the determination of case value shall include the fees due on the filing day thereof, in terms of interest, fees, costs, expenses and other requirements of a monetary value. However, in all cases, the value of the building or plantation shall be taken into account if the same is required to be removed.
2. In all cases, the determination of case value shall not include the claim for appointment of an expert witness and all other claims for evidence, if they are submitted together with other substantive claims.

Article (51)

1. If the value is not mentioned in cash but can be determined in cash, the value shall be determined by the court.
2. If the claim is an amount of money in a currency other than the UAE Currency, the value of the case shall be determined in the equivalent thereof in the currency of the UAE.
3. For the legal proceedings relating to the ownership of property, the value thereof shall be determined based on the value of the property. If the property has no known value or is a vacant land whose value is unknown, its value shall be deemed to exceed the threshold of the challenge by way of cassation.
4. If the legal proceeding is relating to a claim for validity, invalidity or rescission of a contract, its value shall be determined based on the value of the contractual object. As for the contracts of exchange, the case value shall be equal to the value of the higher of the items exchanged.

5. If the legal proceeding is relating to a claim for validity, invalidity or rescission of a continuous contract, its value shall be determined based on the total monetary consideration for the entire contract term. If the underlying contract is partially performed, the value of the legal proceeding for its rescission shall be determined based on the remaining duration of the contract term.
6. The value of legal proceedings relating to the dissolution of the company and the appointment of a liquidator thereof shall be determined based on the value of the company's capital mentioned in its Memorandum of Association.
7. The value of legal proceedings for evacuation of the leased property shall be determined based on the value of the annual rent.
8. If the legal proceeding is between a creditor and a debtor on the attachment of property or an ancillary right in-rem, its value shall be determined based on the value of the debt or the value of the property subject to the attachment or the right in-rem, whichever is lesser. For the legal proceeding instituted by any third party in respect of such property, its value shall be determined based on its value.
9. If the legal proceeding involves claims arising from a single cause of action, the value thereof shall be determined on the basis of its aggregate value. In the event that claims involved arise from various causes of action, the value of the legal proceeding shall be based on the value of each claim on a case-by-case basis.
10. Subject to Clause [1] of this Article, and with the exception of the commercial papers and papers the court instructs either of the litigants to submit or obtain, the application for issuance, retrieval or return of papers, documents or certificates shall be valued at [AED 5,000] five thousand dirhams.
11. If the legal proceeding is relating to compensation whose value is not specified, the value of the claim shall be considered not exceeding the threshold of the challenge by way of cassation.
12. If the legal proceeding is relating to a claim whose value cannot be determined according to the aforementioned rules, its value shall be considered equal to the minimum threshold prescribed for the challenge by way of cassation.

Part Three
Appearance and Absence of Litigants and Legal Representation
Chapter One
Appearance and Absence of Litigants
Article (52)

1. Without prejudice to the Legal Profession Law, the litigants shall, on the day scheduled for the case to be heard before the Case Management Office or before the Court, as the case may be, appear either in person or through an attorney, whether a lawyer, a relative, an in-law up to the fourth degree, or an attorney-in-fact from among their employees in the event that the litigant is a private legal person, provided that the power of attorney - in the latter case – shall be issued by the legal person's legal representative, indicating his job capacity, and duly attested by the Notary Public in each respect of each legal proceeding.
2. For the limited power of attorney to be issued in respect of the legal proceeding referred to in the last case of Clause [1] of this Article, the attorney-in-fact shall meet the following conditions:
 - a. To be a national citizen with full legal capacity and holding a university degree in law; and
 - b. Any other conditions specified by the Legal Profession Law.
3. The appearance of the authorized representative of the lawyer's firm based on a power of attorney shall only be admitted before the Case Management Office, in respect of the legal proceedings in which the lawyer is appointed.

Article (53)

1. If neither the Plaintiff nor the Defendant appears, the court shall decide on the case - if judicable; otherwise, it shall decide a nonsuit. If [30] thirty days have passed and neither litigant has submitted an application to proceed with the case during that period, or if the parties fail to appear after proceeding with the case, the case shall be deemed null and void. In addition, the Case Management Office shall present such a case, after the lapse of the time limit referred to in this Paragraph to the competent judge in order for the latter to

issue a decision in respect thereof.

2. The court may order a nonsuit if the Plaintiff fails to appear at any hearing and the Defendant appears, unless the latter demands adjudication on the case.
3. If the case is pending before the Case Management Office, the decision of nonsuit shall be based on a decision of the supervising judge to be immediately issued after the lapse of the time limit referred to in Clause [1] of this Article.

Article (54)

1. The legal proceeding shall be deemed in presence of the Defendant if the latter appears in person or is represented by an attorney, if a power of attorney is issued on his behalf before the Case Management Office or at any trial hearing or before the expert witness or the arbitrators, or if the Defendant has submitted a statement of defense, even if the Defendant fails to appear thereafter.
2. Subject to the provisions of Article [76] of this Code, the Plaintiff may neither present new claims during the hearing at which the adverse party fails to appear, nor amend the initial claims, unless the amendment is beneficial to the Defendant and does not affect any of the latter's rights.
3. The Defendant may not, in the absence of the Plaintiff, request that a judgment be rendered against the Defendant.

Article (55)

Without prejudice to the provisions of Article [56.1] of this Code, in the event that the duly-served Defendant fails to appear before the court, the latter shall render a judgment on the case, and such a judgment shall be deemed as if issued in presence for the parties who fail to appear.

Article (56)

1. In the event of absence of the Defendant and where it has been revealed to the court or the Cases Management Office that the service of the statement of claim sustained nullity, then it shall adjourn the case to an upcoming hearing for duly serving the same upon the

Defendant.

2. In the event of absence of a Defendant and where it has been revealed to the court that such Defendant has not been acquainted with the details of the hearing as per law, then such a court shall adjourn the case to an upcoming hearing to be duly served upon the Defendant.

Article (57)

1. A duly-served litigant shall follow up on the adjournments, hearing dates and proceedings of the same, and the judgments and decisions of the court, the supervising judge and the case management office, as the case may be, which are issued after the legal proceeding is initiated, shall be legally effective with no need to serve a notice, with the exception of administering the decisive oath or pleading forgery.
2. Where it happens that the date specified for the court hearing or for issuance of judgment falls on a public holiday for any reason whatsoever, the hearing shall then be adjourned to the same day on the week following such antecedent date with no need to serve a notice thereon.

Chapter Two

Legal Representation

Article (58)

1. The court shall permit attorneys to act on behalf of the original litigants pursuant to the provisions of the Law.
2. A delegated attorney shall furnish a power of attorney to act on behalf of its client.
3. A power of attorney may be issued via a report to be recorded in the transcript of court hearing.

Article (59)

1. The litigant's issuance of a power of attorney shall render the domicile of its attorney as the elected domicile of the litigant itself in respect of serving the papers required for the progress of the case in the litigation degree for which the attorney is authorized. The

litigant, who has no attorney in the town wherein the Court is based, shall have an elected domicile therein.

2. The act of resignation or dismissal of an attorney shall not hinder the initiation of legal proceedings against him, unless the litigant has informed the court of the appointment of an alternative attorney or the intent of the litigant to proceed with the case on its own.
3. An attorney may not step down from any legal proceeding at an inappropriate time nor without the court's permission.

Article (60)

The legal representation shall authorize the attorney to perform the procedures and actions required for initiating, following up on, and defending any case, as well as taking the precautionary measures until a judgment is both issued on the merits of the case on the litigation stage for which the attorney has been authorized and duly served, without prejudice to the acts for which this Code requires a special authorization.

Article (61)

1. All acts performed by the attorney at a court hearing in the presence of the client shall be deemed as acts performed by the client in person, unless the same is refuted by the client at the same hearing.
2. In the absence of a special authorization, the claimed right may neither be admitted nor waived, and no conciliation, arbitration, acceptance, administration or deferral of oath, abandonment of proceedings, or waiver of the judgment in whole or in part or through any of the means of challenging the judgment, lifting the attachment, waiver of security while the debt is still outstanding, alleging forgery, disqualification of the judge or expert witness, real offer be made or accepted, or any other action for which the law requires a special authorization shall be performed.

Article (62)

No judge, Attorney General, member of the public prosecution, or a court employee may act as attorney on behalf any litigant for appearance or pleading purpose, whether verbally or in

writing, even if the case is brought before a court other than the one wherein such a person serves. Failing which, such representation shall be rendered null and void. Nevertheless, such persons may perform such representation for the persons they legally represent in their personal capacity as well as their spouses, ascendants and descendants.

Chapter Four

Intervention by Public Prosecution

Article (63)

The Public Prosecution may institute legal proceedings in the events prescribed by the law, and, in such cases, the public prosecution shall have the same rights of the litigants.

Article (64)

With the exception of summary proceedings, the public prosecution shall intervene in the following instances, failing which, the court judgment shall be null and void:

1. The legal proceedings which the public prosecution is permitted to institute by itself;
2. The appeals and motions before the Federal Supreme Court, with the exception of objections for cessation in civil, commercial and administrative matters;
3. The legal proceedings relating to the persons lacking the legal capacity and persons having diminished capacity, missing and absent persons;
4. The legal proceedings relating to charity endowments, gifts and charity-dedicated wills;
5. The legal proceedings for disqualification of judges and prosecution members; and
6. Any other instance in respect of which the law requires the Public Prosecution to intervene.

Article (65)

With the exception of summary proceedings, the public prosecution may intervene in the following instances:

1. In case of lack of jurisdiction due to the denial of jurisdiction of the judiciary body;

2. [Preventive] Composition for bankruptcy proceedings;
3. In cases which the public prosecution deems appropriate to intervene on the basis of being related to the public order or community morals; and
4. Any other instances which the Law requires intervention by the public prosecution.

Article (66)

The court may, regardless of the status-quo of the case, order referral of the case file, electronically or in hard copies, to the public prosecution where such a case involves an issue of the public order or community morals, and that the intervention of public prosecution in such case shall be a mandatory issue.

Article (67)

1. The Public prosecution shall be deemed duly represented in a case whenever it has been served a notice on the same or whenever it has submitted a memorandum of opinion thereon, and in such instance, the presence of the public prosecution shall not be mandatory, unless otherwise provided for in the Law.
2. Under all circumstances, the public prosecution is not obliged to be present upon the issuance of the judgment.

Article (68)

Under all circumstances wherein the Law requires the intervention of public prosecution, the Cases Management Office at the court shall serve a notice upon the public prosecution not later than 3 [three] business days from the date of registration of the case. Where an issue which requires intervention of the public prosecution arises during the hearing of the case, the public prosecution shall be served with a notice by virtue of a court order.

Article (69)

At its request, the public prosecution shall be granted at least 7 [seven] business days to submit a memorandum of opinion, and such a time limit shall commence on the date on

which the case file has been served upon the public prosecution.

Article (70)

The public prosecution may intervene in the case notwithstanding the status-quo of the same prior to the close of pleadings.

Article (71)

In all cases wherein the public prosecution is an intervenor, the litigants involved may neither, following the public prosecution's submission of its opinion and claims, request verbal pleadings nor submit any further submissions; however, they may only submit a written statement to the court whereby they require correction of the merits which the public prosecution mentioned. Nevertheless, the court may - in exceptional circumstances at its discretion – admit further documents or supplemental submissions which it may permit for submission, and may also permit further pleadings into the case, and in such instance, the public prosecution shall be the last party to speak.

Article (72)

The Public prosecution may appeal any judgment in the events which the Law permits or required intervention by the Public Prosecution, in the event that the judgment violates any public order rule or where the law stipulates the same.

Part Five

Procedures and Order of Court Hearing

Chapter One

Procedures of Court Hearing

Article (73)

Pleadings shall take place at the first court hearing. Where a Plaintiff or a Defendant submits, at the first hearing, an Exhibit which it could have submitted during the time limit prescribed under Article [48.2] of this Code, the court may admit the same unless such an admission

would be conducive to adjournment of hearing of the case. In the event that admission of the underlying Exhibit results in adjournment of the case, the court may, either sua sponte or upon motion of the litigants, issue an penalizing order against the party causing the delay and that such penalty shall be not less than AED 2,000 [two thousand UAE Dirhams] and not more than AED 5,000 [five thousands UAE Dirhams]. Nevertheless, the Plaintiff and the Defendant may each submit exhibits in response to the pleadings or interlocutory applications of the adverse party.

Article (74)

1. The court or the supervising judge may order a fine of not less than AED 1,000 [one thousand UAE Dirhams] and not more than AED 10,000 [ten thousand UAE Dirhams] against any defaulting employee of the court or against either litigant in the event of failure to submit the documents or to take any prescribed action into the case within the time limit specified by the court or the Cases Management Office. Such an order shall be recorded in the transcript of the court hearing, shall have the binding force of judgments, and shall not be challenged by any means whatsoever.
2. The court or the supervising judge, as the case may be, may exempt the fined party from the prescribed penalty, in whole or in part, where the latter furnishes an acceptable reason.
3. The supervising judge may, in the event that any party refrains from submitting the underlying exhibit or taking the prescribed action into the case after being penalized with a fine by the judge, refer such case to the competent court in order for the latter to either render a judgment on the case as it stands or decide that the case be null and void, as the case may be.
4. The court may, in the event that any party refrains from submitting the underlying exhibit or taking the prescribed action after being penalized with a fine, adjudicate on the case as it stands.

Article (75)

The order of penalty issued pursuant to the provisions of Articles [73] and [74] of this Code may be enforced by the court or the supervising judge, as the case may be, and such enforcement shall take place pursuant to the mandatory enforcement measures prescribed in the present Law.

Article (76)

1. The court may permit the litigants, during the hearing of the case, to submit documents, pleas or new evidence, to amend their existing claims, or to submit interlocutory applications which they could not submit to the Cases Management Office, and the court may, however, deny the submission of the same where it is convinced that the same could have been duly submitted to the Cases Management Office. In addition, the submissions of litigants shall be served by way of being filed with the Cases Management Office or being exchanged between the parties provided that the original copy of the submission shall be marked by the adverse party in acknowledgment of receipt thereof, or via electronic means.
2. The court may request clarifications from the litigants on the affairs of missing items or documents of the case.
3. The court may, when the case is set for adjudication, permit the litigants to exchange closing arguments on the dates which the court may schedule pursuant to the controls prescribed under Article [128] of this Code.

Article (77)

The court may offer amicable settlement to the litigants, and may, to that end, order the personal appearance of such parties. Amicable settlement shall take place and enforced pursuant to the procedures, rules and effects prescribed by Article [81] of this Code.

Article (78)

1. The court may not adjourn a case more than once for the same reason which is attributable to either of the litigants, unless the same is caused by an emergency following referral to court trial, e.g. demise or incapacitation of either litigant, third party intervention in the case, allegation of forgery, submission of a proof of pending criminal proceeding associated with the same subject-matter, or whenever either litigant requires submission of a proof of amicable settlement, provided the adjournment period shall not exceed two week.
2. The court shall not adjourn a case more than 10 [ten] hearings, regardless of the reasons thereof.
3. Under all circumstances, the court shall issue the dispute-settling judgment not later than 80 [eighty] days from the date of the first hearing before such court.

Chapter Two

The Order of Court Hearing

Article (79)

With the exception of personal status cases and legacy cases, pleadings shall be conducted in open court unless otherwise stipulated by the applicable laws of the State or unless the court decides, either sua sponte or upon motion of either litigant, to hear the case behind closed doors so as to maintain the public order, community morals or family privacy.

Article (80)

1. Litigants shall be summoned and called by the bailiff as on the date specified for the hearing of the case.
2. The Plaintiff shall have the right to speak first in the case, unless the Defendant admits the facts described in the statement of claim but alleges the existence of other legal reasons or further merits which will defend against the claim of the Plaintiff, and in such instance, the right to speak first shall be granted to the Defendant.
3. A litigant, which has the right to speak first in the case, may furnish its claim and submit its own statements for substantiation, and the adverse party shall, thereafter, have the

right to furnish its defense and to submit its own statements for substantiation.

4. The litigant, which speaks first in the case, may furnish its evidence so as to refute the adverse party's evidence.
5. The court shall hear the verbal pleadings of litigants at their request and shall determine the duration of the same, while the Defendant shall be the last party to speak.
6. The court may examine the litigants and hear the statements of any witnesses as deemed necessary.

Article (81)

The litigants may require the court, regardless of the litigation stage of the case, to order that their agreement be recorded in the transcript of the court hearing, as long as the same does not go against the applicable legislation, public order or morals in the State. In both instances, the transcript and the agreement annexed therewith shall have the legal force of a writ of execution, and the photocopy thereof shall be served according to the rules of delivery of judgments.

Article (82)

1. The order and management of the court hearing shall be vested in the presiding judge, who may, to that end, dismiss from the hearing any person jeopardizing the order of the court, but if such a person does not comply, the court may, with immediate effect, order detainment of such a person for 24 [twenty-four] hours or to penalize the same with an amount of not less than AED 1,000 [one thousand UAE Dirhams] and not more than AED 3,000 [three thousand UAE Dirhams], and the court's order in this respect shall be final.
2. The court may, prior to the conclusion of the hearing, revoke its order issued pursuant to the Clause [1] of this Article.

Article (83)

The court may, sua sponte, order removal of the inappropriate or obscene phrases or expressions which infract the public order or community morals from any paper of the documents of pleadings or submissions.

Article (84)

The presiding judge of the hearing shall order that a report be drawn up on each crime which occurs during the hearing and that investigation be conducted into the same, and thereafter he shall order referral of the relevant documents to the public prosecution so as to take the necessary course of action with regard thereto. The presiding judge may, if necessary, order detainment of the perpetrator of the crime involved, without prejudice to the provisions of the Legal Profession Law.

Article (85)

In the event that a crime of assault has been committed against the Bench or any member of the Bench or any of the court employee, perjury or any crime which is punishable by the law during the court hearings, the court shall order that the perpetrator be arrested and referred to the public prosecution for the latter to take the necessary course of action.

Part Six

Pleas, Impleader, Invention and Interlocutory Applications

Chapter One

Pleas

Article (86)

1. The plea to the territorial jurisdiction, the plea for referral of a case to another court on the basis that the latter is hearing the same dispute or for correlation purposes, the plea to invalidity which is not associated with the public order, as well as all other pleas associated with the procedures which have no association with the public order, shall be furnished together prior to furnishing any other procedural plea, claim of defense in the case or for inadmissibility, failing which, the right shall lapse for any such pleas not furnished, and the Petitioner's right to furnish such pleas shall be waived unless furnished in the statement of objection.
2. All aspects on which the plea of procedures not associated with the public order shall be furnished together, failing which, such a right shall be waived for such aspects which have

not been furnished.

Article (87)

The plea to the territorial or subject-matter jurisdiction of the Court may be furnished at any stage of litigation, and the court shall decide on the same sua sponte.

Article (88)

Subject to Article [33.5] of this Code, where the litigants have agreed to plead before a court other than the one before which the case has been filed, the court may order that the case be referred to the court on which the parties have agreed following verification of the validity of such agreement.

Article (89)

In the event that the same dispute is brought before two courts, the plea of referral shall be furnished to the latest court before which the dispute has been filed so as to issue a judgment thereon.

Article (90)

The plea of referral on the basis of correlation may be furnished before either of the two courts, and the court to which the case has been referred shall hear the same.

Article (91)

1. Whenever the court orders referral in the foregoing instances, it may determine for the litigants the hearing on which they shall be present before the court to which the case has been referred, and that the Cases Management Office shall serve the absent litigants with the same.
2. In the event that the court fails to schedule a hearing for the litigants, the court to which the case has been referred shall schedule the same and shall serve the litigants with the same.
3. The court to which the case has been referred shall hear the same unless it is lacking the

territorial or subject-matter jurisdiction over the case.

4. Where the court decides that it is lacking the territorial jurisdiction over the case, it shall order the Plaintiff to pay 10% [ten percent] of the fee and shall refund the remainder to the same.

Article (92)

The invalidity of service of statements of claim and summons which results from an error involving the service process, the details of the court or the date of the hearing, shall cease to exist when the served Defendant or its attorney appears before the court on the hearing date stated in the process service or when the a statement of defense is filed by the Defendant, without prejudice to the Defendant's right to request adjournment of the case for completing the appearance time limit.

Article (93)

1. The motion to dismiss a case may be furnished at any stage of litigation.
2. Where the court is convinced that the motion to dismiss the case on the grounds of denial of the Defendant's locus standi is well-founded, it shall adjourn the case to serve the party having the locus standi at the request of the Plaintiff.
3. In the event that the case is filed against a governmental entity or a public corporate body, the effect of correction shall apply as of the day of instituting the case, even if the correction takes place beyond the time limit prescribed for instituting the case.

Article (94)

The motion to dismiss a case on the grounds of res judicata doctrine may be furnished at any stage of litigation, and shall be decided on by the court sua sponte.

Article (95)

The court shall decide on the pleas and motions on a case-by-case basis, unless it orders joinder of the same to the subject-matter of the case, and in such instance, the court shall indicate its decision on the pleas and the subject-matter separately.

Chapter Two

Impleader and Intervention

Article (96)

The litigant may bring into an ongoing legal proceeding any Third Party who could have been validly sued upon instituting the same. The Defendant may, if it claims that it has a right associated with the right under consideration in the ongoing legal proceeding against a person who is not a party to the same, submit a written application to the Case Management Office or to the Court, setting out the nature of and reasons for such a claim, and shall request that the Third Party concerned be joined into the ongoing legal proceeding, through the standard procedures for instating the legal proceeding. The Third Party concerned may also be joined into the ongoing legal proceeding if it attends the hearing and accepts, before the Court, to be impleaded.

Article (97)

Each interested party may intervene in an ongoing legal proceeding alongside either litigant, or may seek in its own favor a judgment that grants a claim relating to the ongoing legal proceeding, pursuant to the standard procedures for instituting the legal proceeding, or may furnish a verbal claim at the hearing in the presence of the adverse party, so that such a verbal claim shall be recorded in the hearing transcript. No intervention shall be admitted after the close of pleadings.

Article (98)

1. The court may, sua sponte, order that any Third Party be brought into an ongoing legal proceeding, as deemed appropriate for the proper administration of justice or revelation of truth. In which case, the court shall determine the hearing for the Third Party to appear before the court. Furthermore, the court shall determine the legal position of such a Third Party in the legal proceeding, and shall order the service of process upon such a Third Party pursuant to the standard procedures for instituting the case.
2. The court may instruct the Cases Management Office to serve a summary of the litigants' claims and relief sought in the legal proceeding upon any person, as decided by the Court

to be beneficial to the proper administration of justice or revelation of truth.

Chapter Three

Interlocutory Applications

Article (99)

1. The Plaintiff or the Defendant may submit any interlocutory applications that are associated with the original claim in a manner which renders the simultaneous examination of both of them beneficial to justice.
2. Such application shall be submitted to the court pursuant to the standard procedures for instituting the case or via a verbal claim to be submitted at the hearing in the presence of the adverse party and recorded in the hearing transcript.

Article (100)

The Plaintiff may submit any interlocutory applications which:

1. Introduce correction of the original claim or amendment of its subject-matter so as to address circumstances which have occurred or been revealed after the case has been instituted;
2. Are supplement to, dependent upon, or inseparably associated with the original claim;
3. Involve addition to, or amendment of, the cause of action, while maintaining the subject-matter of the application as it stands;
4. Seek a precautionary measure; or
5. Are permitted by the court to be submitted for being associated with the original claim.

Article (101)

The Defendant may submit the following interlocutory applications:

1. A claim for judicial set-off or a claim for the damages inflicted thereupon by the original case or any procedure performed thereunder.
2. A claim, which, if granted, would refute or otherwise restrict in favor of the Defendant all or any of the Plaintiff's claims;
3. Any claim which may be inseparably associated with the original case; or

4. Any claim permitted to be submitted by the court for being associated with the original claim.

Article (102)

1. No interlocutory applications shall be admitted after the close of pleadings.
2. The court shall decide on the said applications alongside the original case whenever possible, failing which, the interlocutory application shall be initially decided on after being verified.

Part Seven

Suspension, Stay, Abatement, Prescription and Discontinuance of Legal Proceeding

Chapter One

Suspension and Stay of Legal Proceeding

Article (103)

1. The legal proceeding may be suspended if the parties agree not to proceed with the same for not more than 6 [six] months from the date of the court's endorsement of their agreement. Such suspension shall have no legal effect on any mandatory date which the law has prescribed for a certain action to occur, and neither litigant may request resumption of the legal proceeding within the suspension period without the consent of the adverse party.
2. In the event that neither party requests resumption of the legal proceeding within the 8 [eight] days following the expiry of the suspension period, the Plaintiff shall be deemed to have abandoned its case, and the Appellant shall be deemed to have abandoned its appeal. In addition, the Cases Management Office shall, upon expiry of the period referred to in this paragraph, refer the legal proceeding to the competent judge for decision.

Article (104)

The Court shall order suspension of a legal proceeding if it is convinced that that decision on its merits would be contingent upon the determination of any other issue, and that once such reason for suspension ceases to exist, either litigant may apply for resumption of the case.

Article (105)

1. The legal proceeding shall be stayed by operation of law upon the death or incapacitation of either litigant, or upon the termination of legal capacity of any legal representative acting on behalf of either litigant, unless the same arises after the close of pleadings into the case. In the event that there are several litigants, the court shall order that the legal proceeding be stayed with regard to the party in respect of which the cause of stay exists, and shall adjourn the legal proceeding with regard to the other litigants.
2. The legal proceeding shall not be stayed upon the death of the litigant's attorney or upon the termination of his legal representation by means of stepping down or dismissal, and the court may grant an appropriate time extension to the party whose attorney has passed away or whose legal representation has been terminated, in order to appoint a substitute attorney, if required.
3. The stay of legal proceeding shall bring all procedural dates applicable to the litigant affected by the cause of stay to an end, so that all the procedures that occur during the stay of proceeding shall become invalid.

Article (106)

The legal proceeding shall be resumed with regard to the litigant affected by the cause of stay of proceeding by virtue of a subpoena to be served upon the person acting on behalf of the party who passed away or lost the locus standi or whose legal capacity ceased to exist, upon the request of the other party, or based on a subpoena to be served upon such a party at the request of other litigants. The legal proceeding shall also be resumed if the scheduled hearing is attended by the heirs of the deceased or by the person acting on behalf of the party who lost the locus standi or on behalf of the party whose legal capacity ceases to exist.

Article (107)

In the event that any of stay of proceeding causes occurs after the close of pleadings into the case, the court may either adjudicate on the legal proceeding based on the closing statements and arguments of the parties or re-open the pleadings at the request of the person acting on behalf of the party who passed away or lost the locus standi or whose legal capacity ceased to exist, or at the request of the other party.

Chapter Two

Abatement, Prescription and Discontinuance of Legal Proceeding

Article (108)

1. Each litigant involved in the legal proceeding may, in the event that the legal proceeding is interrupted due to the Plaintiff's act or omission, move for abatement of proceeding upon the lapse of 6 [six] months following the date of the last valid litigation procedure.
2. The abatement time limit in respect of the stay of proceeding instances shall only commence on the day on which the party requesting abatement of proceeding serves a notice upon the heirs of the adverse party who died, upon the person acting on behalf of the party whose litigation capacity has been terminated or upon the person acting on behalf of the party whose locus standi ceases to exist, indicating that the legal proceeding is pending between it and the original adverse party.
3. The time limit prescribed for abatement of legal proceeding shall apply to all persons even if they are lacking the legal capacity or are having diminished capacity, without prejudice to their right to claim compensation from their legal representatives in the event of the latters' failure to properly follow up on the legal proceeding to such extent which has eventually given rise to the abatement of proceeding.

Article (109)

1. The application for abatement of legal proceeding shall be submitted to the court before which the legal proceeding is instituted.
2. The abatement of legal proceeding may be invoked in the form of a plea if the Plaintiff resumes the legal proceeding after the lapse of the six [6] months.

3. The application for abatement of legal proceeding shall be submitted all Plaintiffs or Appellants, failing which, the same shall be inadmissible.

Article (110)

The judgment establishing abatement of the proceeding shall result in both the annulment of the judgment rendered in respect thereof based on the evidence procedure and invalidation of all procedures performed with regard to the legal proceeding, including the statement of claim. However, the right to institute the legal proceeding, the final judgments rendered in respect thereof or the procedures preceding such judgments, the admissions made by the parties or the oaths taken by them shall not be extinguished, and the same shall not, however, preclude the litigants from invoking the investigation procedures and expert witness's actions taken, unless the same is invalid per se.

Article (111)

Where an appellate proceeding is decided to be abated, the appealed judgment shall, in all cases, be deemed final. Where the legal proceeding is decided to be abated in respect of the motion for reconsideration before a ruling granting the motion is rendered, the motion shall be abated, and, if after a ruling granting the motion is rendered, the aforementioned rules relating to the appeal or the first instance, as the case may be, shall apply.

Article (112)

In all cases, the legal proceeding shall be time-barred with the lapse of one year following the date of the last valid procedure performed in connection therewith, and the prescription of legal proceeding shall result in the same effects that result from its abatement.

The provision of the foregoing paragraph shall not apply to the challenge by way of cassation.

Article (113)

The Plaintiff may discontinue the legal proceeding based on a notice of discontinuance to be served upon the adverse party, under an explicit acknowledgment of discontinuance in a statement signed by the Plaintiff or his legal representative and served upon his adverse party,

or through expressing the desire of continuance verbally at the hearing and recording the same in the hearing transcript.

No discontinuance of the legal proceeding shall take place after the Defendant has expressed its claims unless the latter's consent is obtained. However, the Defendant's objection to the discontinuance shall not be considered by the Court if the Defendant has objected to the jurisdiction of the Court, has requested referral of the case to any other Court, or has asserted invalidity of the statement of claim or inadmissibility of the legal proceeding on the grounds of res judicata or otherwise with the sole aim of precluding the Court for hearing the legal proceeding.

Article (114)

Discontinuance of the legal proceeding shall give rise to all the effects that result from the abatement thereof, and the discontinuing party shall be liable to pay the legal costs.

Article (115)

During the course of the legal proceeding, if the litigant waives a particular procedure or a procedural paper, explicitly or implicitly, the underlying procedure or paper shall be deemed null and void.

Waiver of the judgment shall automatically entail waiver of the right established thereunder.

Part Eight

Ineligibility, Disqualification and Recusal of Judge

Article (116)

1. The judge shall, in the following cases, be ineligible to hear the legal proceeding, and, as such, shall be prohibited from hearing the same, even if not disqualified by either litigant:
 - a. If he is the spouse, blood relative or an in-law up to the fourth degree of either litigant;
 - b. If he or his wife has an existing legal proceeding against either of the litigants;
 - c. If he is the attorney-in-fact, guardian, trustee or presumptive heir of either litigant, if he is the spouse of the guardian or trustee of either litigant, or if he is a relative or an in-law up to the fourth degree of such a guardian or trustee or of a member of the

- company's board of directors or any of its managers where such a member or manager has a personal interest in the legal proceeding;
- d. If he or his wife, blood relative or in-law in the ancestral line, or a person for whom he is acting as the attorney-in-fact, trustee or guardian, has an interest in the existing legal proceeding;
 - e. If he and any of the tribunal judges has a relationship of kinship or affinity up to the fourth degree; in which case, the more junior judge between them shall recuse himself;
 - f. If he and the representative of the Public Prosecution or the advocate of either litigant are related by blood or affinity up to the second degree;
 - g. If he had given an opinion, pleaded on behalf of either litigant or written anything in relation to the underlying legal proceeding, even if before his appointment in the judiciary, or if he had previously dealt with the underlying legal proceeding as a judge, expert witness, arbitrator or witness; or
 - h. If he filed a claim for compensation against the disqualifying party or filed a complaint against the latter with the competent authority.
- 2. Any action taken, or decision made, by the judge in respect of any of the foregoing circumstances shall be null and void, even if based on the agreement of the litigants.
 - 3. If this invalidity occurs in relation to a judgment issued on a challenge by way of cassation, the litigant concerned may petition the court to overturn that judgment and to order that the challenge by way of cassation be heard before a Tribunal in which the disqualified judge is not involved.

Article (117)

A judge may be disqualified on any of the following grounds:

- 1. If he or his wife has a legal proceeding similar to the legal proceeding brought before him, or if he or his wife has a legal proceeding against either litigant or his / her spouse after the original legal proceeding brought before him has been instituted, unless that latter legal proceeding has been instituted with the sole aim of disqualifying the judge from hearing the original legal proceeding;
- 2. If his divorcee with whom he has a child, or any of his relatives or in-laws in the ancestral

line, has a pending legal proceeding against either litigant or his / her spouse, unless that latter legal proceeding has been instituted with the sole aim of disqualifying the judge from hearing the original legal proceeding;

3. If either litigant has worked as a servant of the judge, if the judge has habitually been dining or cohabitating with either litigant, or if he has received a gift from either litigant before or after the legal proceeding is instituted;
4. If a state of bad blood or friendship exists between him and either litigant, such that it is likely that he would not be able to adjudicate impartially; or
5. If either litigant has chosen him as an arbitrator in a former legal proceeding.

Article (118)

1. If the judge is either ineligible to hear the legal proceeding or affected by any of the grounds for disqualification set forth in Articles [116] and [117] of this Code, he shall keep the Chief Justice informed of the same. If any ground for disqualification is proven to be in place, the Chief Justice shall permit the judge to recuse himself, and the same shall be recorded in a special report to be kept with the court.
2. The judge may, even if eligible to hear the legal proceeding and is not affected by any grounds for disqualification but feels that it would be more appropriate for himself to step down from hearing the legal proceeding for any reason whatsoever, put forward his recusal proposal to the Chief Justice in order for the latter to decide on the matter.
3. If any of the foregoing situations affects the Chief Justice of the court, he shall refer the matter to the judge acting in lieu of him.

Article (119)

1. If the judge is affected by any of the grounds for disqualification set out in Article [117] of this Code but fails to recuse himself, the litigant concerned may request his disqualification. The disqualification shall be sought based on a Motion for Disqualification to be submitted to the Chief Justice of the court to which the judge concerned belongs, and shall be signed by the moving party or his authorized representative and accompanied by the power of attorney. Motion for Disqualification

shall set out the grounds for disqualification and shall be accompanied by the supporting documents.

2. The party moving for disqualification shall, upon filing the motion, deliver to the Court's treasury an amount of [AED 5,000] five thousand dirhams as security deposit, and such security deposits shall be multiplied depending on the number of judges whose disqualification is sought. The Chief Justice shall not admit the Motion for Disqualification unless the same is accompanied by a proof of payment of the security deposit. It shall be sufficient for one security deposit to be paid for each Motion for Disqualification of judge in the event that there are several parties seeking disqualification under a single Motion for Disqualification, even if the grounds for disqualification are different. If the Motion for Disqualification is denied, the court shall impose a fine on the party moving for disqualification of not less than [AED 5,000] five thousand dirhams and not exceeding [AED 10,000] ten thousand dirhams, in addition to the confiscation of security deposit.

Article (120)

1. The Motion for Disqualification shall be filed before any defense or plea is presented in the legal proceeding; otherwise, such a right shall be forfeited. Nevertheless, the Motion for Disqualification may be filed later either if its grounds occur thereafter or if the party seeking disqualification proves that it has been unaware of such grounds.
2. Under all circumstances, the litigant's right to seek disqualification shall be forfeited if no Motion for Disqualification is filed before the close of pleadings and such litigant has been notified of the hearing scheduled for the underlying legal proceedings and the grounds for disqualification are in place and recognized by him up to the close of pleadings.

Article (121)

1. The Chief Justice shall inform the judge, whose disqualification is sought, of the Motion for Disqualification and its attachments as soon as possible.
2. The judge shall respond, in writing, to the disqualification grounds and details, not later than seven days following the date of being informed of the same. If the judge either fails to provide a response within such a time limit or admits the grounds for disqualification,

and such grounds are legally valid as a basis of disqualification, the Chief Justice shall issue an order of disqualification.

3. If the judge responds to the grounds for disqualification and denies a particular ground thereof which is legally valid as a basis of his disqualification, the Chief Justice shall designate the Tribunal tasked with hearing the Motion for Disqualification and shall schedule a date for the Tribunal to hear the same. In addition, the Case Management Office shall inform both the party seeking disqualification and the judge of such a date, and shall also inform all other litigants involved in the underlying legal proceeding in order to file any Motions for Disqualification they may have according to the foregoing Article. The said Tribunal shall examine the Motion for Disqualification in cameras, and shall decide on the Motion after hearing the statement of the moving party and response of the judge concerned, if necessary or so requested by the latter. Upon examining the Motion for Disqualification, the judge concerned may neither be examined nor be asked to take the oath.
4. Where Motions for Disqualification are filed before close of pleadings in respect of the initial Motion for Disqualification, the Chief Justice or his representative, as the case may be, shall refer all such Motions to the same Tribunal that is hearing the initial Motion, in order for a single ruling to be rendered in respect of all such Motions.
5. The procedures for examining and deciding on the Motion for Disqualification shall be conducted, even if the party seeking disqualification waives the same.
6. The ruling on the Motion for Disqualification shall be announced at an open court hearing and shall be unchallengeable.

Article (122)

The filing of a Motion for Disqualification shall bring about a stay of proceedings until a final ruling is rendered on the Motion. However, in case of urgency, and at the request of the other litigant, a judge may be appointed in lieu of the judge whose disqualification is sought.

Article (123)

The Court of Appeal shall decide on the Motion for Disqualification if the judge whose disqualification is sought is a judge of the Court of Appeal or a judge of the Court of First Instance that is subordinate to the Court of Appeal.

Article (124)

1. If a Motion for Disqualification is filed against all judges of the Court of First Instance and the Court of Appeal grants such a Motion, the Court of Appeal shall assign the legal proceeding to another Court of First Instance for adjudication on the merits thereof.
2. If a Motion for Disqualification is filed against all or any of the judges of the Court of Appeal, so that the number of remaining judges would not be sufficient to render a judgment, the Motion for Disqualification shall be referred to the court of higher instance. If the latter Court decides to grant the Motion for Disqualification, it shall refer the case to another Court of Appeal for adjudication on the merits thereof.

Article (125)

The rules and procedures set forth in Chapter 8 shall apply when a member of the Public Prosecution is sought to be disqualified where the Public Prosecution is an inventor in the underlying legal proceeding, based on any of the grounds described in Articles [116] and [117] of this Code.

Chapter Nine

Judgments

Chapter One

Rendering of Judgment

Article (126)

Unless there is an agreement for amicable settlement signed by the litigants involved and duly attested by the Notary, the Court shall not, neither after the legal proceeding is set for adjudication nor in the course of the deliberations, hear the statements of either litigant or his attorney in the absence of the adverse party or admit any papers or submissions from either

litigant without informing the adverse party of the same, otherwise, the underlying procedure shall be null and void.

Article (127)

Once the pleadings of the legal proceeding are completed, the court shall either adjudicate on the same or set a date for the rendering of a judgment thereon. Furthermore, the court may extend the date set for the rendering of its judgment or order that pleadings be resumed again after being closed only once based on a reasoned decision to be announced at the hearing and records in its transcript. The issuance of such a decision shall be deemed a notice to the litigants of the new date. In both instances, the time limit shall not exceed two weeks.

Article (128)

1. Deliberation of judgments shall be conducted confidentially between all the judges involved, and only the judges who have heard the pleadings may get involved in the deliberation process.
2. The Chief Justice shall collect the viewpoints, starting with the most junior judges followed by the more senior ones, and shall express his own viewpoint last. Judgments shall be rendered either unanimously or by majority of votes. If the majority is not available and there are more than two viewpoints, the group with the least numbers or with the most junior judges shall adopt the viewpoint of either of the groups with the highest number, after collecting the viewpoints for a second time.
3. The judgment shall, as the case may be, be rendered by the judge or the Chief Justice and judges of the Tribunal.
4. A report on the rendering of the judgment shall be drawn up on the date set for the judgment, indicating the names of the judges who attended the judgment hearing, and shall be signed by the Presiding Justice of the Tribunal or the Judge, as the case may be.

Article (129)

1. Under all circumstances, the judgments shall indicate their underlying grounds, and once rendered, shall be kept in the case file after being signed by the Presiding Justice and

Judges of the Tribunal, whether electronically or in a paper format.

2. For summary proceedings, if the judgment is rendered at the pleadings hearing, the judgment and its underlying grounds may be filed within [3] three business days from the date of its rendering.
3. Violation of the provisions of Clauses [1] and [2] of this Article shall render the judgment invalid.

Article (130)

1. The judgment shall indicate the court that rendered it, the date and place of its rendering, the type of case, the names of the judges who heard the pleadings and rendered the judgment, and the names of the litigants and details on their appearance or absence.
2. The judgment shall include a full account of the facts of the case and the relief sought by the litigants, a brief summary of their affirmative defense, and the opinion of the Public Prosecution, if any. Then, the grounds for and operative part of the judgment shall be indicated.
3. Errors or defects in relation to the factual grounds for the judgment, names and capacities of the litigants, or the failure to indicate the names of the judges who rendered shall render the judgment shall render the judgment invalid.

Article (131)

1. The copy of the judgment - based on which the judgment is to be enforced - shall be stamped with the official seal of the Court and signed by the competent officer after being appended with the writ of execution, and shall only be handed over to the litigant in whose favor the judgment is to be enforced. It is a prerequisite that the judgment be enforceable or that the judgment be appended with the writ of execution and electronic signature in the event that the judgment copy is obtained remotely.
2. A second enforcement copy of the judgment may be only delivered to the same litigant if the first copy is lost or cannot be used, under an order of the judge or Presiding Judge, as the case may be.
3. A certified copy of the judgment may be delivered in an electronic or paper format to the

parties concerned upon their request, and the same may only be delivered to nonparties with the permission of the judge or the Presiding Justice, as the case may be.

Article (132)

1. Notwithstanding the provisions of Articles [127] and [129] of this Code, the Tribunals provided for in Article [29.2] of this Code shall decide on the legal proceedings brought before them by a decision the grounds of which shall be filed at the same hearing.
2. The decisions referred to in Clause [1] of this Article may be challenged before the competent Court of Appeal that shall hear the same in chambers, in accordance with the rules, procedures and time limit prescribed for challenging the judgments.

Chapter Two

Legal Costs

Article (133)

1. Upon rendering a judgment or decision on the legal proceeding brought before it, the court shall, sua sponte, adjudicate on the legal costs.
2. The legal costs shall be determined against the losing party, and shall include, among others, the attorney fees to be determined by the Court in accordance with the controls and criteria set out in the Legal Profession Law and the cost of translating the notices. If there are several losing parties, the legal costs may be divided among them either equally or pro rata their respective interests in the case, at the sole discretion of the court, and they shall only be held jointly liable to pay the legal costs if they have joint liability in respect of the underlying obligation decided against them by the Court. Where there are several losing parties, prevailing parties or attorneys, the attorney fees shall not be multiplied.
3. Intervention costs shall be awarded against the intervening party if the latter has independent reliefs sought, if his intervention is denied, or if his relief sought is denied by the Court.

Article (134)

The court may order that the prevailing party bear the legal costs of the legal proceeding, in whole or in part, if such a party has either caused unnecessary expenditure to be spent or left its adverse party unaware of the instrumental documents of the legal proceeding or of the contents thereof.

Article (135)

If the Court denies certain claims of both litigants, the judgment may order that either each litigant bear the legal costs incurred thereby or the legal costs be divided between them as determined by the Court. However, the court may order that a single litigant bear all legal costs.

Article (136)

1. The court may impose legal costs against the expenses arising from a legal proceeding or defense based on malicious grounds.
2. Without prejudice to the provisions of Article [133] of this Code, the court may, upon rendering a judgment on the merits, order a fine of not less than [AED 1,000] one thousand dirhams and not exceeding [AED 10,000] ten thousand dirhams against the litigant who takes an action or files a claim, motion or defense based on malicious grounds.

Chapter Three

Correction and Interpretation of Judgments

Article (137)

1. The court may, either sua sponte or upon a motion of either litigant, and without pleadings, correct any purely material errors, whether typographical or mathematical, that exist in its decision or judgment. Such correction shall be made on the underlying decision or judgment, and shall be signed by the Presiding Judge of the hearing.

2. The material error shall include, among others, the improper posting or issuance of the decision or judgment on the electronic system.
3. If a decision denying the correction is issued, the same may only be challenged concurrently with the challenge against the original decision or judgment. For the decision that grants correction, it may be challenged independently based on the standard methods of challenge against the decision or judgment corrected.

Article (138)

1. The litigants may file a petition with the court that renders a judgment for interpreting any vague or ambiguous aspects of such a judgment, and such a petition shall be filed based on the standard procedures for instituting a case. The judgment on interpretation shall be considered complementary in all respects to the judgment it interprets, and shall be subject to all rules of challenge applicable to the original judgment.
2. Litigants may request the interpretation of judicial decisions and orders. In which case, the request shall be submitted in the same way of submission of the underlying decision or order, and shall be subject to the same legal effects set forth in Clause [1] of this Article.

Article (139)

If the court fails to decide on any substantive claims, it shall, upon motion of any party concerned, consider the motion and issue a decision or judgment on the claims omitted, as the case may be, after serving the motion upon the adverse party. In which case, the decision or judgment shall be subject to the rules of challenge applicable to the original decision or judgment.

Part Ten

Writs on Petitions

Article (140)

1. In the circumstances where a litigant has a right to have a writ issued in its favor by the Court, such a litigant shall file a writ petition with the competent judge or to the Presiding Judge of the Tribunal that is hearing the case after the case has been registered. Such a

petition shall be filed in two copies, unless it is registered electronically, and shall include the facts and grounds of the petition, the petitioner's domicile and place of work and an elected domicile in the State, if the petitioner has no domicile or place of work therein, and shall be accompanied by the supporting documents.

2. The judge or Presiding Judge of the Tribunal, as the case may be, shall issue a written writ on either copy of the petition or electronically not later than the day following its filing date, and the grounds upon which the writ is based shall not be necessarily mention unless the writ goes against a previously-issued writ. In the latter case, the grounds upon which the new writ is based shall be mentioned; otherwise, the new writ shall be invalid. The writ shall be recorded either in a special record or in the transcript of the hearing.
3. The writ shall be executed under a letter addressed by the judge or the presiding judge of the Tribunal, as the case may be, to the entity concerned. The petition shall be kept in the file with no need for service to be conducted or a writ of execution to be issued. If the writ cannot be executed for a reason attributable to a natural or private legal person, the judge or presiding judge of the Tribunal, as the case may be, may impose on the same a fine of not less than [AED 1,000] one thousand dirhams and not exceeding [AED 10,000] ten thousand dirhams for each day of execution delay. The fine shall be imposed by a reasoned decision that cannot be challenged by any means of challenge. The judge or presiding judge of the Tribunal, as the case may be, may relieve the fined person of all or any part of the fine if the latter furnishes an acceptable excuse after the writ is completely executed.
4. The fine penalty referred to in Clause [3] of this Article may be enforced by its issuer after the fined person is notified.
5. The writ issued on a petition shall be time-barred if not submitted for execution within [15] fifteen days following the date of its issuance. This prescriptive period shall not preclude the issuance of a new writ.

Article (141)

1. The petitioner whose writ petition is denied, the party against whom the writ is issued, and the parties concerned shall all have the right to file a grievance against decision made

in respect of the writ petition with the competent court or the issuing judge - as the case may be, unless the law provides otherwise. The institution of the original case before the court shall not preclude examination of the grievance.

2. The grievance shall be reasoned.
3. The grievance shall be submitted either independently or in association with the original case, through the standard procedures for filing the interlocutory applications.
4. In respect of the grievance filed against the writ, a decision to affirm, amend or overturn the writ shall be made, and such a decision may only be challenged by way of appeal. If the writ is issued by the Court of Appeal, the grievance against it shall be filed with a different tribunal of the same court, and the latter's judgment shall not be challengeable by any means of challenge.

Article (142)

A grievance against a writ shall not cause a stay of its execution. However, the court or judge may order a temporary stay of execution, in accordance with the provisions of Article [221] of this Code.

Part Eleven

Writs of Debt

Article (143)

1. Notwithstanding the general rules for instituting a legal proceeding before the Court of first instance, the provisions contained in the following Articles shall apply if the creditor's right is well-established in writing – whether electronically or in a paper format - and due for settlement, and that the claim is only involving a debt of money of a specified amount or a movable property that is self-defined or specified in terms of type and value.
2. The provisions of Clause [1] of this Article shall apply if the right is established based on a commercial paper, with the exception of the cheque which is considered a writ of execution under Article [212.2.d] of this Code.
3. Under all circumstances, the filing of a petition for a writ of debt shall not preclude the petitioner from claiming the interests or damages or taking any other precautionary

measure.

Article (144)

1. The creditor shall first serve upon the debtor a notice for payment within at least five [5] days, following which, the creditor shall seek a writ of debt from the judge of the court within the territorial jurisdiction of which the debtor's domicile is located, the court within the territorial jurisdiction of which the underlying agreement is executed or performed in whole or in part, or the court within the territorial jurisdiction of which the agreement is required to be performed. The right described in the notice for payment shall not be less than the right described in the petition for a writ of debt. The notice for payment shall be served by any of the means of service defined in this Code.
2. The writ of debt shall be issued on the basis of an electronic or paper petition, as the case may be, to be filed by the creditor and accompanied by a proof of the debt and a proof of serving a notice for payment upon the debtor. The Case Management Office shall keep the petition filed until the appeal time limit expires.
3. The petition shall include the details of the statement of claims described in Article [44] of this Code.
4. The writ of debt shall be issued not later than [3] three business days following the filing date of the petition, and shall include details of the amount ordered to be paid or the movable property order to be delivered, as the case may be, and shall also indicate whether it is issued on a commercial matter.
5. The petition referred to in this Article shall be give rise to the legal effects of instituting a legal proceeding as of the filing date thereof, even if the court is lacking the jurisdiction.

Article (145)

The judge shall decide whether the petition is granted or fully or partially dismissed. If he issues a decision of dismissal or inadmissibility of the petition, such a decision shall be reasoned. If the decision is relating to the enforcement of a commercial contract, it shall be reasoned under all circumstances.

Article (146)

1. The debtor shall be served with the writ of debt issued against it in accordance with the provisions and methods set forth in this Code.
2. The writ of debt issued against the debtor shall be deemed null and void if the same is not served upon the debtor within [3] three months following the date of issuance of the writ.

Article (147)

1. The litigants may file a grievance against the writ of debts if the value thereof falls within the jurisdictional amount of the Court of First Instance, within [15] fifteen days following the date of serving the writ of debt upon the debtor of, and as of the issuance date of the writ with regard to the creditor. The grievance shall be filed with the competent judge of the writ of debt according to the standard procedures for instituting the legal proceeding. Upon hearing the grievance, the rules and procedures applicable before the court shall be observed. The judge shall decide on the grievance by a final unchallengeable judgment, and the grounds for such a judgment shall be filed at the same hearing.
2. Subject to Clause [1] of this Article, a writ of debt whose value exceeds the jurisdictional amount of the Court of First Instance may be appealed in accordance with the procedures and time limits prescribed for appealing the judgments. The grounds for appeal shall be filed upon registering the appeal, otherwise, it shall be inadmissible.
3. Subject to Articles [45.8] and [150] of this Code, the court shall decide on the appeal in chambers without being prepared by the Case Management Office, within one week of completing the service of the statement of appeal. It may schedule a hearing to consider the merits, if necessary, and shall not remand the claim to the Court of First Instance.
4. Notwithstanding the provisions of Clause [3] of this Article, if the claim is initially filed through the standard manner for filing a case and the supervising judge has issued a writ of debt in respect thereof, but the Court of Appeal is convinced that the conditions governing the issuance of the writ are not satisfied, it shall remand the claim to the Court of First Instance to hear the same in accordance with the typical method of hearing the legal proceedings.
5. The rules and procedures governing the grievance or appeal against the writ of debt shall

apply to the precautionary measures issued concurrently with the writ of debt.

Article (148)

The rules for expedited enforcement shall apply to the writ of debt in accordance with the provisions of this Code.

Article (149)

Based on a debt that satisfies the conditions for issuing a writ of debt, if the creditor seeks a writ of garnishment over the debtor's property in the possession of third parties, the standard procedures shall apply to garnishment sought.

Article (150)

Notwithstanding the provisions set forth in this Chapter, if the legal proceeding brought before the court satisfies the conditions for issuing a writ of debt, the court shall decide thereon in accordance with the rules and procedures governing the adjudication on legal proceedings.

Part Twelve

Methods of Challenging Judgments

Chapter One

General Provisions

Article (151)

1. Judgments may only be challenged by the losing party, and no party, whose relief sought is, explicitly or implicitly, granted or awarded by the judgment, may challenge the judgment so rendered, unless the law provides otherwise.
2. The party challenging a judgment shall not be adversely affected by its challenge.

Article (152)

The rulings rendered in the course of hearing the legal proceeding and which do not provide conclusive determination of the lawsuit may only be challenged after the conclusive judgment is rendered on the entire legal proceeding, with the exception of the summary and urgent judgments, the judgment that order the dismissal of proceedings, the judgments that are subject to compulsory execution, the judgment establishing lack of jurisdiction, and the judgment that establish the court's jurisdiction over the legal proceeding if the court has no jurisdiction to adjudicate on the legal proceeding.

Article (153)

1. The time limit for challenging a judgment shall commence on the day immediately following the date on which the judgment is rendered, unless the law provides otherwise. Such a time limit shall commence as of the day on which the judgment is served upon the losing party, in the circumstances where the latter has failed to appear in all hearings scheduled for the legal proceeding and to file a statement of defense, and also where the losing party has failed to appear and to file a submission at all hearings following the resumption of the legal proceeding after the same has been stayed for any reasons whatsoever.
2. The time limit shall commence on the day of serving the judgment, in the event that any of the grounds for stay of the legal proceeding occurs and the judgment is rendered without suing the party acting in lieu of the litigant who passed away or lost the locus standi or whose legal capacity ceased to exist.
3. The judgment shall be served according to the situations described in Articles [9 and [10] of this Code.
4. Failure to abide by the time limits for challenging the judgments shall cause the right to challenge judgment to be forfeited, and the Court shall decide the same sua sponte.

Article (154)

1. The time limit for challenging a judgment shall be interrupted when the losing party passes away or loses the locus standi for litigation or where the capacity of the person acting on his behalf ceases to exist.
2. The interruption shall only cease to exist after the judgment is served upon all heirs, without mention of their names and capacities, at the last known domicile of their legator, in the event that the heirs are unknown, or after the same is served upon the party acting on behalf of the party whose locus standi is lost or whose capacity ceases to exist.
3. If the heirs are known, they shall be served according to the situations defined in Articles [9] and [10] of this Code.

Article (155)

1. If the prevailing party passes away within the time limit prescribed for challenging the judgment, the adverse party may file the challenge against the judgment and served the same upon all heirs of the prevailing party, without mention of their names and capacities, at the last known domicile of their Legator. Afterwards, the challenge shall be served again upon all heirs in their respective names and capacities ahead of the hearing scheduled for the challenge to be heard or on the date scheduled by the Court for serving the heirs who have not been served with the first hearing and failed to appear in court. For summary proceedings, the service of process upon the known heirs shall be legally sufficient.
2. If the prevailing party loses the locus standi within the time limit prescribed for challenging the judgment, or where the party acting on his behalf loses its legal capacity, the challenge may be filed against the judgment and served upon the party who lost the locus standi or for whom the person acting has lost the legal capacity. Afterwards, the challenge shall be served again upon the party acting on behalf of such a party ahead of the hearing scheduled for hearing the challenge or on the date scheduled by the Court as described above.
3. The service of process in respect of clauses [1] and [2] of this Article shall be conducted as per the situations described in Articles [9] and [10] of this Code.

Article (156)

1. The challenge shall be served as per the situations described in Articles [9] and [10] of this Code.
2. If the party against whom the challenge is filed happens to be the Plaintiff or Appellant, and has not indicated in the Statement of Claim or in the Notice of Appeal the address for service, and such an address cannot be identified in light of the other documents of the case, such a party shall be served as per the situations described in Articles [9] and [10] of this Code.

Article (157)

1. Only the party filing the challenge may take advantage thereof, and only the party against whom the challenge is filed may be affected thereby. However, if the judgment is rendered on a matter that is indivisible, or an obligation based on joint liability, or on a legal proceeding in respect of which the law prescribes that certain persons be sued, the losing party, who has either missed the time limit for filing the challenge or accepted the judgment, may challenge the same while the challenge timely filed by any of the other losing parties is being heard through joining the party filing the challenge in respect of its relief sought. Failing which, the court shall order the party filing the challenge to sue the defaulting party. If a challenge is timely filed against a prevailing party, the other prevailing parties shall be sued as well, even after the time limit for the challenge has expired with regard to them.
2. If the challenge is timely filed by the guarantor or by the party requesting the guarantee against the judgment rendered on the original legal proceeding, and they have the same defense in respect thereof, the party, who has either missed the time limit for challenging the judgment or accepted the judgment, may challenge the same judgment through joining the other party. If a challenge is timely filed against either of them, the other party, too, may be sued even after the time limit for the challenge has lapsed with regard thereto.
3. The guarantor and party seeking the guarantee shall each take advantage of the challenge filed by either of them against the judgment rendered in respect of the original legal proceeding, provided that they have the same defense in respect thereof.

Article (158)

1. The documents may only be returned back to the parties who have submitted the same either after the time limits prescribed for challenging the judgments have expired or after the challenge filed is decided on.
2. Photocopies of the documents referred to in Clause [1] of this Article may be delivered to the parties concerned so requesting.
3. If necessity requires that the original document be delivered, such delivery shall take place based on an order of the judge or the presiding judge of the Tribunal, as the case may be, and a photocopy thereof shall be kept and signed by either of them and stamped with the seal of the Court.

Chapter Two

Appeal

Article (159)

1. Other than the situations excluded under a provision of the law, the litigants may appeal the rulings and judgments of the court of first instance before the competent court of appeal.
2. Judgments rendered by the court of appeal shall be final and unchallengeable by way of cassation, in the event that the value of the legal proceeding does not exceed AED [500,000] five hundred thousand dirhams.

Article (160)

1. Judgments and rulings rendered by the court of first instance within the jurisdictional amount thereof may be appealed on the grounds of the violation of the public order-related rules of jurisdiction, an invalidity affecting the underlying judgment or ruling, or a procedural invalidity that has affected the underlying judgment or ruling.
2. All judgments and rulings may be appealed within the range of the jurisdictional amount, in the event that the underlying judgment or ruling is rendered in contrast to a former judgment or ruling that has not acquired the res judicata effect. In which case, the former

judgment or ruling shall be deemed appealed by operation of law if the same has not become conclusive upon filing of the appeal.

3. In such cases, the Appellant shall pay to the treasury of the Court of Appeal, upon filing the appeal, a security deposit of AED [2,000] two thousand dirhams. If there are several Appellants, a single security deposit shall be legally sufficient if they have filed their appeal based on a single notice of appeal, even if they have different grounds for appeal.
4. The Case Management Office shall not admit the notice of appeal if not accompanied by a proof of the payment of such security deposit, and the security deposit shall be confiscated by operation of law where the appeal is decided to be inadmissible.

Article (161)

The time limit for appeal shall be thirty [30] days unless otherwise provided for in the law, and for summary proceedings, the time limit shall be ten [10] days.

Article (162)

If the judgment is rendered based on an act of fraud committed by the litigants, a forged document or perjury, or due to an instrumental document in the legal proceeding that is withheld by either litigant, the time limit for appealing the judgment shall only commence as of the day on which the act of fraud is discovered, the forgery is either admitted by its perpetrator or established under a judgment, the person who committed perjury is convicted, or the document withheld is brought to light.

Article (163)

1. Appealing the judgment rendered on a alternative claim shall inevitably entail appealing the judgment rendered on the original claim. In which case, the prevailing party of the original claim shall be sued, even after the time limit for appeal has expired.
2. If the court of appeal sets aside the judgment rendered on the original claim, it shall remand the case to the court of first instance for the latter to decide on the alternative claim.

Article (164)

1. An appeal shall be filed by a statement of appeal deposited with the Case Management Office of the competent Court of Appeal and shall be registered immediately in the register prepared for that purpose or filed electronically. The statement of appeal shall include details of the appealed judgment, its date, the grounds of appeal, and the relief sought; failing which, the appeal shall be declared inadmissible.
2. In cases other than electronic filing, the appellant shall submit a sufficient number of copies of the statement of appeal equal to the number of appellees, together with a copy for the Case Management Office, and shall attach to each copy the documents supporting the appeal.

Article (165)

1. The Case Management Office of the Court with which the appeal is filed shall request that the file of the first instance case be joined – whether electronically or in a paper format – on the day immediately the filing day of the appeal.
2. The Case Management Office of the First Instance Court that has rendered the judgment shall send the case file – whether electronically or in a paper format – not later than ten [10] days of the date of being requested to do the same. For summary proceedings, such a time limit shall be reduced up to three [3] days.

Article (166)

1. The Appellee may, up to the date of the first hearing before the Case Management Office or the Court – as the case may be -, file an appeal either through the standard procedures or under a statement that includes the grounds for its appeal.
2. The appeal described in the foregoing paragraph shall be deemed a counterappeal if the same is filed within the time limit for appeal, and a cross-appeal if filed beyond the limit for appeal or where the party filing it has accepted the judgment prior to the date of filing of the original appeal.
3. The cross-appeal shall be contingent on the original appeal, and shall cease to exist where the original Appellant has waived its appeal or where the original appeal is decided to be

dismissed as a matter of form. For the counterappeal, it shall not cease to exist whenever the original appeal ceases to exist, regardless of the method of filing the same.

Article (167)

1. The appeal shall bring the case back to its original state existing before the rendering of the judgment or ruling appealed only with regard to the matter covered by the appeal.
2. The Court shall hear the appeal in chambers after the appeal is referred thereto by the Case Management Office.
3. The Court shall decide on the appeal in chambers within twenty [20] business days based on a reasoned judgment or ruling that brings the legal proceeding to an end. The court of appeal shall decide that the appeal is inadmissible, dismissed or abated, or that the judgment or ruling appealed be affirmed. It may also schedule a hearing for examining the merits, if necessary.
4. The court of appeal shall hear the appeal based on both the new evidence, pleas and aspects of defense submitted thereto, and the evidence, pleas and aspects of defense initially submitted to the court of first instance.
5. New claims asserted in an appeal shall not be admitted, and the Court shall, sua sponte, decide or order that any new claims be dismissed as inadmissible. However, the original claim may be accompanied by the wages, salaries and all other financial rights that fall due after the closing arguments were submitted to the court of first instance, and the excess amount of compensation after such arguments were submitted. In addition, while keeping the original claim as it stands, its reason may be changed and new claims may be added thereto.
6. Any party not involved in the legal proceeding on which the judgment or ruling appealed shall not be brought as a party to the appeal. In addition, intervention in the appeal may only be sought by any party that requests joining either litigant or that considers the judgment or ruling appealed to be adversely affecting its interests.
7. Appealing the judgment or ruling that brings the legal proceeding to an end shall inevitably entail appealing all the judgments and rulings rendered on the legal proceeding, unless they are explicitly accepted, subject to the provision of Clause [1] of this Article.

Article (168)

If the Court of First Instance decided on the merits of the case and the Court of Appeal is convinced that there has been an aspect of invalidity as to the judgment or a procedural invalidity that has affected the judgment, it shall both decide that the judgment be set aside and adjudicate on the case. If the Court of First Instance decides that it is lacking the jurisdiction over the case or that a subsidiary plea be granted and would cause a stay of the proceeding, while the Court of Appeal decides that the judgment be set aside and that the court is having the jurisdiction or that the subsidiary plea be dismissed and that the case be heard, the case shall be remanded to the Court of First Instance in order for the latter to render a judgment on the merits thereof.

Article (169)

Under all circumstances, the Court shall grant the discontinuance of the appellate proceeding if the Appellant waives its right to appeal.

Article (170)

The appeal shall be subject to the rules and procedures that are applicable to the legal proceedings before the Court of First Instance, unless otherwise prescribed by the law.

Chapter Three

Motion for Reconsideration

Article (171)

The litigants may file motions for reconsideration in respect of the final judgments and rulings rendered in the following instances:

1. If the adverse party has committed an act of fraud which affected the underlying judgment or ruling;
2. If the judgment or ruling has been based on documents which, after the same is

rendered, are acknowledged or turned out to be forged, or based on a witness testimony, which, after the judgment or ruling is rendering, turned out to be a perjury;

3. If, after the judgment or ruling is rendered, the moving party obtains instrumental documents which have been withheld by the adverse party;
4. If the judgment or ruling awards legal remedy not claimed by the litigants or in excess of their claims;
5. If the operative part of the judgment or ruling is self-contradictory;
6. By a party who considers that the judgment or ruling rendered on the legal proceeding is adversely affecting its interests where such a party has neither intervened in, nor been impleaded into, the underlying legal proceeding, provided that such a party proves the fraud, collusion or gross negligence of the legal representative acting on his behalf; or
7. If the judgment or ruling is rendered against a natural or legal person who has not been duly represented in the legal proceeding.

Article (172)

The time limit for filing motions for reconsideration shall be thirty [30] days, which shall commence, in respect of the instances referred to in Articles [171.1], [171.2] and [171.3] of this Code, only as of the day on which the fraud is discovered, the forgery is either admitted by its perpetrator or established under a court decision, the person who committed perjury is convicted, or the document withheld is brought to light. For the instance referred to in Article [171.6] of this Code, the time limit shall commence as of the day on which the act of fraud, collusion or gross negligence is discovered. For the instance referred to in Article [171.7] of this Code, the time limit shall commence as of the day on which the judgment is served upon the losing party or its duly appointed legal representative.

Article (173)

1. The Motion shall be filed with the Court that rendered the judgment, based on a petition to be deposited with the Case Management Office according to the standard procedures for instituting the case.
2. The petition shall set out the details of the judgment in question and the date of its issuance, and the grounds for the motion; otherwise, the same shall be null and void.
3. The court that hears the motion shall be composed of the same judges who rendered the judgment in question.
4. The motion shall only be admitted if its petition is accompanied by a proof of payment of AED [500] five hundred dirhams as security deposit. Such security deposit shall be confiscated if the motion is decided to be dismissed, inadmissible or impermissible.

Article (174)

1. After hearing the statements of the litigants, the Court shall first decide on the inadmissibility of the motion. If admitted, the Court shall schedule a hearing for pleadings on the merits, with no need for a new service of process. However, the Court may decide on both the admissibility of the motion and its merits under a single judgment, in the event that the litigants have filed their claims as to the merits with the court. The Court shall only reconsider the claims contained in the motion.
2. Neither the filing of a motion nor its admission shall cause a stay of execution of the judgment. However, the Court that hears the motion may order a stay of execution whenever requested in the event that the execution is likely to bring about an irremediable substantial damage. When a stay of execution is ordered by the Court, the latter may require the moving party to furnish a security or guarantee as deemed necessary to safeguard the right of the party against which the motion is filed.
3. No motion for reconsideration may be filed against the judgment that dismissed the motion or against the judgment on the merits of the case after being accepted by the moving party.

Chapter Four

Cassation

Article (175)

1. The litigants may challenge by way of cassation judgments and decisions issued by Courts of Appeal where the value of the claim exceeds five hundred thousand (500,000) dirhams, or where the claim is of indeterminate value, in the following cases:
 - a. Where the challenged judgment or decision is based on a violation of the law or an error in its application or interpretation.
 - b. Where nullity has occurred in the judgment, decision, or in the procedures affecting the judgment or decision.
 - c. Where the challenged judgment or decision was issued in violation of the rules of jurisdiction.
 - d. Where the dispute was adjudicated contrary to another judgment or decision previously issued on the same subject matter between the same litigants and which has acquired the force of *res judicata*.
 - e. Where the judgment or decision is devoid of reasons, or where such reasons are insufficient or ambiguous.
 - f. Where the court adjudicated on matters not requested by the litigants or awarded more than what was requested.
2. The litigants may challenge before the Court of Cassation any final judgment or decision, regardless of the court that issued it, that adjudicated a dispute in a manner contrary to another judgment or decision previously issued between the same litigants and having acquired the force of *res judicata*.
3. Judgments or decisions issued by Courts of Appeal in execution proceedings shall not be subject to cassation.

Article (176)

1. The Attorney General may challenge by way of cassation, 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 of challenge, final judgments, regardless of the court

that issued them, and decisions issued by Courts of Appeal in chambers, where the judgment or decision is based on a violation of the law or an error in its application or interpretation, in the following cases:

- a. Judgments and decisions in respect of which the law does not permit litigants to challenge.
 - b. Judgments and decisions in respect of which the litigants have missed the time limit for challenge, waived their right to challenge, or filed a challenge that was declared inadmissible.
2. The Attorney General shall file the challenge by a statement signed and submitted within one year from the date of issuance of the judgment or decision. The court shall examine the challenge in chambers without summoning the litigants, and the litigants shall benefit from such challenge.

Article (177)

1. The filing of a challenge by way of cassation shall cause a stay of execution of the judgment if the same establishes divorce or dissolution of marriage or is relating to the ownership of real property.
2. Other than the instances referred to in Clause [1] of this Article, the Court may order temporary stay of execution of the judgment if the Petitioner requests the same under the statement of challenge, where the execution of the judgment would likely bring about an irremediable substantial damage. The chief justice of the competent Tribunal shall schedule a hearing for the challenge, and the Petitioner shall serve the Statement of Challenge upon the Respondent. If the Court decides to order a stay of execution of the judgment or is convinced that the challenge is based on any grounds other than those set out in Article [175] of this Code, it shall schedule a hearing for examining the challenge within sixty [60] days in chambers.
3. The Court shall decide on the motion for stay of execution not later than fifteen [15] business days following its filing date.

4. Where a stay of execution is ordered by the Court, the latter may either order that a bail be provided or that any necessary actions be taken to safeguard the rights of the Respondent.
5. The order for stay of execution of the judgment shall apply to the Execution measures initiated by the prevailing party based on the contested judgment as of the date of filing of the motion for stay of execution.
6. If the challenge is dismissed, the Petitioner shall be liable to pay the legal costs.

Article (178)

The time limit for filing a challenge by way of cassation shall be thirty [30] days.

Article (179)

1. The challenge by way of cassation shall be filed based on a statement to be deposited with the Case Management Office of the court that rendered the judgment, the Federal Supreme Court or the Court of Cassation – as the case may be – and signed by a lawyer admitted before the said court. The Petitioner shall also provide a proof of payment of full fees in addition to the security deposit within three [3] business days following the date of the notice of assessment of the fees. The challenge shall be recorded in the relevant register after such a procedure is completed.
2. The Petitioner shall file, at the time of submitting the statement of challenge, as many copies thereof as the number of Respondents, in addition to another copy for the Case Management Office.
3. The Petitioner shall, before the challenge is set for adjudication, file the power of attorney of the lawyer authorized to handle the challenge on its behalf.
4. The statement of challenge shall, in addition to the data relating to the names, capacities and address of the litigants, include details of the contested judgment and the date of its issuance and the date of its service - if duly served – the grounds on which the challenge is based, and the Petitioner's relief sought.
5. If the challenge fails to satisfy the above-mentioned requirements, it shall be inadmissible and shall be dismissed by the Court sua sponte.

Article (180)

The Petitioner may not invoke, before the Court, any ground not included in the statement of challenge, unless such a ground is relating to the public order. In the latter case, such a ground may be invoked at any time and shall be relied upon by the Court sua sponte.

Article (181)

1. A fixed fee of AED [2,000] two thousand dirhams shall be imposed on every challenge by way of cassation, while the ministries and government bodies and authorities and the like shall be exempt from such a fee. The chief justice of the court or his designee shall decide on the applications for postponement of or exemption from the fees. The filing of the application shall interrupt the time limit prescribed for filing the challenge.
2. The petitioner for cassation shall deposit with the court treasury, upon payment of the prescribed fee for the challenge, the amount of AED [3,000] three thousand dirhams as a security deposit, which is refundable only if the challenge is admitted. If several petitioners file their challenge based on a single statement, only one security deposit shall be provided. Any party exempt from the legal costs shall also be exempt from the security deposit.
3. A fixed fee of AED [1,000] one thousand dirhams shall be imposed on every motion filed by the Petitioner for stay of execution of the contested judgment, and the entities referred to in Clause [1] of this Article shall be exempt from such a fee.

Article (182)

1. The Case Management Office of the Court of Cassation shall serve the statement of challenge upon the Respondent within ten [10] business days following the filing day of the challenge. In addition, the Case Management Office shall request joinder of the file of the case whose judgment is challenged, within three [3] business days following the filing date of the statement.
2. The Case Management Office of the court that rendered that the judgment shall send the case file within ten [10] business days following the date of receiving the request for the file.

3. The Case Management Office of the court that rendered that the judgment shall send the challenge together with the case file within ten [10] business days following the date of receiving the challenge.
4. The Court may decide that the official copy of the judgment furnished by the Petitioner be legally sufficient in lieu of requesting the case file.
5. The Respondent may file a statement of defense within fifteen [15] days following the date of being served.
6. The Court may permit the litigants to furnish new evidence to support their defense, and may take any necessary action that would help it decide on the challenge.

Article (183)

1. The Respondent may implead into the challenge any party involved in the legal proceeding in respect of which the contested judgment is rendered and against whom the challenge is not filed. Such impleader shall take effect by serving the challenge upon such a party within the time limit set forth in Article [182.3] of this Code.
2. Any party impleaded into the challenge may file with the Case Management Office of the Court a statement of defense within fifteen [15] days of the date of service, and the petitioner may respond to such a statement within the time limits defined in Article [182] of this Code.

Article (184)

Every party, which is involved in the legal proceeding in respect of which the contested judgment is rendered and has not been served with the challenge, may intervene in the challenge to petition for dismissal of the challenge. Such intervention shall take effect by filing a statement of defense with the Case Management Office within fifteen [15] days of the date of being aware of the challenge.

Article (185)

1. The Judge Rapporteur shall draw up a summary report on the challenge grounds and the response thereto, and the Case Management Office shall, once the report is filed, present

the case file to the Chief Justice in order for the latter to schedule a hearing for examining the challenge in chambers. If the Court decides that the challenge is inadmissible on prescription grounds, due to invalidity of its procedures or for being based on grounds other than those set out in Article [175] of this Code, or due to the fact that the legal issue raised by the challenge has already be decided on by the Court under a legal principle and there is no justification to revoke such a decision, the Court shall order that the challenge be inadmissible under a decision to be recorded in the hearing transcript, with a brief reference to the grounds for such decision.

2. If the Court is convinced that the challenge is worthy of consideration, it shall schedule a hearing to examine the challenge. At such hearing, the summary report shall be read out and the court shall adjudicate on the challenge after deliberations and without pleadings.
3. If the court is convinced that the oral arguments are necessary, it may hear the statements of the lawyers on behalf of the litigants or the litigants themselves.

Article (186)

If the Court admits the challenge and the subject thereof is worthy of adjudication, or if the challenge is filed for the second time, the court shall decide on the challenge, and may satisfy the necessary procedures. Other than those cases, the Court of Cassation shall overturn the judgment, in whole or in part, and shall then remand the case to the Court that rendered the contested judgment, unless the Court of Cassation decides either that the case be heard by a tribunal comprising other judges or that the case be remanded to the competent court for a new judgment to be rendered. The court, to which the case is remanded, shall abide by the court of cassation's judgment on the matters decided by the latter.

Article (187)

1. Overturning the judgment shall invalidate all judgments that relied upon the contested judgment regardless of the courts that rendered such judgments.
2. If the judgment is overturned in respect of only a part thereof, the remaining parts thereof shall continue to be effective, unless such parts are resulting from the part overturned.

Article (188)

Where the Court decides that the challenge be inadmissible, impermissible, or dismissed in whole or in part, it shall order the petitioner to pay the reasonable costs, in addition to confiscation of the security deposit, in whole or in part, as the case may be.

Article (189)

The court of cassation's judgments shall not be challenged by any of the means of challenge, except for the judgments rendered on the origin of the dispute, which may be challenged by way of motions for reconsideration in the situations defined in Articles [171.1], [171.2] and [171.3] of this Code.

Article (190)

1. Without prejudice to Article [185.1], and notwithstanding the provision of Article [189] of this Code, the Court may revoke either the decision made thereby in chambers or its final judgment, either sua sponte or upon motion of the party against which the judgment or decision is rendered, in any of the following situations:
 - a. If the decision or judgment is based on a procedural error committed by the Court or its assisting organs, and the same has affected the result reached by the judgment or decision of the Court;
 - b. If the decision or judgment is based on a repealed law, where the application of the correct law would change the course of opinion on the case; or
 - c. If the decision or judgment is rendered in violation of any of the judicial principles adopted by the Tribunal or all tribunal of the Court, as the case may be, and without

presentation of the judgment or decision to such tribunals, or where the decision or judgment is issued in violation of the principles established by the Court or issued by the authority in charge of standardizing the principles between the federal and local judicial authorities.

2. The motion for revocation shall be submitted by the party against which the underlying judgment or decision is issued to the Case Management Office of the Federal Supreme Court or the Court of Cassation, as the case may be, and shall be signed by a lawyer admitted before the said court and accompanied by a security deposit of AED [20,000] twenty thousand dirhams. If the revocation is decided by the court that rendered the judgment or decision, the chief justice of the court shall refer the underlying judgment or decision, accompanied by a report by the technical office, to the tribunal referred to in Clause [3] of this Article.
3. The motion for revocation or referral decision described in Clause [2] of this Article shall be heard by a tribunal composed of five [5] of the court, not including the judges involved in the rendering of the underlying judgment or decision. Such tribunal shall issue - in chambers – a reasoned decision based on the majority of four [4] judges on the motion for revocation, and the security deposit shall be confiscated when the motion is dismissed. If the motion is admitted, it shall be assigned to another tribunal in order for the latter to hear and decide on the challenge ab initio, while the security deposit shall be refunded to the moving party.
4. Under all circumstances, the referral or filing of the motion for revocation shall take place only once, and no referral or motion shall be permitted after the lapse of one year following the date on which the decision is issued in chambers or in respect of the final judgment.

Article (191)

1. The challenge by way of cassation shall be subject to the rules and procedures that are applicable to the appeal before the court of appeal, insofar as the same does not go against the provisions of this Chapter.
2. Judgments rendered by federal courts shall be challenged by way of cassation before the

Federal Supreme Court in such instances and according to the procedures and rules described in this Chapter, unless otherwise explicitly stipulated in the Federal Supreme Court Law.

Title Two

Miscellaneous Procedures and Lawsuits

Part One

Offer and Deposit

Article (192)

If the Debtor wishes to pay off their debt, they may make a real offer to the Creditor of the money, documents, or movables that the Debtor is required to pay off in the Creditor's domicile.

Such offer is 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 it shall be served on the Creditor by the person making the notification. A report shall be prepared of such offer containing a statement of the offered item, the conditions of the offer, and whether the offer shall be accepted or rejected. The said offer may be made in 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 approval of the Creditor to release the Debtor's assets from the in-kind guarantee or from any other disposal-restricting restrictions.

Article (194)

To be deemed valid, the offer shall meet the following requirements:

1. It shall be addressed to a person who is qualified to receive it, or to their representative.
2. It shall be made by a person who is eligible to perform the fulfillment.
3. It shall include the amounts and assets due, relevant expenses and expenses.
4. The condition related to the commitment is satisfied.

5. The Debtor submits their offer to the Creditor themselves or at the Creditor's residence.

Article (195)

1. If the offer is money or other items that can be moved or lodged in the Court's Treasury and the person, to whom the offer was submitted, has rejected it, the President of the Court of First Instance or the session's president, as the case may be, shall give orders to lodge them forthwith in such case.
2. If the offer is rejected and the offered item cannot be deposited in the Court's Treasury, the session president or the president of the Court of First Instance, based on the request of the person making the notification, as the case may be, shall order to deposit it in the place they specify, if the said item can be moved without difficulty. However, if the said item is intended to remain where it is, or it is not easy to be moved except with difficulty, they shall order it to be placed under receivership.
3. If the offered item is rapidly perishable or costs exorbitant expenses to be deposited or guarded, the Debtor or the person making the notification may request the President of the Court of First Instance to order it to be sold by public auction, and the price shall be deposited in the Court's Treasury. However, if its market value is known, or if it is usually dealt with within the normal transactions, it may be not sold by public auction unless it is not possible to sell it at the known price.
4. The offerer may request the Court to ascertain the validity of the offer by a decision.

Article (196)

Validity of the offer could not be ascertained by a Court decision unless the offered property and any relevant expenses accrued up to the date of depositing are deposited, and the Court may, along with its ruling regarding the validity of the offer, discharge the Debtor as of the date on which the offer was made.

Article (197)

The Debtor may retract an offer the Creditor has not accepted and may be refunded all the deposits the Debtor made after the lapse of (10) ten days from the date on which the Creditor

is notified of the offer and the deposit.

Article (198)

Retraction of the offer is not permissible nor returning back the offered property after the Creditor has accepted the same or after the validity of the offer is assured by the court and such assurance decision becomes final.

Article (199)

The Creditor may accept an offer they have refused earlier, and may receive the deposits made for this purpose unless the Debtor has already retracted the offer.

Part Two

Suing Judges and Members of the Public Prosecution

Article (200)

The Judges of the Courts of First Instance and the Courts of Appeal and the Members of the Public Prosecution may be sued in the following circumstances:

1. If a fraud, a deceit or a flagrant professional mistake has been committed by the Judge concerned or Member of the Public Prosecution.
2. In the other circumstances in which the law provides for the liability of the Judge concerned and for their obligation to pay damages.

Article (201)

1. The lawsuit shall be filed by means of a report submitted to the Case Management Office of the Court of Appeal to which the Judge or Member of the Public Prosecution is affiliated, signed by the claimant or whomever they authorize. The report shall include a statement of the aspects of the dispute and their evidence. It shall be accompanied with the supporting documents, and an amount of (1,000) one thousand dirhams shall be deposited as a security deposit.
2. The lawsuit shall be submitted for admittance to one of the circuits of the Court of Appeal, by an order of its president, after a copy of the report has been notified to the Judge or

Member of the Public Prosecution.

3. The lawsuit shall be heard in the Deliberation Chamber in the first hearing to be held after lapse of eight days following the notification. The Case Management Office shall notify the claimant and the defendant of the session to be held in this regard. If the defendant Judge is a Judge in the Court of Appeal, or if the defendant Member of Public Prosecution is the Attorney General or at least a Public Attorney, then one of the cassation circuits in the Deliberation Chamber shall decide on the admittance of the case. If the case is admitted, then the cassation circuit shall refer the case to a special circuit consisting of (5) of the Judges of the latter in accordance with the order of their seniority.

Article (202)

The court shall promptly decide whether the aspects of the dispute relate to the case and whether to admit it or reject it, after hearing the claimant or their representative and the defendant Judge or defendant Member of the Public Prosecution, as the case may be, in person or through an attorney from the judiciary, and after hearing the statements of the Public Prosecution if it has intervened in the case.

Article (203)

1. If the case is admitted, the ruling shall schedule a session to consider the subject of the case in a public session, and it shall pass a judgment thereon after hearing the claimant, the defendant, and the statements of the Public Prosecution if it has intervened in the case.
2. The defendant Judge is deemed incompetent to hear the case from the date on which of the ruling admitting the case is handed down.

Article (204)

1. If the case is not admitted in form or it is dismissed in merits, the claimant's security deposit shall be confiscated, and, if applicable, they shall be required to pay indemnities.
2. If the claimant wins the case, the defendant Judge or the defendant Member of the Public Prosecution shall be required to bear the indemnities and expenses, and their disputed disposal shall be nullified. The State shall be responsible for the indemnities the defendant

Judge or the defendant Member of the Public Prosecution is required to pay. Meanwhile, the State shall have the have the right of recourse against them. It shall be permissible to execute the court decision issued in the dispute action against the State.

3. However, the invalidity of the judgment issued in favour of a litigant other than the claimant in the lawsuit may not be ruled except after he is notified to give his statement. In this case, the Court may issue a new judgment on the original lawsuit if it deems it valid for consideration, after hearing the statements of the litigants.

Article (205)

The judgment issued on the lawsuit may not be appealed except by way of cassation.

Title Three

Execution

Part One

General Provisions

Chapter One

Execution Judge

Article (206)

1. Execution shall take place under the supervision of the Execution Judge at the seat of each Court of First Instance, administration, or Court of execution - as the case may be - in every judicial authority, and they shall be assisted therein by a sufficient number of Execution Bailiffs and Execution Officers, or private companies and offices for which a decision is issued by 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 the execution works entrusted to private companies and offices.
2. The procedures to be observed before the Court of First Instance shall be observed before the Execution Judge, unless the law provides otherwise.

Article (207)

1. The Execution Judge shall have exclusive jurisdiction over the execution of Execution Writs and in determining all interim execution disputes on an expedited basis, and they shall also have jurisdiction to pass judgments, decisions and orders relating thereto.
2. Jurisdiction over execution shall be vested in the Execution Judge of the Court which issued the Execution Writ in the State.
3. If the execution relates to a procedure occurring within the jurisdiction of another Court, they may proceed with the execution directly in this Circuit, and they may delegate the competent Execution Judge in whose area the procedure is to take place to carry out the procedure.
4. The delegation is done (electronically or on paper) and all the requirements required for execution shall be sent.
5. In the case of multiple execution files between the same parties and they are being examined before Execution Judges in different Court Circuits they may be combined to be heard before the Execution Judge before whom the first execution file was registered. If there have been several attachments through Execution Judges in the areas of different Courts, the Execution Judge who imposed the first attachment shall be the Judge competent to distribute the proceeds of the sales between the Creditors.
6. If the procedure required to be taken is the making of an order of detention, in accordance with the provisions governing the detention of a Debtor as set out in law, and the domicile of the Debtor is in the jurisdiction of a Court other than the Court before which the Execution Writ is being executed, the competent Execution Judge shall proceed with the detention procedures and they may refer the matter to the Execution Judge in whose area the procedure is required to be taken in order to conduct an investigation and to issue and execute the appropriate order.

Article (208)

1. Delegation shall be made by the competent Execution Judge to the Execution Judge for the area where the procedure is required to be taken, and it shall have attached to it all of the legal papers required for the execution thereof.
2. The Execution Judge to whom the delegation is made shall take the decisions necessary to execute the delegation, and shall rule on procedural objections relating to the execution raised before them. Complaints or appeals against their decisions shall be made before the competent Court - as the case may be - in accordance with the procedures and periods stipulated in Article [209] of this Code.
3. The Execution Judge who has carried out the execution of the delegation shall inform the Execution Judge of what has happened, and shall transfer to them any items received by them or other property as a result of the sale of the items attached.
4. If the Execution Judge to whom the matter has been deputed or referred finds that there are legal reasons precluding the execution or if it is impossible for them to execute for any other reason, they shall inform the competent Execution Judge thereof.

Article (209)

1. Decisions of the Execution Judge shall be appealable in the following circumstances:
 - a. The ranking of priorities between judgment Creditors; or their inclusion in or exclusion from the distribution list;
 - b. Postponement of execution judgment for any reason;
 - c. Allowing the Debtor time to pay or allowing payment by installments of the amount executed for.
 - d. Whether the bail is accepted or not;
 - e. Travel ban or refusal to order it.
 - f. Arrest and habeas corpus order or refusal to order it.

The grievance shall be made before the President of the Court or their authorized representative other than the Judge who issued the decision within (7) seven working days from the day following the date of issuing the decision if the procedure was issued in the presence of the person concerned, and from the date of being served the decision if

the procedure was issued in the absence of the person concerned. This shall be done by filing an application that shall be kept in the same execution file. The Judge before whom the procedure is contested may annul or amend the contested decision as they deem appropriate without the need to summon the litigants, unless they deem it necessary. The decision issued on the grievance shall be final and not subject to appeal.

2. The decision of the Execution Judge may be appealed directly before the competent Court of Appeal within (10) ten working days from the date of issuing the decision if it was issued in the presence of the opposing party, and from the day of its service upon him or the day he became aware of it if it was issued in absentia in any of the following cases:
 - a. Whether the Execution Judge is competent or incompetent to execute the Execution Writ.
 - b. Whether the assets to be attached may or may not be attached or sold;
 - c. The participation of persons other than the parties in the attachment;
 - d. Whether the Debtor is imprisoned or their imprisonment is refused, provided that in the latter case the appellant presents a guarantor who is responsible for bringing the person against whom the execution was made or fulfills the amount adjudged. In the event that they are unable to bring them, and the guarantor fails to bring their guaranteed person, the Court shall oblige them to pay the value of the bail which will be collected from them in the manner in which judgments are executed.
 - e. The decision issued regarding the determination of the amount in question and whether the execution is to be continued or not.
3. The competent Court of Appeal may consider the appeal held in the Deliberation Chamber, and it may, in the cases referred to in Clause (2) of this Article, order the temporary suspension of the procedure under appeal until the dispute is decided, unless it, by its nature, affects its full implementation, it may order in this case the execution is suspended in its entirety.

Article (210)

The President of the Federal Judicial Council and the heads of the local judicial authorities, each according to their competence, shall issue regulatory decisions regarding the registration

of execution applications and the establishment of its files.

Article (211)

In the event resistance or aggression occurred against the person conducting the execution, which resulted in the execution's disruption, the latter must prepare a report on the incident and immediately notify the Execution Judge to decide what he deems necessary in regards to taking precautionary measures, requesting the assistance of the police, and referring the report to the Public Prosecution to decide with it deems appropriate.

Chapter Two

Execution Writs

Article (212)

1. Compulsory execution may not be performed save by an Execution Writ giving effect to a right having established existence and of ascertained amount and forthwith due.
2. Execution Writs are as follows:
 - a. Judgments and orders, including penal provisions, including restitution, compensation, fines, and other civil rights.
 - b. Documents notarized in accordance with the law regulating notarization and certification;
 - c. Memoranda of Composition certified by Courts; d. Other papers on which the law confers such status.
3. No execution may be effected save in the cases excepted by a provision of the law otherwise than under a copy of the Execution Writ bearing the following endorsement for execution: 'The competent authorities and bodies shall proceed to execute this writ and to carry out the requirements thereof, and they shall give assistance in the execution thereof even by force if so requested'.
4. In the event that the execution applicant does not submit a request to take action on the file for a period exceeding one year after the last procedure, the Execution Judge may order the temporary closure of the file.
5. Execution Writs may not be enforced if they have been left for a period of (15) fifteen years

since the date of the last execution operation or if they have been left without execution for such period since the date of issue thereof.

Article (213)

The Court may in expedited matters or in cases in which delay would be detrimental make an order, upon the application of the person concerned, to enforce the judgment without service and without endorsement of the execution wording thereon.

Chapter Three

Expedited Enforcement

Article (214)

1. It shall not be permissible to execute a judgment compulsorily so long as it remains open to bring an appeal against it unless expedited effect is provided therefor in the law, or by the judgment.
2. Pursuant to preliminary provisions that may be challenged by appeal or that are not subject to expedited enforcement, precautionary measures may be taken in their regard.

Article (215)

1. There shall be expedited enforcement by operation of law in the following cases:
 - a. Judgments passed in expedited matters, whichever Court has passed them;
 - b. Judgments issued in personal status cases regarding maintenance, wages and related expenses and their increase or decrease.
 - c. Judgments issued to hand over a child, see them, visit them, or escort them.
 - d. Orders made on petitions.
2. Expedited enforcement shall take place without a surety unless the judgment or order provides that a surety should be provided.

Article (216)

The Court may, upon the application of the person concerned, endorse its judgment for expedited enforcement with or without a surety in the following cases:

1. Judgments passed in commercial matters;
2. If the judgment Debtor has admitted that the obligation has arisen, notwithstanding that they may dispute the scope of it or allege that it has expired;
3. If the judgment has been passed by way of enforcement of an earlier judgment that had attained the status of *res judicata* or that itself was endorsed for expedited enforcement without a surety or if it is based on an official document that has not been challenged for falsification or a customary document that has not been refuted if the judgment Debtor was a party to the earlier judgment or a party to the document;
4. If the judgment is passed in favour of the applicant for execution in a dispute connected therewith;
5. If the judgment is passed for payment of wages or salaries or remuneration arising out of an employment relationship;
6. If the judgment is passed in an action for possession or vacation of leased property in respect of which the contract has expired or has been cancelled, or for the eviction of a person occupying property who has no legal ground to do so if the right of the claimant is not refuted or if it is proved by an official document;
7. In any other case, where a delay in execution would cause grave detriment to the interests of the judgment Creditor, provided that such fact is sufficiently stated in the judgment.

Article (217)

1. Expedited enforcement by operation of law or by judgment of the Court shall extend also to matters ancillary to the original application and to the costs of the action.
2. It shall not be permissible to agree, prior to the passing of a judgment, that it be endorsed for expedited enforcement save in the circumstances specified for that purpose.

Article (218)

In cases in which it is not permissible to enforce a judgment or order save by a surety, the person obliged to provide it may elect between providing a solvent guarantor or depositing with the Court's Treasury sufficient cash or financial papers, or agreeing to the deposit of the proceeds of the execution with the Court's Treasury or the handover of the thing ordered to be handed over in the judgment or order to a trustworthy custodian.

Article (219)

1. The person obligated to provide a surety shall declare their election either by the Execution Bailiff by an separate document, or by including it in the service of the Execution Writ.
2. In all cases, the election shall name an elected domicile in the State for the applicant for execution if they do not have a domicile or place of work therein, for them to be served with papers relating to a dispute in the suretyship.
3. Any person concerned may, within (3) three days from declaring the election, raise a grievance before the Execution Judge disputing the guarantor's solvency or the trustworthiness of the custodian or the sufficiency of the property deposited, and a judgment passed regarding the grievance shall be final.
4. If no grievance is brought within that time limit or if it is brought and rejected, the Execution Judge shall take an undertaking from the surety as to their guarantee or from the custodian accepting the custodianship. The record shall include the undertaking of the surety or the custodian in the form of an Execution Writ accepting the obligations arising out of the undertaking of the surety or the acceptance by the custodian.

Article (220)

1. A grievance may be brought before the Court of Appeal against the description of the judgment by the usual procedures for bringing appeals. The Court of Appeal shall consider it while convening in a Deliberation Chamber.
2. It shall be permissible to raise the grievance referred to in Clause (1) of this Article at the hearing, even after the expiration of the time limits for appealing, during the hearing of the appeal brought against the judgment.

3. A judgment shall be passed on the grievance independently of the merits.

Article (221)

1. It shall be permissible in all cases for the Court before which the appeal or grievance is brought to make an order upon the application of the person concerned staying the execution if it is feared that substantial harm will arise from the execution.
2. The Court may, when ordering a stay of execution, order that a surety be provided or make such order as it deems to ensure the preservation of the right for which judgment was passed.

Chapter Four

Execution of Foreign Judgments, Orders and Instruments

Article (222)

1. An order may be made for the enforcement in the State of judgments and orders made in a foreign country on the same conditions laid down in the law of that country for the execution of judgments and orders issued in the State.
2. An order for execution shall be applied for by means of a petition submitted by the concerned party including the data specified in Article [44] of this Code to the Execution Judge. The Judge shall issue their order within (5) five working days from the date of its submission, and the order shall be subject to appeal by direct appeal in accordance with the rules and procedures prescribed for appealing judgments. An execution order may not be made until after the following matters have been verified:
 - a. The Courts of the State have no jurisdiction to try the dispute in which the order or judgment was made, and that the foreign Courts which issued it have jurisdiction thereover in accordance with the rules governing international judicial jurisdiction laid down in their law;
 - b. The judgment or order was issued by a Court having jurisdiction in accordance with the law of the country in which it was issued and duly endorsed;
 - c. The parties to the action in which the foreign judgment was issued were summoned to attend, and were duly represented;

- d. The judgment or order has acquired the force of res judicata in accordance with the law of the Court that issued it, provided that the applicant submits a certificate that the judgment has acquired the force of a final order or the same was stipulated in the judgment itself;
 - e. It does not conflict with a judgment or order already made by a Court in the State, and contains nothing that conflicts with morals or public order in the State.
3. The Execution Judge shall have the right to collect the documents supporting the request before issuing their decision.

Article (223)

The provisions of Article [222] of this Code shall apply to the awards of arbitrators made in a foreign country; the award of the arbitrators must have been made on an issue which is arbitrable under the law of the State, and enforceable in the country in which it was issued.

Article (224)

1. An order may be made for the enforcement in the State of notarized documents and Memoranda of Composition certified by the Courts of a foreign country on the same conditions laid down in the laws of that country for the enforcement of similar instruments issued in the State.
2. An application for an enforcement order in Clause (1) of this Article shall be requested by means of a petition submitted to the Execution Judge with the same procedures and conditions stipulated in Clause (2) of Article [222] of this Code. No order for enforcement may be made until after it has been ascertained that the conditions for the enforceability of the document or memorandum have been satisfied in accordance with the law of the country in which it was notarized or certified, and that it contains nothing contrary to morals or public order in the State.

Article (225)

The rules laid down in the Articles of this Chapter shall apply without prejudice to the provisions of conventions and agreements between the State and other countries regarding

the execution of foreign judgments, orders and instruments.

Chapter Five

Executing Execution Writs and Decisions Related to Personal Status Matters

Article (226)

As an exception to the provisions of Article [207] of this Code, personal status provisions and decisions are executed under the supervision of a competent Judge who is delegated to the headquarters of each Court. They shall be assisted in this by a sufficient number of those in charge of execution and social workers. The execution provisions and procedures stipulated in this Code shall apply to matters not covered by the Articles of this Chapter.

Article (227)

The Personal Status Execution Judge is solely responsible for executing Execution Writs and decisions related to personal status provisions, adjudicating all disputes and procedural objections of execution and issuing travel ban orders, provided that the customs, traditions, and norms prevailing in the State are taken into account when executing.

Article (228)

The personal status Execution Judge, when necessary, may seek the assistance of whomever they deem to be experienced and specialized in personal status matters.

Article (229)

The personal status Execution Judge may offer reconciliation to the execution parties. The personal status Execution Judge may also certify the Memoranda of Composition that take place between the parties regarding the method of executing the Execution Writ, even if that reconciliation contradicts the Execution Writ or the decision executed according to it, provided that it does not prejudice the interest of the fostered children.

Article (230)

Execution sessions in matters of personal status are not public, and execution decisions are issued without the need to hold a session for that, unless the personal status Execution Judge decides otherwise.

Article (231)

Execution of Execution Writs and decisions related to personal status matters takes place after (7) seven days from the date of serving the Writ.

Article (232)

1. Judgments issued by the personal status Execution Judge in substantive execution disputes are subject to appeal within (15) fifteen days from the date of their issuance.
2. If the execution applicant or the person against whom the execution was made has other execution files related to personal status issues between them which they have execution in the departments of other Courts, they may be joined for consideration before the Execution Judge before whom the first execution file was registered, unless the two parties agree otherwise.

Chapter Six

Execution Procedures

Article (233)

1. The execution applicant shall indicate the procedures required to be taken in the Execution Claim Statement when registering the same electronically or on paper.
2. Execution shall be preceded by the service of the Execution Writ in accordance with the procedures for service laid down in this Code.
3. The service document shall contain the particulars of the requests and shall require the Debtor to satisfy them within (7) seven days from the date of service on them and shall nominate an elected domicile of the applicant for execution within the jurisdiction of the Court where the execution is being carried out if their original domicile or place of business or their elected domicile is not in such place.

4. If the Execution Writ has been issued on the basis of a contract to open a credit, service thereof shall be accompanied by an abstract of the account of the Debtor based on the commercial books of the Creditor.
5. In the event of execution of the vacation of real property or of the handover of movable or real property, the service of the Execution Writ shall sufficiently identify such property.
6. If the Execution Writ specifies a date for vacation or handover, the served process shall include such date.

Article (234)

1. As an exception to the provisions of Article [233] of this Code, and without prejudice to the rules of Prejudgment attachment of movable and immovable property and the garnishment and what is stipulated in any other legislation, the Execution Judge may order the Prejudgment attachment of the Debtor's assets in accordance with the rules and procedures established in this Code before serving the Executive Writ upon the Debtor if they find an indication that the Debtor seeks to smuggle their assets, based on their credit information report, or on what can be deduced from actual events, or the Creditor's loss of the general guarantee.
2. The Execution Judge may order an enquiry about the Debtor's assets before serving them with the Execution Writ.
3. The Execution Judge may prevent the person against whom the execution was made from travelling before they are served the Execution Writ if the Execution Judge finds evidence that the Debtor is seeking to leave the State.

Article (235)

1. Upon service of the Execution Writ or at any stage during the procedures, if the Debtor tenders to the Execution Bailiff a settlement by paying off their debts using all or part of the price of the asset in question or handing the asset itself over, then the Execution Bailiff shall note that fact in the record and shall instruct the Debtor to deposit the sum offered

with the Court's Treasury in favour of the applicant for execution. Such deposit or handover shall take place on the same day or no later than the following day.

2. If the amount offered is part of the debt, the Execution Bailiff shall proceed to execute for the balance.

Article (236)

The Execution Bailiff shall not break doors or make openings by force in order to carry out the execution save by the leave of the Execution Judge, and that shall be done in the presence of a policeman, whose presence shall be indicated in the record of execution, failing which the execution shall be void.

Article (237)

1. If the Debtor dies or loses their legal competence or if the person carrying out the procedures loses their capacity to act on their behalf prior to the commencement of the execution or prior to completion thereof, then the execution may not be carried out or continued against their heirs whose names and capacities are indicated in the Decree of Distribution or similar document save upon the expiration of (7) seven days from the date of their being served with the Execution Writ.
2. If the Debtor dies or loses their legal competence or if the capacity of the person carrying out the procedures on their behalf ceases after commencement of the execution, the execution procedures shall be stayed as shall all current time limits running against them until they are reactivated by one of the parties to the execution.
3. Prior to the expiration of (3) three months from the date of death, it shall be permissible for the service referred to in Clauses (1) and (2) of this Article to be effected on the heirs collectively at the last domicile at which the deceased was resident, without stating their names or capacities. If the service takes place after the expiry of such period, they shall be served in their names and capacities.

Article (238)

A third party may carry out the matters required under an Execution Writ or compel performance thereof only after a notice is served upon the Debtor of the intention to make such execution no later than (7) seven days prior to the occurrence thereof.

Chapter Seven

Procedural Objections to Execution

Article (239)

1. If a procedural objection arises upon execution and the matter required to be done is an interim procedure, the Execution Bailiff or the person against whom the execution was made or concerned party shall refer the matter to the Execution Judge who will decide to stay the execution or proceed with it.
2. In all cases, the Execution Bailiff may not complete the execution before the Judge has made their ruling. A grievance against this decision is made in accordance with Clause (1) of Article [209] of this Code.
3. If the Execution Judge finds that the submitted procedural objection is considered a substantive execution dispute, the person submitting it shall be authorized to register it within a period of (7) seven working days from the date of the declaration, and execution continues unless a decision is issued in the dispute to stay execution.
4. If the Execution Judge finds that the procedural objection is raised in a claim relating to real property by the normal procedures for bringing a claim before the competent Court, the raising of such objection shall result in a stay of execution unless the Court orders otherwise.
5. Submission of any subsequent procedural objection, or after raising any substantive execution dispute, shall not result in a stay of execution, unless the Execution Judge decides otherwise, or the law decides that execution should be stayed.

Article (240)

True tender shall not result in a stay of execution if the tender is subject to dispute, and the Execution Judge may order a provisional stay of execution accompanied by a deposit of the thing offered or a greater sum than it as they may specify.

Article (241)

Upon registering a temporary execution dispute, the complainant shall deposit a security of (5,000) five thousand dirhams, which shall be refunded if the procedural objection is accepted and confiscated by force of law in the event of its loss, with the exception of personal status cases. In all cases, the dispute is not accepted if it is not accompanied by evidence of the security deposit.

Part Two

Attachments

Chapter One

General Provisions

Article (242)

Without prejudice to the provisions of any other law, the following items may not be attached:

1. Public property owned by the State or any of the emirates and endowment assets.
2. The house used as a residence by a Debtor or judgment Debtor and those of their relatives living with them who would be dependent upon the Debtor at law in the event of their death unless the house or common share in it is mortgaged and the debt arises from its price, in which case it is permissible to attach it to pay off the debt.
3. The clothes necessary for the Debtor, and the household furniture and kitchen utensils necessary for them and their family, and sufficient food and fuel for them for a period of (6) six months.
4. Any land or necessary agricultural equipment owned by a farmer or hunter/fisherman to the extent sufficient to sustain them and their dependents.
5. Property gifted or bequeathed so that it or the yield of it shall stand as maintenance or a regular income, either temporarily or for life, and any amounts ordered by the Judge which

are amounts laid down or arranged temporarily by way of maintenance or to be disposed of for a particular purpose, all of the above with the exception of one quarter by way of settlement of a prescribed maintenance debt.

6. Property gifted or bequeathed on condition that it may not be attached, if the Judgment Creditor is one of the Creditors of the donee or the legatee whose debt arose before the gift or the bequest, with the exception of a debt for prescribed maintenance, up to the limit of one quarter.
7. Books, equipment and requisites for the carrying on of their profession or vocation by themselves, unless the attachment is for payment of the price thereof or expenses for the maintenance thereof or prescribed maintenance.
8. Movable property regarded as real property by affixation if the attachment thereover is independent of the real property to the service of which the movables have been appropriated, unless the attachment is for satisfaction of the price thereof or costs of maintaining the same.
9. Salaries and wages with the Debtor's employers, even if they are transferred to a bank account, save to the extent of one quarter of the wage or gross salary. In the event of overlapping claims priority shall be given to a maintenance debt.
10. Assets of foreign embassies and diplomatic bodies that enjoy diplomatic immunity, on condition of reciprocity.

Article (243)

If the attachment is not completed in one day, it shall be permissible to complete it on the next consecutively following day or days, and the Execution Bailiff shall take such steps as are necessary to preserve the items attached and required to be attached until the report is completed, and the report shall be signed whenever the attachment procedures are suspended.

Nevertheless, if the circumstances so require, the Execution Bailiff shall continue with the attachment procedures after the time limits laid down in Article [7] of this Code or on official holidays and they may complete them without the need to obtain the leave of the Execution Judge.

Article (244)

It shall be permissible at any stage of the proceedings prior to the award of an auction to deposit a sum of money with the Court's Treasury equal to the debts and expenses for which the attachment is being made. Such deposit shall result in the attachment being lifted over the property being attached, and its being transferred to the amount deposited.

Article (245)

The Judgment Debtor may apply to the Execution Judge at any stage of the proceedings to assess the amount or such things as may stand in its stead to be deposited with the Court's Treasury for payment to the Judgment Creditor. Such deposit shall result in the attachment being lifted from the assets attached, and its being transferred to the property deposited.

Article (246)

An attachment shall be imposed within the limits of the debt claimed, and if the value of the right in respect of which the attachment has been made is not proportionate to the value of the property attached, the Debtor may apply to the Execution Judge as the case may be to restrict the attachment to part of their attachable property.

Chapter Two

Prejudgment Attachment

Article (247)

Without prejudice to the provisions of any other law, the Creditor may apply to the Court hearing the action or to the Judge for expedited matters, as the case may be, for the imposition of a Prejudgment Attachment over the real property and movable property of their opponent in the following circumstances:

1. Any circumstance in which it is feared that they may lose the security for their right, such as the following circumstances:
 - a. If the Debtor has no permanent residence in the State;
 - b. If the Creditor, based on serious evidence, fears that their Obligor may abscond, or remove or conceal their assets;

- c. If the securities for the debt are threatened with loss.
- 2. A lessor of real property may, in relation to a sub-tenant, attach the movable property, yield and produce present on the real property leased, by way of security for the priority right vested in them by law, and they may likewise do so if the movable property, yield and produce have been removed without their knowledge, unless thirty days have elapsed since the removal thereof or there remain on the real property leased sufficient assets to secure the priority right vested in them.
- 3. If the Creditor holds an official or ordinary document showing the debt due to them, not being subject to a condition or if they have a judgment that is not enforceable provided that the debt in question has a specific amount.
- 4. For the worker when it is not possible to settle their entitlements as determined by the law regulating the relationship between them, in order to guarantee the fulfillment of their entitlements after being temporarily assessed by the competent administrative authority.
- 5. In any event, the Court may, before granting the application for attachment, request any details or evidence or statements under oath, conduct a brief investigation, or order the necessary investigations to be made with the assistance of the competent administrative authorities if it so deems necessary.

Article (248)

The owner of movable property and a person having a right in rem against it or a right to retain it may apply for a Prejudgment Attachment thereover in the hands of the person in whose possession it is, by virtue of a petition that includes a full statement of the movable that is required to be attached.

Article (249)

- 1. If the Creditor does not have an Execution Writ or if their debt is not of a determined amount, the Judge for expedited matters may order an attachment, and provisionally determine the debt owing to the Judgment Creditor, on the basis of a petition accompanied by reasons submitted by the applicant for attachment, and the Judge may,

before issuing the order, conduct a brief investigation if the documents accompanying the application are not sufficient.

2. In case of attaching a real property the petition shall be submitted with an official copy of the deed of ownership of the property to be attached.
3. If the claim in respect of the right has previously been brought before the competent Court, an attachment order referred to in Clause (1) of this Article may be applied for before the Court considering the action.

Article (250)

1. The rules and procedures laid down in Articles [264] to [282] of this Code shall apply in the Prejudgment attachment of movable property, with the exception of those related to the fixing of the date for sale, unless such property is perishable, and regard shall be had to Clause (2) of Article [273] of this Code. In the case of a Prejudgment Attachment over real property, the rules and procedures provided for in Articles [285] to [305] of this Code shall apply with the exception of those related to the submission of the Execution Writ and the procedures for sale by auction.
2. The Judgment Creditor shall, within (8) eight days at the most from the date of issuance of the attachment decision, bring a claim before the competent Court for the confirmation of their right, in cases in which the attachment was by order of the Judge for expedited matters, failing which the attachment shall be void ab initio. The attachment shall also be deemed null and void if the execution of the final judgment issued in their favour does not start within (30) thirty days from the date of its becoming final.
3. The person whose request is rejected, and the Judgment Debtor and the concerned parties may appeal against the attachment order before the Judge of summary matters or before the competent Court - as the case may be - whether the grievance is related to the subject of the attachment or its timing. In all cases, the attachment expires if a final judgment is issued rejecting the claim of establishing the right.
4. If a ruling is issued rejecting the grievance and it is due to be executed or has become so, the procedures prescribed for sale in Articles [264] to [282] and [285] to [305] of this Code shall be followed, as the case may be, or execution shall be carried out by handing over

the movable in the case referred to in Article [248] of this Code.

5. The attachment procedures taken under an enforceable judgment or decision shall remain valid unless the judgment or decision issued to cancel them has become final.

Article (251)

1. If a lessor of real property effects an attachment over the movable property of sub-tenants in accordance with Clause (2) of Article [247] of this Code, the proceedings shall be directed towards both the head tenant and the sub-tenant.
2. Service of the attachment document on a sub-tenant shall be deemed also to be an attachment of the rent in their hands.
3. If the head tenant is not prohibited from subletting, a sub-tenant may apply for the lifting of the attachment over their movable property, with the attachment over the rent in their hands remaining.

Chapter Three

Garnishment

Article (252)

1. Any Creditor may apply to the competent Court or to the Judge for expedited matters for a garnishment over movable property of or debts owing to their Debtor in the hands of third parties, even if they are deferred, or subject to a condition, or disputed.
2. If the garnishment is not imposed over specific movable property or a specific debt, it shall cover all of the movable property of the Debtor in the hands of the Garnishee, and the debts owed by them, until the items in their possession is reported.
3. A Garnishment shall cover movable property of the Debtor in the possession of their representative at law.

Article (253)

A garnishment shall be made, without the requirement for a prior notice to be served on the Debtor, by an order signed by the Judge, and it shall be served on the Garnishee by an Execution Bailiff, and shall contain the following particulars:

1. A statement of the principal amount for which the Garnishment is imposed, plus costs;
2. An accurate and detailed description of the garnished property to avoid any doubt if the garnishment is levied over specific property, and an order to the Garnishee not to return or hand over the property in his possession to the Judgment Debtor;
3. The number of the action or of the application for garnishment, the name of the Garnishor, and their residence or place of work in the State. If they do not have a residence or place of work in the State they shall specify an elected domicile within the area of jurisdiction of the Court in which execution is being effected; and
4. An order to the Garnishee to report to the Court that issued the garnishment order, within seven days of service of the garnishment order on them, the items in his possession.

Article (254)

If the order does not contain the particulars specified in Clauses (1) and (2) of Article [253] of this Code, the garnishment shall be void. Any stakeholder may rely on such voidness.

Article (255)

1. Payment by the Garnishee shall be made by depositing the assets held by them with the Court's Treasury. If the subject matter of the garnishment is movable assets that cannot be deposited with the Court's Treasury they may be delivered to a custodian appointed by the body that issued the garnishment order, upon application made to it by the Garnishee or the Judgment Debtor.
2. The deposit shall be accompanied by a statement signed by the Garnishee, of the garnished items in their hands, the dates on which such garnishments were served on them, the names of the Garnishors and the Judgment Debtors, their descriptions and addresses,

the writs under which the garnishments were made, and the amounts in lieu of which such garnishments have been imposed.

3. The body that ordered the garnishment shall notify the Garnishor and the Judgment Debtor forthwith of the fact of the deposit or the placing of the movable assets in the hands of a custodian.
4. The fact of the deposit or the placing of the movable assets under custodianship shall render unnecessary the making of a report on the assets held if the amount or the movable property is sufficient to satisfy the debt owed to the Garnishor.
5. If a new garnishment is imposed on the amount deposited or the movable property placed under custodianship whereby either of them becomes insufficient, any Garnishor may require the Garnishee to report on assets held by them within (7) seven days from the date of such requirement.

Article (256)

1. If no deposit is made in accordance with Article [255] or Articles [244] and [245] of this Code, the Garnishee shall, within (7) seven days from service of the notice of garnishment on them, report on the property held to the body that ordered the garnishment, and the report shall state the amount of the debt and the cause or causes, if any, by which it may expire. If the Garnishee has movable assets in their possession they shall attach a detailed statement thereof to their report.
2. If the property garnished is in the hands of the government or a public establishment or body or a bank, the report on the property held shall be by letter sent by the Garnishee entity to the body that ordered the garnishment within the aforesaid period, and shall contain the same particulars as [are required to be set out in] the report.
3. The fact that the Garnishee is not indebted to the Debtor shall not absolve the Garnishee of the duty to make the report on the assets held, in which case the report may be made by a statement to the body that ordered the garnishment, and likewise professional privilege shall not absolve them of the duty to report on assets held.

Article (257)

If the Garnishee dies or loses their legal competence or if they or the person representing them ceases to have capacity, the Garnishor may serve on the heirs of the Garnishee or their representatives a copy of the notice of garnishment and may require them to report within (7) seven days of such requirement on the assets held.

Article (258)

The dispute regarding the report of the Garnishee shall be raised before the Court that hears the garnishment action at any stage of the litigation.

Article (259)

1. If the Garnishee does not report on assets held by them in the manner laid down by law or if they submit an insufficient or inaccurate report, or if they conceal documents that they are required to submit in confirmation of the report, judgment may be passed against them in favour of a Creditor who has obtained an Execution Writ for their debt in the amount for which the garnishment was made, by a claim brought by the normal procedures. Their claim shall not be accepted after the lapse of (3) three years from the date of issuance of the decision to report what they owe.
2. The execution of a judgment issued against a Garnishee shall be deemed to be satisfaction of the right of the Garnishor against the Debtor. This shall not prejudice the right of the Garnishee to recourse against the Debtor for the amount they have paid to the Garnishor.
3. The judgment shall not be passed if the Garnishee remedies the cause for which the action was brought prior to the close of pleadings including before the Court of Appeal.
4. In any event the Garnishee shall be ordered to pay the costs of the action and compensation as a result of his negligence or delay.

Article (260)

If the right of the Garnishor is established by an Execution Writ, soon after the report on assets held is made, the Garnishor may apply to the Execution Judge to make an order against the Garnishee to pay to the Garnishor the amount which they have admitted or such part thereof

as shall satisfy the right of the Garnishor, provided that the procedures provided for in Article [238] of this Code are followed.

Article (261)

If satisfaction is not made in accordance with Article [260], and if no deposit is made in accordance with Articles [244], [245] and [255] of this Code, the Garnishor may levy execution against the assets of the Garnishee under an Execution Writ to which is garnished an official copy of the report of the Garnishee, subject to the provisions of Article [233] of this Code.

Article (262)

If the garnishment is levied on movable property sold under the procedures laid down for the sale of movable property garnished in the hands of a Debtor.

Article (263)

A Creditor may impose a garnishment under their own hand over assets held by them in favour of their Obligor; this shall be by order of the competent Judge and notice thereof shall be served on the Debtor, setting out the particulars required in a notice of garnishment.

If the Creditor is not in possession of an Execution Writ or a judgment the procedures and periods stipulated in Clauses (2, 3, 4, 5) of Article [250] of this Code shall be followed.

Chapter Four

Attachment of Movable Property in The Hands of a Debtor

Article (264)

1. Subject to the provisions of Article [236] of this Code, the attachment shall be made by an electronic or paper minute, as the case may be, made out at the place where it is imposed. It shall, in addition to the particulars required to be set out in notices of attachment, contain the following:
 - a. Mention of the Execution Writ;

- b. Mention of the domicile or place of work of the Judgment Creditor in the State, and if they do not have a domicile or place of work in the State they shall specify an elective domicile in the area of the jurisdiction of the Court in which the execution is to take place;
 - c. The place of the attachment, the steps taken by the Execution Bailiff, and any obstacles or objections that they have encountered during the attachment, and the steps taken by them in that regard;
 - d. A detailed list of the items attached stating their type, description, number, weight or measurement, and a statement of the approximate value thereof.
2. The Execution Bailiff and the Debtor, if present, shall sign the minutes of attachment. In the event that they refuse to sign, the Execution Bailiff shall state that fact in the minutes of attachment. The mere fact that the Debtor voluntarily signs shall not be deemed to be acceptance of the judgment on their part.
 3. An attachment shall not require that the items attached be taken away from their location unless the Execution Judge so orders.
 4. The items shall become attached items by virtue of their being mentioned in the minutes of attachment, even if no custodian is appointed over them. A photo of the attached objects by the Execution Bailiff is considered complementary to the minutes of attachment.
 5. If the attachment takes place in the presence of the Debtor or at their domicile or place of work, a copy of the minutes of attachment shall be delivered to them or to a person taking delivery of it on their behalf. If, however, the attachment takes place in their absence and otherwise than at their domicile or place of work, the minutes of attachment shall be served upon them in the manner indicated in Article [10] of this Code within no more than the (7) seven days following the attachment.

Article (265)

1. If the attachment is levied over gold and silver jewelry or gold or gold ingots or another precious metal or jewelry or precious stones, they shall be weighed, and accurately described in the minutes of attachment. They shall be valued by an expert appointed by the Execution Judge or upon the request of the applicant for execution.

2. Upon the request of the Judgment Creditor or the Judgment Debtor, items of art and other precious things may be valued in the same manner. In all cases the valuation of the expert shall accompany the minutes of attachment.
3. If the circumstances require that in order to be weighed or valued such items have to be transported to another place, they shall be placed in a sealed receptacle and that fact shall be stated in the minutes of attachment, with a description of the seals, and they shall be deposited in the Court's Treasury.
4. If the attachment is levied over cash or currency notes, the Execution Bailiff shall state the description and amount thereof in the minutes of attachment and shall deposit them with the Court's Treasury.

Article (266)

1. The Execution Bailiff shall appoint a custodian over the items attached. They shall appoint the custodian if the Judgment Creditor or the Judgment Debtor do not propose a solvent person. The Judgment Debtor shall be appointed if they so request, unless it is feared that they will dissipate the assets, such fear being based upon reasonable causes, which shall be stated in the minutes of attachment, in which case the view of the Judgment Debtor as to those causes shall be stated and the matter shall be brought forthwith before the Execution Judge in order for them to make a decision in that regard.
2. If the Execution Bailiff does not find at the place of attachment any person willing to act as custodian and the Debtor is present, they shall be charged with the custody, and no regard shall be had to their rejection thereof. If, however, they are not present, they shall take all possible steps to preserve the items attached and shall forthwith raise the matter before the Execution Judge for an order either that the items attached be removed and deposited with a trustworthy person who agrees to be the custodian, chosen by the Judgment Creditor or the Execution Bailiff, or the police may be instructed to act as temporary custodians.

Article (267)

1. If the custodian is present at the time of the attachment, the items attached shall be handed over to them at the place of attachment thereof after they sign the minutes of attachment and a copy thereof is handed over to them; if they are absent or are appointed at a later date, an inventory of the items attached shall be made and handed over to them after signing the minute of inventory and giving them a copy thereof.
2. If the custodian refuses to sign the minutes of attachment or the minute of inventory, or if they refuse to take a copy thereof, the Execution Bailiff shall replace them with another custodian, or shall raise the matter before the Execution Judge forthwith in order for them to make such decision as they deem appropriate.

Article (268)

A custodian who is not the Debtor or the custodian in possession shall be entitled to receive a fee for their custodianship, and such fee shall have the same priority status as judicial costs over the movables attached. The custodian's fee shall be determined by an order to be made by the Execution Judge upon a petition submitted to them.

Article (269)

1. The custodian may not use the items attached or exploit them or lend them or render them perishable, failing which they shall be deprived of their custodianship fee, in addition to their being obliged to pay compensation. If, however, they are the owner of such items or the person having the right to the benefit of them, the custodian may use them to the extent of such rights.
2. If the attachment is levied over livestock or merchandise or tools or equipment necessary for the management or exploitation of land or a factory or workshop or establishment or the like, then the Execution Judge, upon a petition submitted by any person concerned, may order that the custodian do undertake the management or exploitation if they are capable of doing that, or may replace them by another custodian who shall do so.

Article (270)

1. A custodian may not apply to be relieved of the custodianship before the day scheduled for the sale save for reasons necessitating that course, and their relief shall be by order on petition made by the Execution Judge.
2. The Execution Bailiff shall make an inventory of the items attached upon the new custodian taking over their function, and a minutes shall be made of the inventory to be signed by the custodian, and a copy thereof shall be given to them.

Article (271)

1. If an Execution Bailiff goes to impose an attachment over movables that have already been attached in the hands of the Debtor, the custodian thereof shall show them a copy of the minutes of attachment and shall hand over the items attached, and the Execution Bailiff shall make an inventory thereof in a minutes, and shall attach anything that has not already been attached, and shall constitute the custodian in the first attachment custodian of those other items if such items are at the same place.
2. Such minutes shall be served within no more than (3) three working days on the first Judgment Creditor and the Debtor and the custodian if they are not present, and it shall likewise be served upon the body that ordered the first attachment.
3. Such service shall result in the attachment remaining in place in favour of the second Judgment Creditor even if it is waived by the first Judgment Creditor, and it shall be deemed to be an attachment in the hands of the Execution Bailiff over the proceeds of sale.
4. If the first attachment levied over the movables is void, that fact shall not affect any subsequent attachments if they are valid per se.

Article (272)

1. After completing the attachment, the Debtor may submit to the Execution Judge a request to sell the attached property to one of the purchasers. Their request shall be accompanied by the sale price and the purchaser's approval thereof. This shall be presented to the Judgment Creditor(s), if the price of the sold property is less than the debt for which the attachment was made, within (7) seven days from the date of submission of such request. If they

do not object within (7) seven days from the date of their notification or upon their approval, the sale shall be made and the price shall be deposited in the Court's Treasury in favour of the Creditors.

2. Subject to the provisions of Article [276] of this Code, in the event that the approval of the Judgment Creditor is not obtained or they refuse, the day, hour and place of the sale shall be determined by the Execution Judge. Forthwith after that, the Execution Bailiff shall publish the notice on the Court's website, or affix it on the door of the place where the attached items are located, as well as on the boards prepared for that in the Court.
3. The Execution Judge may order that the above be published in a daily newspaper published in the State in Arabic or in a foreign language, or, when necessary, publish the same by using other technical means, various media, or any other means they deem appropriate.

Article (273)

1. The sale shall be conducted at the place at which the items attached are or at such place as the Execution Judge may specify for the sale of the attached things, unless convenience dictates otherwise. It shall take place no sooner than (3) three days from the date of completing the procedures for publishing the announcement on the Court's website, affixation or publication. Any person wishing to do so may inspect the items attached during the set period.
2. Nevertheless, if the attached things are perishable, or if they are goods subject to fluctuations in prices, the Execution Judge may order that the sale be conducted at such place as they deem appropriate. The Execution Judge may order the Sale on an hourly basis as the case may be, upon an application submitted to them by the custodian or any person concerned or the Execution Bailiff.
3. If the Creditor fails to proceed with the sale of the attachments within (30) thirty days after the attachment is levied - unless there are legal impediments - the Execution Judge may proceed with the sale procedures or lift the attachment of the attached objects, as the case may be, and the expenses will be deducted from the proceeds of the sale.

Article (274)

If the sale does not take place on the day specified in the minutes of attachment, another day shall be specified for it, to be notified to the custodian and the concerned parties. The advertisement shall be re-published on the Court's website, or affixed or published in the manner indicated in the Articles in this Chapter, in which case the valuation shall be reduced by 5% five times, and then the items attached shall be sold at a price to be estimated by the Execution Judge.

Article (275)

1. The sale shall be conducted by public auction under the supervision of the Execution Judge with the Execution Bailiff acting as auctioneer, and the price must be paid forthwith. The Execution Judge may give the auction winner a period not exceeding (5) five days to pay. The Execution Bailiff shall not commence the sale until after conducting an inventory of the items attached and the condition thereof is noted in the minutes of sale. They shall note in it all of the sale procedures and any objections or obstacles they have encountered and the steps they have taken in that regard. They shall also note the presence of the Judgment Creditor and the Judgment Debtor or their absence and their signature if present or their refusal to sign.
2. The Execution Bailiff shall note in the minutes the names of the bidders and the domicile and place of work or e-mail address of each of them, as the case may be, as well as the prices offered by them, and their signatures. The minutes shall include in particular a statement of the price at which the auction was awarded and the name of the person to whom it was awarded, as well as the Successful Bidder's domicile and place of address and signature.
3. It shall be sufficient announcement of the continuation or postponement of the sale that the Execution Bailiff so states openly and so records in the minutes of sale.
4. The remote communication technology stipulated in the law may be used in any of the auction sale procedures mentioned in this Article and in Articles [276] to [278] of this Code.

Article (276)

If nobody attends to purchase jewelry or gold or silver ingots or ornaments or precious stones or items that have been valued by an expert's report and the Creditor does not accept satisfaction of their debt in specie at such value, the time for sale shall be extended to the following day if that is not a holiday or until the first working day after the holiday, and if there is no purchaser at the assessed value the sale shall be deferred to another day and there shall be a fresh affixation or publication in the manner stated in the foregoing Articles, in which case the Execution Bailiff shall place the matter before the competent Judge for them to order that the auction be awarded at such price as they deem appropriate, even though that be on a later date.

Article (277)

If the person to whom the sale on auction has been awarded does not forthwith pay the price, the Judge may give them a period of (5) five days to pay, and after the aforementioned period expires and they fail to pay the price, the item shall be resold on their responsibility in the foregoing manner at any price, and they shall be liable for the shortfall in the price as well as the expenses and resale fees. The sale minute shall be deemed to be an Execution Writ for the difference in price so far as they are concerned.

They shall not be entitled to the advantage of any increase in the price; the person entitled to that will be the Debtor and their Creditors. The Execution Bailiff shall be liable for the price if they do not get it in forthwith from the purchaser and do not proceed to resell upon their responsibility. The minute of sale shall be deemed to be an Execution Writ with regard to them.

Article (278)

The Execution Bailiff shall cease to proceed with the sale if an amount results therefrom sufficient to pay the debts for which the attachment was made as well as the costs. With regard to any attachments imposed thereafter in the hands of the Execution Bailiff or others in whose hands the price is held, such attachments shall extend only to such property as is in excess of the amount expended in making the foregoing satisfaction.

Article (279)

An action for the recovery of the items attached shall be brought before the competent Court, and the bringing of such action shall result in a stay of the sale unless the Court orders that the execution be proceeded with on such conditions as it deems appropriate. The Court may pass a fine of not less than (1,000) one thousand dirhams and not exceeding (5,000) five thousand dirhams in case the recovery claim is rejected.

Article (280)

An action for recovery shall be brought against the Creditor Judgment Creditor and the Judgment Debtor and the intervening Judgment Creditors, and the statement of claim in such action shall contain a detailed statement of the evidence of ownership. Otherwise, it shall be inadmissible, and the Court shall rule inadmissibility on its own.

Article (281)

1. The Judgment Creditor may proceed with the execution if the Court passes judgment striking out the action for recovery or if it is regarded as being void ab initio or judgment is passed ruling that it be so treated. They may also proceed with the execution if judgment is passed in the action dismissing it or ruling that there is no jurisdiction or disallowing it, or ruling that the statement of claim is void or that the litigation has lapsed, or accepting abandonment thereof.
2. The Judgment Creditor shall proceed with the execution notwithstanding that the judgments referred to in Clause (1) of this Article are appealable.

Article (282)

1. If a second action for recovery is brought by the same recoveror and their first action is deemed void ab initio or judgment has been passed treating it as such or rejecting it or disallowing it, or ruling that the Court has no jurisdiction or that the statement of claim therein is void or that the litigation has lapsed or accepting abandonment thereof, the sale shall not be stayed unless the competent Court passes judgment that it be stayed. This rule shall apply if the action for recovery is renewed after striking out or staying thereof.

2. The same rule referred to in Clause (1) of this Article shall apply if a second action for recovery is brought by another recoveror and the second action shall have effect if it is brought at a later date notwithstanding that it is prior to the cessation of the staying effect of the sale resulting from the bringing of the first action.

Chapter Five

Attachment of Shares, Papers, Receipts and Equity Interest

Article (283)

1. Bearer shares and papers or endorsable shares and papers may be attached by the same modalities laid down for the attachment of movables in the hands of a Debtor or a third party.
2. Attachment of revenues due and nominate shares and dividends due from bodies corporate and rights of partners in companies shall be attachable by the modalities laid down for the attachment of assets due to a Debtor in the hands of third parties. An attachment thereof shall result in the yields thereof being attached until the day of sale.

Article (284)

Shares and papers and other property as provided for in Article [283] of this Code shall be sold by public auction in accordance with the procedures provided for in Article [288] et seq. under the supervision of the Execution Judge.

Chapter Six

Attachment Of Real Property and Sale Thereof

Article (285)

1. An Judgment Creditor shall make an application for the attachment of real property to the Execution Judge and the request shall include the following:
 - a. The name, surname, occupation, domicile and place of work of the applicant, and their elective domicile in the area of the Court in which execution is to take place if they do not have a domicile or place of work therein;

- b. The name, surname, occupation, domicile and place of work of the respondent Judgment Debtor ;
 - c. A description of the real property for the attachment of which the application is made, with particulars of its location, area, boundaries or number and real property area, and any other particulars serving to identify it, as shown in the official registers prepared for that purpose.
2. The Creditor may obtain an order on petition from the Execution Judge authorizing the Execution Bailiff to enter the real property in order to obtain the necessary particulars to describe it and to define the contents thereof. No grievance shall lie against such order.

Article (286)

1. If the Execution Judge decides that the application for attachment over real property satisfies the legal requirements, they shall make their decision for the attachment and the Execution Bailiff conducts it electronically or communicates this decision to the department concerned with real property registration to mark in the records of this real property and specify the time and date.
2. Registration of the decision to attach shall result in the real property being deemed to be attached.
3. The competent department with which the real property is attached shall inform the Execution Judge, from the real property registry, of the Creditors having registered rights, and the domicile and place of work of each of them and whether there are any impediments that impede the disposal of the real property.

Article (287)

1. The Execution Bailiff shall, within (7) seven days from the attachment, serve on each of the Debtor and the person in possession of the property and the surety in rem a copy of the application for attachment, after endorsing it to the effect that it has been registered.
2. They shall at the same time serve such minute on the Creditors having registered rights referred to in Clause (1) of this Article, and such Creditors shall, forthwith upon being served, become parties to the proceedings as Judgment Creditors, and upon the death of

any of them service upon their heirs at the address stated in the register shall be made provided that no more than (3) three months have expired since the death.

Article (288)

1. After completing the attachment, the Debtor may submit to the Execution Judge a request to sell the attached property to one of the purchasers. Their request shall be accompanied by the sale price and the purchaser's approval thereof. This shall be presented to the Judgment Creditor(s), if the price of the sold property is less than the debt for which the sequestration was made, within (7) seven days from the date of the attachment. The date of submission of the application. If they do not object within (7) seven days from the date of their notification or upon their approval, the sale shall be made and the price shall be deposited in the Court's Treasury in favour of the Creditors.
2. The Execution Judge shall, before proceeding with the sale of the real property by auction, give notice to the Debtor to pay the debt within (15) fifteen days from the date of the notice, failing which the real property will be sold by auction, and the Debtor may apply during that period to defer the sale, and the Execution Judge may grant such application in the two following circumstances:
 - a. If the income from the real property over a period of (5) five years will be sufficient to pay the debt, interest, fees and costs, the Execution Judge may, in that event, authorize the Creditor under their supervision to collect the revenues from the real property until payment is made in full, and if any unforeseen circumstance arises preventing the collection by the Creditor of their rights in a regular manner, the Execution Judge shall, upon the application of the Creditor, continue with the procedures for the sale of the real property.
 - b. If the revenues from the real property over a period of (5) five years are insufficient to pay the debt, interest, fees and expenses, and the Debtor has other sufficient income in addition to the income from the real property to pay the debt in installments during the period referred to in this Paragraph, and it appears to the Execution Judge that the sale of the real property would cause great loss to the Debtor, they may decide to defer the sale and to make the debt payable by installments over a period not exceeding the

period referred to with such guarantees as they deem appropriate, and if the Debtor fails to pay any of the installments, the Execution Judge shall, on the application of the Creditor, continue with the procedures for the sale of the real property.

3. If the period of notice laid down in Clause (1) of this Article expires without the Debtor having paid the debt or having made an application to defer the sale or if such application has been dismissed, the Execution Judge shall specify the place and date of the sale and the period during which the auction shall be conducted.
4. The Execution Judge shall, before announcing the sale, appoint one or more experts to assess the price of the real property within a period not exceeding (15) fifteen days from the date the Judge gives such instructions.
5. The Court office shall notify the Debtor, the person in possession of the property, and the surety in rem of the place and day of the sale and the period during which the auction will be conducted, and they shall announce the sale no later than (30) thirty days before the day scheduled to conduct it, by publication in two daily newspapers circulating in the State, and a copy of the notice shall be displayed in a conspicuous place on the real property, and another on the Court's notice board, or by any other means the Execution Judge deems appropriate.

Article (289)

1. The announcement of the sale shall contain the following particulars:
 - a. The name of the Judgment Creditor and the Debtor, and the person in possession of the property or the surety in rem, and the surname, occupation, domicile and place of work of such person;
 - b. A description of the real property as appears in the attachment order;
 - c. The basic price specified by the expert, the costs, and the security that a person wishing to purchase shall pay in advance, which shall not be less than (20%) of the basic price and any conditions related to the sale;
 - d. Particulars of the Court before which the sale will be conducted, the date of the auction, and the period over which the auction will take place.
2. The Judgment Creditor, the Debtor, the person in possession property and the surety in

rem and any person having an interest may seek the leave of the Execution Judge to publish additional announcements of the sale in newspapers and other media by reason of the importance of the real property or on account of other circumstances, but such additional publication shall not delay the sale in any case, nor shall any grievance lie against the order of the Judge in this regard.

Article (290)

If the real property offered for sale is capable of sub-division, and part of that real property, as assessed by the experts, is sufficient for payment of the debt, interest, fees and costs, the Execution Judge shall segregate that part by offering it for auction, and shall exclude the other parts, and if it appears as a result of the auction that the consideration offered for that part of the real property is not sufficient to effect payment, the Execution Judge shall offer for auction the remaining real property or any other additional part of it sufficient to make payment. If a claim of entitlement is brought over one of the lots of the real property offered for auction and the Court decides to defer the auction, that decision shall not necessitate the deferral of the auction over the other lots unless those parts are, as assessed by the experts, not divisible, in which event the auction shall be delayed in respect of the remaining parts.

If there are a number of parcels of real property required to be sold by auction, each parcel shall be offered for sale separately, unless the Execution Judge finds, after consultation with the experts, that it would be expedient to sell more than one parcel, or all of the parcels, by way of a single auction.

Article (291)

It shall not be permissible to sell real property otherwise than to a national of the State, with the exception of the cases pertaining to the permissibility of foreigners owning real property stipulated in the laws in force in the State, all while observing the rules governing the transfer of real property.

Article (292)

1. No disposition made by the Debtor or person in possession of the property or surety in rem over the real property shall take effect, nor shall any resulting mortgage or priority take effect against the Judgment Creditors, notwithstanding that they may be ordinary Creditors, or against the person to whom the auction is awarded, if the disposition or mortgage or priority was registered after registration of the attachment order.
2. The yields and revenues in respect of the period following registration of the attachment order shall be treated as part of the real property, and the revenues and the price of the yield and produce shall be deposited with the Court's Treasury, and if the real property is not leased, the Judgment Debtor shall be deemed to be the custodian until it is sold, and if the real property is leased then the rent due for the period following registration of the application for attachment shall be attached in the hands of the lessee as soon as they are required by the Judgment Creditor or any Creditor in possession of an Execution Writ not to pay it to the Debtor, and if the lessee has paid the rent prior to such requirement being made, the payment shall be valid and the Judgment Debtor shall be liable for it in their capacity as custodian.
3. If the contract of lease has been registered prior to the lessee being required to make payment, the contract shall remain in force as against the Judgment Creditor and the Creditors whose rights were recorded prior to the registration.

Article (293)

1. If the real property is encumbered by a security in rem and vests in the person in possession of the property under a contract registered prior to the attachment, then notice shall be given to the person in possession of the property before the application for attachment to pay the debt or to vacate the real property, failing which execution will be made against them.
2. The notice shall, in addition to the general data of the service, and the requirement to pay or to vacate, contain the following data:
 - a. The Execution Writ;

- b. Service on the Debtor and ordering him to pay in accordance with Article [233] of this Code;
 - c. Particulars of the real property the subject matter of the execution as stated in the official records kept for that purpose;
3. The notice referred to in Clause (1) of this Article shall also be served on the mortgagor in cases in which the attachment is levied against real property mortgaged by other than the Debtor.
 4. Service of the notice shall result, in respect of the person receiving service, in all of the effects provided for in Article [292] of this Code applying to them.

Article (294)

1. Persons concerned shall submit any arguments relating to voidness of the advertisement provided for in Articles (287] and (288] of this Code by an application submitted to the Execution Judge no later than three days before the first hearing scheduled for the sale, failing which the right to make such objections shall lapse.
2. The Execution Judge shall rule on the arguments for voidness Clause (1) of this Article on the day scheduled for the sale before the opening of the auction, and no appeal shall be accepted against their judgment by any means of appeal, and if they pass judgment that the advertisement procedures were void, the sale shall be deferred to a day to be fixed, and an order shall be made to repeat those procedures.
3. If judgment is passed dismissing the application for voidness, an order shall be made to proceed with the auction forthwith.
4. The Debtor, the person in possession of the property, the surety in rem and the Creditors referred to in Article [286] of this Code shall express any other objections of voidness relating to the procedures prior to the sale hearing, and likewise any objections to the conditions of sale, no later than ten days before the date of that session, failing which their right to make such objections shall lapse; the objections shall be made by an application submitted to the competent Execution Judge. The Execution Judge shall make a ruling upon the aforesaid application by either staying the sale or continuing with it, depending

on the degree of seriousness of those objections, and if they rule that the sale shall be proceeded with, they shall order that the auction proceed forthwith.

Article (295)

The Creditor shall, before the commencement of the auction procedures, deposit such sum as the Execution Judge shall specify to cover the costs and expenses of the sale of the real property, including advocacy fees. Such sum shall be deducted from the sale price and shall be returned to the Creditor.

Article (296)

1. The Execution Judge shall, on the day specified for the sale, supervise the conduct of the auction, and they may not proceed with the auction until it has been ascertained that the judgment under which execution is being made has become final.
2. If one or more purchasers come forward at the first sale hearing, the Execution Judge shall, at the end of the period specified for the auction, approve the highest bid, on condition that it is not less than the basic price specified by the expert, together with costs, and if the bid is less than that amount or if no purchaser comes forward at the hearing, the Execution Judge shall make an order deferring the sale to the following day at the same place and for the same period specified for the auction, and if no purchaser comes forward at the second hearing with the basic price, the Judge shall adjourn the sale to the following day, with a reduction in the basic price in an amount of (5%), and then to the following session and likewise with a reduction of the price by (5%) on each occasion, and if the total of the reduction reaches (25%) they shall defer the sale for a period of the following three months, and the advertisement procedures shall be repeated, in which case the real property shall be sold at the highest bid, provided that it is not less than (50%) of the basic price determined by the expert.
3. The sales session in the concept of this Article includes the electronic session.

Article (297)

1. The person whose bid is approved by the Execution Judge shall, within the ten days following the sale session, deposit the full price approved plus costs, and in the event that the price is paid the Judge shall order that the sale be awarded to them.
2. If the Successful Bidder fails to pay the price in full, then the Execution Judge shall offer the real property to the next bidder in line at the price they had offered. If they agree the Judge shall approve their bid, and they shall deposit the price within the period specified in Clause (1) of this Article. If the second bidder refuses, then the Execution Judge shall effect a new auction within (15) fifteen days under the same procedures as before, in which case the Judge shall order that the auction be awarded to the highest bidder.
3. Any person not prohibited from bidding at an auction may offer an increase on the price within the (10) ten days following the awarding of the auction, but on condition that such increase shall not be less than one-tenth of the price, in which case the bidder shall deposit the full price offered along with costs with the Court's Treasury, in which case the auction shall be held again within (7) seven days, and if nobody offers a higher bid the Judge shall order the award of the sale to them.
4. The defaulting bidder shall be liable for any shortfall in the price of the real property, and the order awarding the auction shall include an order against the defaulting bidder in respect of the difference if any, and they shall have no right to any increase, such increase belongs to the Debtor or the person in possession of the property or the surety in rem as the case may be.
5. In all cases, a guarantee from an approved bank in the State may take the place of a deposit, as may submission of a certified cheque. If the person who is obliged to make the deposit is a Creditor, and the amount of their debt and ancillaries justify their being exempted from making the deposit, the Judge shall exempt them from depositing all or part of the price or the expenses that the law requires that they should deposit.
6. In all events, the conditions of sale may not contain any provision the contradicts the foregoing.
7. If it is impossible for a cause in which the purchaser played no part to complete the sale transaction and registration at the auction value within (30) thirty days from the date of

the awarding of the auction, then the purchaser shall have the right to demand that the auction be cancelled and the security deposit that they have paid be returned to them, and upon such application being granted the Execution Judge shall effect a fresh auction.

8. At any time prior the completion of transfer of ownership and registration of the real property in favour of the purchaser as a result of the auction, the Debtor may pay the debt and interest with fees and costs, or sell the real property with the consent and under their supervision of the Execution Judge at a price higher than the price for which the auction was awarded 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 shall be repeated within a period of (15) fifteen days from the date on which the reasons for the delay ceased to exist.
2. If the auction is left for a period of (6) six months or more because the Creditor fails to follow it up, there shall be a fresh auction and the previous time limits shall be cancelled.

Article (299)

1. The judgment awarding the auction shall be issued in the format of judgments, and shall contain a copy of the application for attachment of the real property, a statement of the procedures followed in that regard, and in respect of the advertisement of the sale, and a copy of the minutes of sale. The decretal part of the judgment shall contain an order against the Debtor or the person in possession of the property or the surety in rem to hand over the real property to the person in whose favour the auction was awarded. The original judgment shall be deposited in the case file on the day following the passing thereof.
2. The judgment referred to in Clause (1) of this Article shall not be served, and shall be subject to compulsory enforcement: The Debtor, the person in possession of the property, the surety in rem or the custodian, as the case may be, shall be ordered to attend at the place of handover on the day and at the time specified for that procedure, and a notice of this information shall be served thereon at least two days before the date appointed for the handover.

3. If there are on the real property any movables subject to the right of a person other than the Judgment Debtor, the applicant for execution shall apply by petition to the Execution Judge to take the necessary steps to preserve the rights of the persons concerned, and the Execution Judge may hear the representation of the persons concerned if necessary before issuing their order.
4. If it is not possible to transfer the ownership of the sold real property or part thereof for any reason beyond the control of the parties, then the Execution Judge may annul the judgment awarding the auction and restore the situation to what it was.

Article (300)

1. There shall be no appeal against the judgment awarding the auction, save for a defect in the auction procedures or in the form of the judgment, or because it has been issued without a stay of the procedures in a case in which a stay was legally mandatory.
2. An appeal shall be brought by the normal means, within (7) seven days from the date of the pronouncement of the judgment.

Article (301)

1. Upon the request of a person concerned, the Execution Judge shall request the relevant real property registration department to register the judgment awarding the auction, after the person in whose favour the auction has been awarded has deposited the full price, unless they have been exempted from making the deposit, and the rules laid down for the registration of real property shall apply to the registration of the judgment.
2. The registration referred to in Clause (1) of this Article shall result in the real property sold being cleared of any priority rights or security or possessory mortgages of which the beneficiaries have been given notice under Article [286] of this Code, and they shall be left only with their right against the proceeds.

Article (302)

1. A third party may apply for an order that the execution proceedings be declared void together with any application of entitlement over the real property attached or part thereof,

by an action brought through the usual procedures before the competent Court, in which they implead the Judgment Creditor and the Creditors referred to in Article [286] of this Code, and the Debtor or person in possession of the property or the surety in rem. The Court shall make an order at the first hearing staying the sale proceedings if the statement of claim contains exact particulars of the evidence of ownership or the facts of possession on which the action relies, and it is accompanied by the supporting documents.

2. If the day appointed for the sale arrives before the Court makes an order of stay, the person bringing the action may apply to the Execution Judge to stay the sale on condition that they deposit with the execution file an official copy of the statement of claim as served.
3. No appeal may be brought in any manner against judgments passed in accordance with Clauses (1) and (2) of this Article staying the sale or proceeding with it.
4. A claim for entitlement shall not be accepted unless a security deposit of (10,000) ten thousand dirhams is deposited upon its registration. It shall be returned upon acceptance or confiscated in case of refusal.

Article (303)

1. If the action of entitlement covers only part of the real property attached, the sale shall not be stayed in respect of the remainder of it.
2. Without prejudice to the provision contained in Clause (1) of this Article the Execution Judge may make an order upon the application of a person concerned staying the sale in connection with the whole of the real property if there are serious reasons justifying that course.

Article (304)

If the thing sold becomes due, the winner of the auction may claim the price and the compensations from the Creditors or Debtors, if they have a reason, and the conditions of the sale may not include exemption from refunding the price.

Article (305)

Neither the Debtor, nor Judges, nor Members of the Public Prosecution or Execution Bailiffs

or Court clerks or attorneys acting on behalf of the persons conducting the procedures on behalf of the Debtor, or their relatives up to the second degree, may make any bid in the auction through themselves or through the medium of others, otherwise which the sale shall be void.

Chapter Seven

Certain Special Sales

Article (306)

1. The sale of the bankrupt's real property is carried out in accordance with the Federal Law of Bankruptcy and by way of auction, and is conducted based on the conditions of sale provided by the bankruptcy trustee.
2. The sale by auction of real property of a person having no legal capacity but who is authorized to sell it, and the real property of an absent person, shall take place subject to conditions of sale submitted by the attorney for the Creditors or the proxy for the person lacking capacity or the absent person to the Execution Judge after their approval of the same.
3. The conditions of sale shall include leave for the sale issued by the competent Court.
4. The Court's Case Management Office shall give notice to the Public Prosecution of the conditions of sale before they are presented to the Execution Judge.

Article (307)

1. If the Court orders the sale of real property held in joint ownership on the grounds that it is impossible to divide it up without causing harm, the Execution Judge shall sell it by auction upon the request of one of the co-owners and without prejudice to the provisions of Article [291] of this Code.
2. The conditions of sale shall include particulars of all the co-owners and the domicile of each of them, and a copy of the judgment passed for the effecting of the sale.

Article (308)

The rules relating to the procedures for the sale of real property upon the application of Creditors, as provided for in this Code, shall apply to the sales provided for in Articles [306] and [307] of this Code.

Article (309)

Taking into account the provisions contained in this chapter, the Execution Judge may delegate any natural or legal person, private or public, to take the procedures of levying the attachment or selling the attached items, whether in whole or in part, or assisting in their performance in accordance with the rules and procedures issued by a decision of the President of the Federal Judicial Council or the head of the competent judicial authority, each according to their competence, provided that these rules determine the mechanism of their work and the calculation of their fees.

Part Three

Distribution of the Proceeds of Execution

Article (310)

1. If the attachment is levied over money in the hands of the Debtor, or if the property attached is sold, or if (10) ten days have expired from the date of ascertainment of the amount owing in an attachment of property of the Debtor in the hands of a third party, the proceeds of the execution shall be distributed among the Judgment Creditors and any person deemed to be a party to the proceedings without any further procedure, even if the proceeds are insufficient to satisfy their entire rights.
2. All Creditors who are parties to executions in the executive groups and joined execution files are considered parties to the procedures within the meaning of the preceding paragraph, even if they did not submit a request for that, and they are included in the list of distribution of the proceeds of execution in accordance with the requirements of Articles [311-314] of this Code.

Article (311)

1. If the proceeds of execution are sufficient to satisfy all of the rights of the Judgment Creditors and persons deemed to be a party to the proceedings, then the Execution Judge shall order the payment of the debts of all of the Creditors after presentation of their Execution Writs.
2. If any of the Creditors referred to in Clause (1) of this Article does not have an Execution Writ and the claim of right and the validity of the attachment are still sub judice, a sum will be allocated to that Creditor corresponding to the debt for which the attachment has been made, and it shall be kept in the Court's Treasury to their account pending a final determination of the claim.

Article (312)

1. If the proceeds of the execution are insufficient to satisfy all of the rights of the Judgment Creditors and persons deemed to be parties to the proceedings, then the person in whose hands the proceeds are shall forthwith deposit them with the Court's Treasury, accompanied by a statement of the attachments imposed under their hands.
2. The distribution will be among the preferred Debtors and the beneficiaries of registered rights, according to their order of ranking as set out in the law.

Article (313)

The distribution procedures shall commence by the Execution Judge preparing a distribution list that will be notified to the Debtor and the person in possession of the property and the Judgment Creditors, and persons deemed to be parties to the proceedings, to attend before the Execution Judge at the hearing Execution Judge schedules for that. Within (3) three days following the date of the session the Execution Judge shall decide on any objection that may be submitted before the amounts are disbursed.

Article (314)

1. The Execution Judge shall deposit with the Case Management Office the final distribution list stating the entitlements of each Creditor by way of principal and expenses.

2. In all cases, the Execution Judge shall order that payment orders be delivered to the Court's Treasury, and that the restrictions, whether relating to debts included on the list or debts not included in the distribution, be stricken off.

Part Four

Execution in REM

Article (315)

1. In the case of execution by delivery of a movable or of real property, the Execution Bailiff shall proceed to the place where the item in question is to be handed over to the applicant. They shall state in their minutes the items the subject matter of the handover and the Execution Writ, as well as the date of the service thereof. If the handover is in respect of real property occupied by a transient possessor, then the Execution Bailiff shall direct them to acknowledge the new possessor after the completion of the process of the handover of the real property.
2. If the items required to be handed over are attached, the Execution Bailiff shall not deliver them to the applicant, and the Execution Bailiff shall notify the Judgment Creditor of the same.
3. Upon the request of the interested person or of the Execution Bailiff, the Execution Judge shall issue the necessary orders to preserve the rights of persons concerned.

Article (316)

1. The Execution Bailiff shall notify the person who is required to vacate the real property of the date on which they will attend to the enforcement of the vacation, no later than three days before the day scheduled; when the scheduled time comes, they will enable the applicant to take possession of the real property. If on the said real property there are movables that do not have to be delivered to the applicant for vacation and the owner thereof does not remove them forthwith, then the Execution Bailiff shall entrust the custody thereof at the same place to the applicant, or transport them to another place if the applicant does not agree to take over custodianship. If such movables are under attachment or custodianship, then the Execution Bailiff shall notify the Creditor upon whose application

the attachment or custodianship was imposed, and in either event the Execution Bailiff shall raise the matter before the Execution Judge to take such steps as they deem necessary to preserve the rights of the persons concerned.

2. The Execution Bailiff shall make a report identifying the Execution Writ and the date of service thereof, describing the real property the subject matter of the vacation and the movables that were not required to be delivered to the applicant, and the steps taken by them in respect of them.

Article (317)

1. A person applying for forcible execution of an obligation to perform or to refrain from an act shall submit an application to the Execution Judge for them to specify the manner by which such execution shall take place, and annex to the application the Execution Writ and the service thereof.
2. After summoning the other party to hear their representations, the Execution Judge shall make their order specifying the manner in which the execution will take place, and appointing the Execution Bailiff to carry it out, and the persons who are ordered to perform the act or the removal.

Article (318)

1. If the execution in rem is not possible in the manner specified in Article [317] of this Code, or if the execution requires that the Debtor performs it themselves and they do not do so, then the Execution Judge may obligate them to pay a daily fine of not less than (1,000) one thousand dirhams and not more than (10,000) ten thousand dirhams to be disbursed as compensation to the Creditor who is party to the execution for the delay, provided that the total fines do not exceed the principal of the debt subject of execution.
2. The Execution Judge may cancel the fine or part of it if the person against whom the execution was made initiates execution before it is actually disbursed.
3. The provisions of Clause (1) of this Article shall apply to the legal representative of the legal person, and to those working for it who personally obstructed the execution.

Part Five
Detention of the Debtor and Banning Him from Travelling and Other
Precautionary Procedures
Chapter One
Detention of Debtors
Article (319)

1. The Execution Judge may make an order on an application submitted by the judgment Creditor for the detention of the Debtor if the latter has failed to execute any Execution Writ unless they prove that they are not able to pay. The Debtor shall not be deemed to be capable of paying if their solvency is based entirely on assets that cannot be attached or sold.
2. The Debtor's claim of inability to pay is not accepted if they refuse to pay, in any of the following cases:
 - a. If the Debtor smuggles their assets or conceals them with the intention of causing harm to the Creditor, and it is impossible for the Creditor by reason thereof to execute against such assets;
 - b. If the debt is one or more installments awarded against the Debtor, or if the Debtor is a person who stood surety for the original Debtor to make payment before the Court or the Execution Judge, unless the Debtor proves that new facts have arisen after the award of installments against them or after they have provided the surety, which have affected their solvency and rendered them unable to pay the installments or the amount of the surety or any part thereof.
3. The Execution Judge shall order the detention of the Debtor in the circumstances set out in Paragraphs (a) and (b) of Clause (2) of this Article for a period not exceeding one month, which may be renewable for further periods. If it is not feared that the Debtor would flee [the State] and the Debtor has an established residence the periods of detention may not exceed (6) six consecutive months. An order may be made for the renewal of their detention after the expiration of (90) ninety days from their release if they continue to refuse to perform despite their ability to make payment, but provided that the total periods of

detention of the Debtor do not exceed (36) thirty six months whatever be the number of debts or Creditors in the event that the relevant Execution Writs coincide, unless the matter is related to a debt as a result of intentional financial crimes, in which case the terms of detention may reach (60) sixty months.

Article (320)

1. Before issuing the order for detention, the Execution Judge may carry out a brief investigation if they are not sufficiently satisfied by the documents supporting the application.
2. The Judge may grant the Debtor time to pay, not exceeding (6) six months, or may divide the amount under execution into suitable installments spanning no more than (3) three years with guarantees or precautionary measures assessed by the Judge, if it is feared that the Debtor will flee the State.
3. A grievance shall lie against the order contained in Clauses (1) and (2) of this Article, by the procedures laid down in Article [209] of this Code.

Article (321)

1. An order for the detention of the Debtor may not be made in the following cases:
 - a. If their age is less than (18) eighteen years or greater than (70) seventy years;
 - b. If they have a child who has not reached the age of (15) fifteen, and their spouse is dead or in custody for any reason;
 - c. If the Debtor is a spouse or ascendant of the Creditor, unless the debt amounts to prescribed maintenance;
 - d. If they provide a bank guarantee or solvent guarantor accepted by the Execution Judge, for payment of the debt at the times specified, or if they reveal property of theirs in the State which may be enforced against, and which is sufficient for payment of the debt;
 - e. If it is confirmed by certified medical evidence that the Debtor is chronically and incurably ill in such a way as not to be able to withstand detention;
 - f. If the debt being enforced is less than (1,000) one thousand dirhams unless it is a financial fine, maintenance, work wages, or an obligation to work or abstain from work.

2. The Execution Judge may postpone the issuance of an order to detain the Debtor in any of the following two cases:
 - a. If the Debtor is a pregnant woman, and for a period of two years from the date of her delivery, and that period shall be reduced to (3) three months from the date of the birth of her stillborn fetus; or
 - b. If it is confirmed by certified medical evidence that the Debtor is temporarily ill in such a way as not to be able to withstand detention pending their recovery.

Article (322)

If the Debtor is a private body corporate, the order for detention shall be made against those who represent it legally or the person to whom the failure to perform is personally attributable. Travel bans may be made in accordance with the procedures and controls stipulated in Articles [324] to [326] of this Code, even if the Creditor does not have an Execution Writ against them, provided that an investigation is conducted in both cases.

Article (323)

The Execution Judge shall order that the detention order made against the Debtor shall lapse in the following cases:

1. If the Creditor agrees in writing that the order may be revoked;
2. If the obligation of the Debtor for the satisfaction of which the order was made ceases for any reason; or
3. If any of the conditions necessary for the order of detention to be made lapses, or if an impediment to the making thereof arises.

Chapter Two
Prevention of the Debtor from Travelling Abroad
Article (324)

1. Even before filing a substantive lawsuit, if there are serious reasons that fear the Debtor's flight, and the debt is not less than (10,000) ten thousand dirhams, unless it is an established maintenance, a commitment to work, an abstention from work, or a work fee, the Creditor may request the competent judge or the head of the Circuit, as the case may be, to issue an order banning the Debtor from travelling in any of the following two cases:
First: If the debt is of a known amount and due for payment and not restricted by a condition; or
Second: If the debt is not of ascertained amount, the Judge shall make a provisional quantification of it, provided that the following conditions are met:
 - a. The claim of right must be based on written evidence; and
 - b. The Creditor shall submit a guarantee acceptable to the Court guaranteeing any loss or damage that may be sustained by the Debtor in consequence of their being prevented from travelling abroad in the event that it should turn out that the Creditor's claim was not justified.
2. Before making the order, the Judge may conduct a brief investigation if they deem the documents supporting the request insufficient. They may also order that the Debtor's passport be lodged with the Court's Treasury, and the order of travel ban shall be circulated around all ports of exit from the State in the event that the travel ban order is issued.
3. The personal status Execution Judge may issue an order to prevent the fostered child from travelling in cases that violate the terms and conditions of the provisions stipulated in the Federal Law of Personal Status.
4. Anyone who has been ordered to be banned from travelling or whose request has been rejected may appeal against the same using the procedures prescribed for grievance against orders on petitions, unless the order in question was issued by the competent Execution Judge, in which case the grievance against their decision shall be in accordance with the procedures stipulated in Clause (1) of Article [209] of this Code.

5. A travel ban order shall not prevent the execution of final judgments for deportation. In the event of the passing of a final judgment or an administrative order for deportation, the order for travel ban shall be placed before a judicial committee under the presidency of a Judge, to be formed by a resolution of the Council of Ministers, to determine the execution of either such case.
6. The president of the competent Court or their authorized representative may approve the Debtor's travel due to their or one of their ascendants, first-degree descendants, or their spouse's illness, provided that a medical certificate from an official authority is attached to the application stating the need for treatment abroad and the impossibility of local treatment in the State. Meanwhile, the travel ban order shall be maintained.

Article (325)

The travel ban order shall remain in force until the expiration, for whatever reason, of the obligation of the Debtor towards their Creditor who has obtained the order. Nevertheless, the competent Judge may order that the aforesaid ban shall lapse in the following cases:

1. If any of the conditions necessary for the making of the travel ban order lapses;
2. If the Creditor agrees in writing that the order may be revoked;
3. If the Debtor submits a sufficient bank guarantee, or a solvent guarantor accepted by the Judge, and the bail report that includes the guarantor's undertaking is accompanied by the judgment or order issued to oblige the Debtor with an Execution Writ before them with what this judgment decreed;
4. If the Debtor lodges with the Court's Treasury a sum of money equivalent to the debt and the expenses, earmarked for satisfaction of the right of the Creditor on whose application the order was made, and such sum shall be deemed to be under attachment by operation of law in favour of the Creditor;
5. If the Creditor fails to submit to the Judge material to demonstrate that the action for the debt has been brought within (8) eight days from the making of the travel ban order, or if they have not commenced enforcement of a final judgment made in their favour within (30) thirty days from such judgment becoming final;

6. If (3) three years have elapsed since the last valid procedure of executing the final judgment on the debt, the travel ban order was issued to satisfy it, without the Creditor applying to the Execution Judge with a request to continue the procedures for executing such judgment; or
7. If a request is received from the competent authorities stating that the stay of the person banned from travelling in the State has become illegal and they shall be deported, and it is not proven that they have assets in the State that can be subjected to execution.

Article (326)

The provisions of Articles [324] and [325] of this Code do not apply to foreigners against whom decisions have been issued to extradite them to a foreign country in accordance with the provisions of the Federal Law on International Judicial Cooperation in Criminal Matters.

Chapter Three

Other Precautionary Procedures

Article (327)

If the Debtor who is banned from leaving the State refuses to hand over their passport without justification, or if it appears to the Judge that they have made a disposition over their assets or has taken them abroad or that they are making preparations to flee the country despite the steps taken to prevent them from travelling, then the Judge may order that such Debtor be brought before the Court and compelled to submit a guarantee of payment or guarantee of attendance or to deposit the amount claimed with the Court's Treasury. If the Debtor fails to comply with such order, then the Judge may order that the Debtor be temporarily detained until the order is executed. Such decision shall be appealable within (7) seven days from the date of making thereof.

Part Six

Using Remote Communication Technology in Civil Procedures

Article (328)

The 'Use of Remote Communication Technology' in civil procedures means the use of audiovisual means of communication between two or more parties to achieve remote attendance and the exchange of documents, which includes the registration of the case, the process service procedures, the trial, and the execution that take place through the use of such technology.

Article (329)

The terms 'Electronic Document', 'Electronic Information', 'Electronic Information System', 'Electronic Signature' shall have the meanings ascribed to them in the Federal Law on Electronic Transactions and Trust Services.

Article (330)

The provisions for collection of fees, registration, process service, submission of documents, attendance, publicity, pleading, hearing witnesses, examination, deliberation, issuance of judgments, submission of appeals and execution of all its procedures stipulated in this Code, shall exist if they are wholly or partly done through remote communication technology.

Article (331)

The President of the Court, the president of the Circuit, the competent Judge, or whoever is delegated by any of them, may take the procedures remotely whenever they decide to do so at every stage of the civil lawsuit, in order to achieve ease of litigation procedures.

Article (332)

Remote proceedings may be taken outside the jurisdiction of the Courts of any Emirate hearing remote civil proceedings. When necessary, coordination shall be with the competent authority in the Emirate in which the person for whom the procedure is to be taken is located,

or where there are any documents to be submitted in the case.

Article (333)

In trials conducted remotely, it is permissible, in each round of the trial, for any of the parties to the case to request the Court to conduct the trial in person, and the Court, after serving a notice on the rest of the parties, shall decide on such request.

Article (334)

1. Remote litigation records shall be recorded and kept electronically before they are transcribed, and shall be deemed confidential. It shall not be permitted to circulate, view, 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 recording if the remote litigation procedures are typed directly during the session in the electronic case file and approved by its president.

Article (335)

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

Article (336)

1. The competent body may transcribe remote litigation procedures in minutes or paper or electronic documents approved by it without the need for the signature of the concerned parties.
2. The Court may be satisfied with the minutes of the remote litigation procedures if they were typed 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 implement rogatory and judicial assistance with foreign countries, in accordance with the provisions of agreements and treaties ratified by the State.

Article (338)

The Electronic Signature and the Electronic Documents shall have the authenticity prescribed for the signature or the official paper documents, if they meet the terms and conditions stipulated in the Federal Law on Electronic Transactions and Trust Services.