



Kingdom of Saudi Arabia
Bureau of Experts at the Council of Ministers
Official Translation Department

Law of Civil Procedures

Translation of Saudi Laws

First Edition 2017



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Royal Decree No. M/1, Dated 22/1/1435H

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*In the Name of God
the Compassionate
the Merciful*

**This translation is provided
for guidance. The governing
text is the Arabic text.**

No.: M/1

Date: 22/1/1435H

**With the help of Almighty God,
We, Abdullah ibn Abdulaziz Al Saud,
King of Saudi Arabia,**

Pursuant to Article 70 of the Basic Law of Governance,
issued by Royal Order No. (A/90) dated 27/8/1412H;

pursuant to Article 20 of the Law of the Council of Ministers,
issued by Royal Order No. (A/13) dated 3/3/1414H;

pursuant to Article 18 of the Shura Council Law, issued by
Royal Order No. (A/91) dated 27/8/1412H;

upon perusal of Shura Council Resolution No. (96/68) dated
25/1/1431H; and

upon perusal of Council of Ministers Resolution No. (11)
dated 8/1/1435H;

have decreed as follows:

First: The Law of Civil Procedures shall be approved as per
the attached form, subject to the following:

- 1- Provisions of this Law shall apply to pending lawsuits
and to proceedings not carried out prior to its entry into
force, excluding the following:
 - a) Articles amending jurisdiction with respect to
lawsuits filed prior to this Law's entry into force.

- b) Articles amending court dates with respect to court dates that started prior to this Law's entry into force.
- c) Provisions establishing or revoking appeal methods under this Law with respect to final judgements issued prior to this Law's entry into force.

2- This Law shall repeal Parts 3 and 4 of the Commercial Court Law issued by Royal Order No 32 dated 15/1/1350H as well as the following:

- a) The phrase mentioned in Article 2(d) which reads: «...if the contractor undertakes to supply materials and equipment necessary therefor.»
- b) The phrase mentioned at the end of Article 3 which reads: «... Lawsuits relating to real estate and rental thereof shall not be considered business transactions.»

This shall enter into force upon the establishment and commencement commercial courts.

3- This Law shall repeal Part XIV «Commissions for Settlement of Labor Disputes» of the Labor Law issued by Royal Decree No M/51 dated 23/8/1426H. The phrase «labor court(s)» shall replace the phrase «commission(s) for settlement of labor disputes» – as the case may be – wherever mentioned in other Parts of the Labor Law. This shall enter into effect as of the establishment and commencement of labor courts.

4- This Law shall repeal the provisions of the Law of Shariah Judiciary Jurisdiction, issued by High Ratification (109) dated 24/1/1372H, provided that the provisions relating to notarization of statements and contracts as well as provisions relating to minutes, records, jurisdictions and powers of clerks and other judicial assistants remain in force pending issuance of relevant regulations.

Second: Entry into force of this Law and the provision of clause «First» of this Decree shall not prejudice the transitional periods provided for in the Implementing Procedures of the Law of the Judiciary and the Law of the Board of Grievances approved by Royal Decree (M/78) dated 19/9/1428H.

Third: With respect to judgments on cases falling within the jurisdiction of the Cassation Court, currently assumed by appellate courts, and subject to the Implementing Procedures of the Law of the Judiciary and the Law of the Board of Grievances, the Supreme Court shall continue to assume the jurisdictions of the Supreme Judicial Council's Standing Panel provided for in the laws issued prior to the entry into force of the Law of Civil Procedures and the Law of Criminal Procedures and implement the provisions and procedures stipulated therein.

Fourth: HRH Deputy Prime Minister, the ministers and heads of relevant independent agencies – each within their jurisdiction – shall implement this Decree of ours.

(Signed)

Abdullah ibn Abdulaziz Al Saud

Part 1

General Provisions

Article 1

Courts shall apply the provisions of Sharia to cases brought before them, as derived from the Quran and Sunnah, and State laws not conflicting therewith. Proceedings before such courts shall comply with the provisions of this Law.

Article 2

Any procedure deemed valid under laws in force shall remain valid unless otherwise provided for in this Law.

Article 3

- 1- No claim or defense shall be accepted unless submitted by a person with a legitimate interest. Potential interest shall be sufficient if the claim is intended as a precaution to avoid imminent damage or to establish a right the evidence for which may not be available at the time it is contested.
- 2- The court shall reject any lawsuit proven to be frivolous or malicious, and it may punish the person filing such lawsuit.

Article 4

No public interest lawsuit may be filed except by the public prosecutor upon approval by the King. Such lawsuit may not be heard upon the lapse of 60 days from the date on which the claim arises.

Article 5

A proceeding shall be invalid if so declared by the law or if it suffers from a defect causing it to fail its purpose. It shall not be ruled invalid, notwithstanding a provision stating so, if it is established that the purpose of the proceeding is served.

Article 6

A clerk shall attend all hearings and all case proceedings along with the judge, and shall keep a record and cosign it with the judge. If the clerk fails to attend, the judge may take charge of the proceeding and draft the record.

Article 7

Process servers, clerks, and other judicial clerks may not perform any official task in cases involving them or their spouses, relatives or in-laws up to the fourth degree, including declarations involving dispute. Otherwise, such action shall be deemed null and void.

Article 8

Periods and dates stipulated in this Law shall be calculated according to Umm al-Qura calendar, and sunset shall be deemed the end of the day.

Article 9

In the application of the provisions of this Law, the term *place of residence* shall mean the place where a person normally resides. For nomads, place of residence shall be deemed the place where a person resides at the time of filing the lawsuit. For detainees and prisoners, place of residence shall be deemed the place where a person is detained or imprisoned.

A person may designate a place of residence for receiving the notices addressed to him, in addition to his permanent place of residence, and shall notify the court of any change in his designated or permanent place of residence.

Article 10

A case properly filed with a competent court may not be transferred to another court or authority nor withdrawn before judgment is rendered. A case shall be deemed filed from the date of its entry into the court registry.

Article 11

- 1- Processes shall be served by process servers at the order of the judge or the request of the litigant or court administration. Litigants or their agents shall continue the proceedings and submit papers to process servers for service. Service may be carried out by the plaintiff if he so petitions.
- 2- Processes may be served by process servers from the private sector in accordance with controls specified in the regulations of this Law. Private process servers shall be subject to rules and procedures governing process servers.

Article 12

A process may not be served at a place of residence before sunrise or after sunset or during official holidays, except in compelling circumstances and with the written permission of the judge.

Article 13

A service of process must be in duplicate, an original and a copy. If several persons are served, a copy shall be served to each person.

The process shall include the following:

- a) subject of the process, and date of service specifying day, month, year and time;

- b) full name, identification number, occupation or job, place of residence and place of work of the person requesting the process as well as full name, identification number, occupation or job, place of residence and place of work of his representative;
- c) full name of the defendant and any available information relating to his occupation or job, place of residence and place of work. If his place of residence is unknown, the process shall be served at his last known place of residence;
- d) name of the process server and the court where he works;
- e) name and capacity of the person receiving the copy of the notification and his signature on the original, or a proof of his refusal and reason therefor; and
- f) the server's signature on both the copy and the original.

In case of government agencies, the name and location of the agency shall be deemed sufficient for the purposes of paragraphs (b and c) of this Article.

The Supreme Judicial Council may, if necessary, add other means and details.

Article 14

The server shall deliver a copy of the notification and attachments thereto to the person to be served at his place of residence or work if available; otherwise, he shall deliver the same to whomever he deems to be his agent or a person working for him or to any of his family members, relatives or in-laws residing with him. If none of them are present or if the one present refuses receipt of said notification or is a minor, the copy and attachments shall be delivered, as the case may be, to the Umdah (chief of the quarter), the police station, the administrator of the township or the chieftain of the tribe within whose jurisdiction lies the place of residence of the person to be served, in that order, and obtain their signature on the original acknowledging receipt.

The server shall, within 24 hours of the delivery of a copy to any of the parties provided for in this Article, send a letter – via registered mail – to the person to be served at his place of residence or work notifying him that a copy has been delivered to said party, and shall indicate the same in detail on the original notice. The process shall be deemed effective from the time of delivery of the copy as per the above conditions.

Article 15

Administrators of townships, police stations, Umdas and chieftains of tribes shall, within their jurisdictions, assist the court process server in performing his task.

Article 16

A process shall be valid if served on the person to be served, even if at other than his place of residence or work.

Article 17

A copy of the notice shall be delivered as follows:

- a) with respect to government agencies: to their heads, or designees;
- b) with respect to public corporate persons: to their managers, or designees;
- c) with respect to companies, associations and private establishments: to their managers, or designees;
- d) with respect to foreign companies and establishments with branches or agents in the Kingdom: to the branch manager, or designee, or to the agent, or designee;
- e) with respect to armed forces personnel and those of similar status: to the immediate superior of the person to be served;
- f) with respect to ship crew: to the captain;
- g) with respect to interdicted persons: to their trustees or guardians as the case may be;
- h) with respect to prisoners or detainees: to the warden of the prison or detention center, or designee; and

- i) with respect to persons without known or designated place of residence in the Kingdom: to the Ministry of Interior to notify him in an appropriate manner.

Article 18

In all the cases set forth in Article 17 of this Law, if the person to be served, or designee, refuses to receive a copy of the service notice or sign the original acknowledging receipt, the server shall so indicate on the original and the copy, and deliver the copy to the governorate within whose jurisdiction lies the place of residence of the person to be served, or to the entity designated by the governorate. The process server shall indicate the same in detail on the original of the notice and the process shall be deemed valid as of the date of delivery of the copy to the relevant recipient.

Article 19

If the place of residence of the person to be served is outside the Kingdom, a copy of the notice shall be sent to the Ministry of Foreign Affairs for delivery through diplomatic channels. A statement indicating that the copy has been delivered to the person to be served shall be deemed sufficient.

Article 20

If the place of service in the Kingdom lies outside the court's jurisdiction, the papers to be served shall be sent by such court to the court within whose jurisdiction the service takes place.

Article 21

A period of 60 days shall be added to the statutory time limits for persons residing outside the Kingdom, and the court may, if necessary, extend the same for a similar period.

Article 22

If the time limit is set in days, months or years, it shall not include the notice day or the day of the event initiating the time limit, as recognized by law. The time limit shall expire at the end of the last day if the proceeding takes place on such day. If the time limit must expire prior to the proceeding, the proceeding shall not take place except upon the lapse of the last day of the time limit. If the time limit is set in hours, its starting hour and its hour of expiry shall be calculated as above.

If the time limit expires on an official holiday, it shall extend into the first working day thereafter.



Article 23

Arabic shall be the official language of courts. The court shall hear non-Arabic speaking litigants, witnesses and others through an interpreter. A certified Arabic translation prepared by a licensed office shall be presented for documents in a foreign language.

Part 2
Jurisdiction
Chapter 1
International Jurisdiction

Article 24

The Kingdom's courts shall have jurisdiction over cases filed against a Saudi citizen even if he has no known general or designated place of residence in the Kingdom, except for cases in rem involving real property outside the Kingdom.

Article 25

The Kingdom's courts shall have jurisdiction over cases filed against non-Saudis who have a general or a designated place of residence in the Kingdom, except for cases in rem involving real property outside the Kingdom.

Article 26

The Kingdom's courts shall have jurisdiction over cases filed against non-Saudis who have no general or designated place of residence in the Kingdom in the following cases:

- a) if the lawsuit involves property located in the Kingdom or obligation considered to have originated or is enforceable in the Kingdom;
- b) if the lawsuit involves bankruptcy declared in the Kingdom; or
- c) if the lawsuit is filed against more than one person and one of them has a place of residence in the Kingdom.

Article 27

The Kingdom's courts shall have jurisdiction over cases filed against a non-Saudi Muslim who has no general or designated place of residence in the Kingdom in the following cases:

- a) if the case is against a marriage contract to be executed in the Kingdom;
- b) if the case is for divorce or annulment of a marriage contract and is filed by a Saudi wife or a wife who has lost her Saudi citizenship by reason of marriage if either one is residing in the Kingdom, or a non-Saudi wife residing in the Kingdom, against her husband who has a place of residence in the Kingdom if the husband abandoned her and took residence abroad or if he was deported from the Kingdom;

- c) if the lawsuit is for support and the person for whom support is claimed resides in the Kingdom;
- d) if the lawsuit involves paternity of a child in the Kingdom or relates to an issue of custody over a person or property when the minor or the person to be interdicted has a place of residence in the Kingdom; or
- e) if the lawsuit involves some other family matters and the plaintiff is a Saudi or a non-Saudi residing in the Kingdom, provided the defendant has no known place of residence abroad.

Article 28

Except for cases in rem involving real estate outside the Kingdom, the Kingdom's courts shall have jurisdiction over cases when the litigants accept these courts' jurisdiction, even if the case does not fall within their jurisdiction.

Article 29

The Kingdom's courts shall have jurisdiction over precautionary and provisional measures enforced in the Kingdom, even if such courts have no jurisdiction over the original case.

Article 30

The jurisdiction of the Kingdom's courts shall entail having jurisdiction over preliminary and incidental petitions relating to the original case as well as consideration of any petition relating to such case if the proper conduct of justice requires that they are considered together.

Chapter 2

Subject Matter Jurisdiction

Article 31

General courts shall have jurisdiction to consider all lawsuits, cases, presentations and the like, which are beyond the jurisdiction of other courts, notaries public and the Board of Grievances. They may, in particular, consider the following:

- a) lawsuits relating to real property, including disputes over ownership or any associated right; harm inflicted by the real property or users thereof; or lawsuits relating to values of utilities, eviction, payment or contribution to rent; or lawsuits relating to restraining interference with possession or recovery of possession and the like, unless the law provides otherwise;
- b) issuing title deeds for real property ownership or endowment; and
- c) lawsuits resulting from traffic accidents and offences provided for in the Traffic Law and its Implementing Regulations.

Article 32

General courts in a county or township where there is no specialized court shall have jurisdiction over lawsuits, cases, presentations and the like, which fall within the jurisdiction of such specialized court, unless the Supreme Judicial Council decides otherwise.

Article 33

Family courts shall have jurisdiction to consider the following:

a) all family matters, including:

- 1- recording marriage, divorce, khul' (divorce at the insistence of the wife), dissolution of marriage, revocation of divorce, child custody, alimony and visitation;
- 2- registration of endowment, will, paternity, absence, death and determination of heirs;
- 3- inheritance and distribution thereof, including real estate if disputed or it involves a share of endowment or will, or a minor or an absentee;
- 4- recording the designation of trustees, guardians and administrators; permitting them to perform actions that require the court's permission and dismissing them if necessary, as well as imposing interdiction against spendthrifts or removal thereof, subject to procedures set forth in the Regulations of this Law;

- 5- recording a power of attorney by illiterate deaf persons; and
 - 6- marrying off women who have no guardians or are deprived of marriage by their guardians.
- b) lawsuits arising from family matters; and
 - c) lawsuits filed for imposing penalties provided for in the Law of the General Commission for Guardianship over Property of Minors and those of Similar Status.

Article 34

Labor courts shall have jurisdiction to consider the following:

- a) disputes relating to work contracts, wages, rights, work injuries and compensation therefor;
- b) disputes relating to disciplinary measures imposed on employees by their employers or requesting exemption therefrom;
- c) lawsuits filed for imposing penalties provided for in the Labor Law;
- d) disputes arising from termination of employment;
- e) complaints made by employers and employees whose objections to any decision issued by any competent department of the General Organization for Social Insurance, relating to mandatory registration; contributions or compensation, have been refused;

- f) disputes relating to employees governed by the provisions of the Labor Law, including workers employed by the government; and
- g) disputes arising from the application of the Labor Law and Social Insurance Law, without prejudice to the jurisdictions of other courts and the Board of Grievances.

Article 35

Commercial courts shall have jurisdiction to consider the following:

- a) all original and corollary commercial disputes between merchants;
- b) lawsuits filed against a merchant due to his original commercial activities or an activity related thereto;
- c) disputes between partners in partnerships;
- d) all lawsuits and violations relating to commercial laws, without prejudice to the jurisdiction of the Board of Grievances;
- e) lawsuits of bankruptcy and imposition of interdiction on bankrupt persons and removal thereof; and
- f) other commercial disputes.

Chapter 3

Territorial Jurisdiction

Article 36

- 1- Jurisdiction shall belong to the court within whose jurisdiction the defendant's place of residence falls. If the defendant does not have a place of residence in the Kingdom, the jurisdiction shall belong to the court within whose jurisdiction the plaintiff's place of residence falls.
- 2- If neither the plaintiff nor the defendant has a place of residence in the Kingdom, the plaintiff may file the case with any court in any city in the Kingdom.
- 3- In case of multiple defendants, jurisdiction shall belong to the court with jurisdiction over the place of residence of the majority. In case of equal numbers, the plaintiff shall have the right to file the case with any court having jurisdiction over the place of residence of any of them.

Article 37

Cases against government agencies shall be filed with the court having jurisdiction over its head office. A lawsuit may be filed with the court having jurisdiction over the branch of a government agency in matters relating to that branch.

Article 38

Lawsuits relating to existing companies and societies or those under liquidation, or to private establishments, shall be filed with the court having jurisdiction over its head office irrespective of whether the case is filed against the company, society or establishment, or by the company, society or establishment against a partner or a member, or by a partner or a member against another partner or member. A lawsuit may be filed with the court having jurisdiction over the branch of a company, society or establishment in matters relating to that branch.

Article 39

The following shall be excluded from the application of Article 36 of this Law:

- 1- A claimant of alimony shall have the right to file a lawsuit with the court having jurisdiction over the place of residence of either the claimant or defendant.
- 2- A woman, in marital matters or matters relating to custody, visitation or deprivation of marriage by a guardian, shall have the right to file the lawsuit in either her town or that of the defendant. If the court hears the lawsuit in the plaintiff's town, it shall succeed the defendant's town court to consider her lawsuit. If the lawsuit is transferred, the defendant shall be summoned to appear before the court with which the lawsuit is filed in order to proceed therewith. If the defendant

abstains, the lawsuit shall be heard *in absentia* and if the lawsuit is not transferred, the court shall dismiss it without summoning the defendant.

- 3- A plaintiff in lawsuits arising from traffic accidents occurring in a town other than that of the defendant shall have the right to file the lawsuit with the court within whose jurisdiction the place of the accident or defendant's place of residence falls.

Article 40

A city, county or township shall be considered the territorial jurisdiction of the court located therein. If there are multiple courts, the Supreme Judicial Council shall designate the territorial jurisdiction of each. A township with no court shall fall within the jurisdiction of the court of the nearest town within the province, unless the Supreme Judicial Council determines that they fall within the jurisdiction of another court in the same province. In case of conflict of territorial jurisdiction, the case shall be referred to the Supreme Court to decide thereon.

Part 3

Filing and Recording Lawsuits

Article 41

1- A lawsuit shall be filed with the court by the plaintiff, by means of a statement of claim signed by the plaintiff or his representative, in an original and as many copies as there are defendants.

The statement of claim must include the following:

- a) plaintiff's full name, identification number, profession or occupation, place of residence and place of work, as well as his representative's full name, identification number, profession or occupation, place of residence and place of work;
- b) defendant's full name, available information about his profession or occupation, place of residence and place of work, or his last place of residence if he has no known place of residence;
- c) date of submission of the statement of claim;
- d) the court before which the lawsuit is filed;
- e) plaintiff's designated place of residence in the town where the court is located if he has no place of residence therein; and

f) subject matter of the suit and plaintiff's claim and evidence.

As to government agencies referred to in paragraphs (a, b and e) of this Article, the name and location of said government agencies shall be deemed sufficient.

The Supreme Judicial Council may, if necessary, add other means and details.

2- A single statement of claim may not combine several unrelated claims.

Article 42

The clerk shall enter the case in the court docket on the day the statement of claim is filed, upon recording the date of the hearing on the original and copies thereof in the presence of the plaintiff or his representative. The clerk shall, not later than the following day, deliver the original statement of claim and copies thereof to the process server or plaintiff, as the case may be, for serving and returning the original to the court administration.

Article 43

Taking into consideration the date set for appearance, the process server or plaintiff, as the case may be, shall serve a copy of the statement of claim to the defendant not later

than 15 days from the date of receipt, unless a hearing is set within such period. In such case, the statement of claim shall be served prior to the hearing.

Article 44

The date of appearance before a general court shall not be less than eight days from the date of service of the statement of claim. The date of appearance before labor, commercial and family courts shall not be less than four days from the date of service of the statement of claim. The four-day period shall apply to labor, commercial and family cases brought before the general court in a county or township. Such period may be reduced to 24 hours in lawsuits arising from traffic accidents, or when necessary, provided that the litigant is served in person and is able to reach the court in time. Reduction of such period shall be with the permission of the court before which the lawsuit is filed.

Article 45

With the exception of summary cases and cases where the period of court date is shortened, the defendant shall deposit with the court his statement of defense at least three days prior to the hearing set for consideration of the case before the general court and at least one day prior to the hearing before other courts and before labor, commercial and family circuits, if the case is considered by the general court in a county or township.

Article 46

Failure to observe the period set forth in Article 43 of this Law or the court date shall not invalidate the statement of claim, without prejudice to the right of the person served to postponement for completion of the period.

Article 47

If the plaintiff and defendant voluntarily appear before a court and request a hearing of their dispute, the court shall promptly hear the case, if possible, or set another hearing, even if the case is beyond its territorial jurisdiction.

Article 48

If a court sets a hearing for two litigants but they appear at other than the set date and they petition the court to consider their dispute, the court shall, if possible, grant such petition.

Part 4

Appearance and Absence of Litigants and Representation in Litigation

Chapter 1

Appearance and Representation in Litigation

Article 49

On the day set for consideration of the case, the litigants shall appear in person or through representation. If the representative is an agent, he shall be eligible to act as a legal representative according to the law.

Article 50

An agent shall declare his appearance on behalf of his client and shall deposit a certified copy of the document of his power of attorney with the competent clerk. The court may, at its discretion, allow the deposit of the copy of the document by the agent within a period prescribed by the court, provided that it is not later than the first hearing. The power of attorney may be established by a declaration to be entered in the hearing record and signed or thumb-printed by the principal.

The aforementioned mandatory deposit shall also apply to trustees, guardians and administrators.

Article 51

Whatever the agent declares in the presence of the principal shall in effect be considered a declaration by the principal himself unless the principal denies it in the same hearing.

If the principal fails to appear, the agent may not concede the right claimed; make a waiver or accept a settlement; accept, direct, or reject an oath; drop the litigation; waive judgment in whole or in part or through any method of appeal; lift an interdiction; release a mortgage while leaving the debt unpaid; claim forgery; request dismissal of the judge; or select or reject an expert, unless he is specifically authorized to do so in the power of attorney.

Article 52

Resignation or dismissal of an agent without the court's approval shall not preclude continuation of the proceedings unless the principal notifies his adversary of the appointment of another agent, or of his intention to pursue the case *pro se*.

Article 53

If the court establishes that an agent has been dilatory under the pretext of the need to consult his client with the intent to procrastinate, the court may instruct the principal himself to complete the proceeding or assign another agent.

Article 54

A judge, a member of the Bureau of Investigation and Public Prosecution, or a court employee may not serve as an agent for a litigant in a case, even if filed before a different court. They are, however, permitted to represent their spouses, ascendants and descendants as well as persons legally under their guardianship.

Chapter 2

Absence of Litigants

Article 55

If the plaintiff is absent from a hearing without an excuse acceptable to the court, the case shall be dismissed. The plaintiff may, however, petition continuation of the case. In such case, the court shall schedule a hearing for consideration and shall notify the defendant. If the plaintiff is absent again without an excuse acceptable to the court, the case shall be dismissed and may only be heard pursuant to a decision by the Supreme Court.

Article 56

In the cases provided for in Article 55 of this Law, if the defendant attends the hearing from which the plaintiff is absent, he may petition the court not to dismiss the case and to render a decision on its merits; in which case, the court shall rule on such case and the judgment shall be considered *in absentia* with respect to the plaintiff.

Article 57

- 1- If the defendant is absent from the first hearing without being notified in person or through his agent, consideration of the case shall be postponed to a subsequent hearing of which the defendant shall be

notified. If he is absent from said hearing without an excuse acceptable to the court and without being notified in person or through his agent, the court shall rule on the case and its judgment shall be considered *in absentia* with respect to the defendant.

- 2- If the defendant or his agent in the same case is notified of the date of hearing in person, or a memorandum of defense is deposited with the court by the defendant or his agent prior to the scheduled hearing of the case, or if the defendant appears at any of the hearings then fails to appear again, the court shall rule on the case and the judgment shall not be deemed *in absentia* with respect to the defendant.
- 3 If the defendant, who has no known or designated place of residence in the Kingdom, fails to appear after being served pursuant to Article 17(i) of this Law, the court shall rule on the case and the judgment shall be deemed *in absentia* with respect to the defendant.
- 4- If the defendant is absent in cases relating to marital matters or matters of custody, alimony, visitation or prevention of a woman from marriage by her guardian, the court may order the defendant to be brought by force in accordance with controls stipulated in the regulations of this Law.

Article 58

In case of multiple defendants, where some are served in person while the others are not, and all of them or only those not served in person are absent, the court shall, in other than summary cases, postpone consideration of the case to a subsequent hearing and the plaintiff shall serve notice of that hearing to those absent who are not served in person. The decision in the case shall not be deemed *in absentia* with respect to served defendants.

Article 59

In application of the preceding provisions, a person shall not be considered absent if he arrives 30 minutes prior to the end of a hearing's scheduled time if such hearing has not started. If he arrives while the hearing is in progress, he shall be considered present.

Article 60

- 1- A person against whom a judgment *in absentia* has been rendered may, within the appeal period specified in this Law, challenge the judgment before the court which rendered it, as of the date of notifying him or his agent of the judgment.
- 2- The appeal shall be filed by a memorandum pursuant to established procedures for filing cases. Said memorandum shall state the number and date of appealed judgment and grounds for such appeal.

- 3- If the appellant or his agent fails to attend the first hearing of the appeal, the court shall, upon its own motion, rule that the right to appeal is deemed forfeited and such judgment shall be deemed final.
- 4- The court may order provisional stay of execution of an appealed judgment if it is petitioned to do so in the memorandum of appeal and the execution of said judgment would result in a grave and irreparable harm.
- 5- Execution of a judgment *in absentia* shall be stayed if reversed by a judgment.

Part 5

Hearing Procedures and Order

Chapter 1

Hearing Procedures

Article 61

Hearings shall be attended by the legally required number of judges. If the required number is not satisfied, the chief judge shall assign a judge to complete the quorum. If this is unattainable, the Chairman of the Supreme Judicial Council shall assign a judge to complete the quorum.

Article 62

The clerk shall each day draft a list of cases arranged according to time scheduled for their consideration. Upon presentation to the judge, the list shall be posted on the docket prior to the hearing date.

Article 63

Litigants shall be called at the time scheduled for considering their case.

Article 64

Hearings shall be held in open court unless the judge, upon his own motion or the motion of one of the parties, holds the hearing in a closed session in order to maintain order, observe public morality or protect the privacy of the family.

Article 65

Arguments shall be oral. This, however, shall not preclude the presentation of statements or defenses in written memoranda, copies of which may be exchanged between litigants. The original shall be kept in the case file and referenced in the record. The court shall grant litigants sufficient time to review and respond to the documents when necessary.

Article 66

The judge shall ask the plaintiff with regard to necessary aspects of his claim prior to questioning the defendant and may not otherwise proceed with the case. If the plaintiff is unable or unwilling to do so, the judge shall dismiss the case.

Article 67

If the defendant categorically refuses to answer or gives answers not relevant to the case, the judge shall repeat the request for a correct answer three times in the same hearing. If the defendant persists, the judge shall caution him and then consider him to have declined, and shall proceed with the case in accordance with Sharia.

Article 68

If either party presents a valid defense and requests a response from the other party who asks for postponement, the judge may postpone the case if he deems it necessary, but postponement may not be granted again for responding to the same request except for a reason acceptable to the judge.

Article 69

Arguments shall close once litigants conclude their arguments. The court may, prior to pronouncement of judgment, and for justifiable reasons, reopen arguments on its own motion or the motion of one of the litigants and re-enter the case in the docket.

Article 70

Litigants may, at any stage of the case, ask the court to enter agreed-upon acknowledgement, settlement, or the like in the case record, and the court shall issue a deed to that effect.

Article 71

The clerk shall, under the supervision of the judge, enter the minutes of the arguments in the record, stating the date and time of the beginning and end of each argument, grounds for reviewing the case, name of the judge and names of litigants and agents. The judge, clerk and persons whose names are mentioned therein shall sign the record. If any declines to sign, the judge shall indicate the same in the record of the hearing.

Article 72

Particulars provided in statements of claim, processes, case records, representations and the like, may be entered electronically and shall have the same legal effect as written documents in accordance with the Electronic Transactions Law.

Chapter 2

Hearing Order

Article 73

- 1- The presiding judge shall be in charge of order and management of the hearing and may, for this purpose, remove from the courtroom any person who disturbs order. If such person does not comply, the court may immediately imprison him for a period not exceeding 24 hours. Its decision shall be final. The court may reverse such decision.
- 2- In the event of a crime committed while the court is in session, the presiding judge shall order the recording of the crime and refer the same to the Bureau of Investigation and Public Prosecution for necessary legal action. He may also order the arrest of the offender.
- 3- The court rendering the judgment shall review claims for damages resulting from repeated default in fulfillment of liabilities subject of the case.

Article 74

The presiding judge shall be in charge of directing questions to litigants, witnesses and other persons related to the suit. Other circuit judges participating in the hearing as well as litigants may petition him to direct questions relating to the suit. The presiding judge may delegate the questioning of litigants, witnesses and others to any member of the panel.

Part 6

Motions, Joinder, Intervention and Incidental Petitions

Chapter 1

Motions

Article 75

Motions for the invalidity of the statement of claim, improper venue, or for transferring the case to another court because the same dispute or another related case is filed with said court, shall be presented before any request or defense is made in the case; otherwise, any right not so presented shall be forfeited.

Article 76

- 1- A motion for lack of jurisdiction; type or value of the suit; dismissal of the suit for lack of capacity, interest or any other ground; or if the suit has been previously decided, shall be admissible at any stage of the hearing and shall be decided by the court on its own motion.
- 2- If the court determines that a motion for dismissal of the case for lack of defendant's capacity is justifiable, it shall postpone the case in order to notify the person with proper capacity.

Article 77

The court shall rule independently on motions provided for in Articles 75 and 76 of this Law unless it decides to include them with the subject matter of the suit; in which case, it shall indicate its ruling on both the motions and subject matter.

Article 78

Subject to Article 178 of this Law, if a court rules that it lacks jurisdiction and said ruling becomes final, it shall refer the suit to the competent court and notify the litigants accordingly.

Chapter 2

Joinder and Intervention

Article 79

A litigant may petition the court to join in the suit whoever would validly have been a litigant when the case was filed, following normal summons procedures. The court shall, if possible, rule on the petition for joinder and on the original suit in the same judgment; otherwise, it shall rule on the petition for joinder after ruling on the original suit.

Article 80

The court may, on its own motion or the motion of a litigant, order the joinder of a person if it would serve the interest of justice.

The court shall set a date within a period not exceeding 15 days for the appearance of the person ordered to be joined by the court or at the petition of litigants, in accordance with applicable case-filing procedures.

Article 81

Any person with interest may intervene in the case by joining one of the litigants or by petitioning a judgment for himself on a matter related to the case. Intervention shall be pursuant to a memorandum served to the litigants before the

day of the hearing in accordance with applicable case-filing procedures, or pursuant to an oral petition made during the hearing in the presence of the litigants. Said petition shall be recorded in the hearing transcript. No intervention may be permitted after the closing of proceedings.

Chapter 3

Incidental Petitions

Article 82

Incidental petitions shall be filed by the plaintiff or defendant by means of a memorandum served to the litigants before the day of the hearing in accordance with applicable case-filing procedures, or pursuant to an oral petition made during the hearing in the presence of the litigant. Said petition shall be recorded in the hearing transcript. No incidental petitions may be permitted after the closing of proceedings.

Article 83

The plaintiff may make the following incidental petitions:

- a) matters that involve correcting the original petition or amending its subject matter to meet exigencies that arose or became known after the lawsuit was filed;
- b) matters complementing, arising from, or indivisibly linked to the original petition;
- c) matters involving an addition or a change to the grounds of the case, leaving the original subject matter of the case unchanged;
- d) petitioning an order for preventive or temporary action;
or

- e) whatever the court permits in connection with the original petition.

Article 84

The defendant may make the following incidental petitions:

- a) petition for judicial offset;
- b) petition for a judgment for compensation for damages sustained as a result of the original case or a proceeding therein;
- c) any petition which, if granted, results in not rendering judgment on all or some of the petitions of the plaintiff, or rendering a judgment with limitations for the benefit of the defendant;
- d) any petition indivisibly linked to the original case; or
- e) whatever the court permits in connection with the original case.

Article 85

The court shall, if possible, rule on an incidental petition along with the original case; otherwise, it shall retain the incidental petition for ruling upon ascertaining its validity.

Part 7

Suspension, Discontinuance and Abandonment of Litigation

Chapter 1

Suspension of Litigation

Article 86

Court proceedings may be suspended by agreement of the litigants for a period not exceeding six months following approval of such agreement by the court. Said suspension shall have no effect on any time limitation set by the law for a particular proceeding.

A litigant may, subject to the approval of the adverse party, petition proceeding with the case prior to expiration of the agreed-upon period.

If the litigants do not resume the case proceedings within the 10 days following the end of the specified period, the plaintiff shall be deemed to have abandoned his case.

Article 87

If a court determines that its judgment on the merit of a case should be contingent on deciding another matter on which the judgment depends, it shall order suspension of the case. Once the ground for such suspension no longer exists, the litigants may petition resumption of the case.

Chapter 2

Discontinuance of Litigation

Article 88

- 1- Unless the case is ripe for judgment on its merits, litigation shall discontinue upon the death of a litigant, loss of capacity to litigate, or loss of capacity to represent any of the litigants. Litigation, however, shall not discontinue upon the expiry of a power of attorney. The court may grant ample time to the principal if he appoints a new agent within 15 days of the expiry of the first power of attorney. If, however, the case is ripe for judgment, the litigation shall not be discontinued and the court shall render a judgment thereon.
- 2- In case of multiple litigants and ground for discontinuance applies against one of them, the case shall proceed with respect to the remaining litigants, unless the subject matter of the case is indivisible; in which case, litigation with respect to all litigants shall discontinue.

Article 89

A case shall be considered ripe for judgment on its merits if the litigants make their statements and closing arguments during the litigation hearing before the existence of a ground for discontinuance.

Article 90

Discontinuance of litigation shall entail the suspension of all procedural dates effective against litigants and invalidation of all proceedings occurring during the discontinuance.

Article 91

Proceedings of the case shall resume at the request of a litigant by summons duly served to the successor of the person against whom ground for discontinuance applies or to the other litigant. Proceeding with the case shall also resume if the hearing scheduled for consideration of the case is attended by the successor or the person against whom ground for discontinuance applies.

Chapter 3

Abandonment of Litigation

Article 92

The plaintiff may abandon litigation by notifying his adversary by a statement made before the competent court clerk; an explicit statement in a memorandum signed by him or his agent and made available to the adverse party; or an oral petition during a hearing and its entry into the record. After the defendant submits his defense, abandonment is permitted only with the defendant's approval.

Article 93

Abandonment shall entail nullification of all litigation proceedings, including the statement of claim. Such abandonment, however, shall not affect the right claimed.

Part 8

Recusal and Disqualification of Judges

Article 94

A judge shall be barred from considering and hearing a case in the following cases, even without a petition by any of the litigants:

- a) if he is the husband, relative or in-law up to the fourth degree of a litigant;
- b) if he or his wife has an existing dispute with a litigant in the case or with the wife of a litigant;
- c) if he is an agent, guardian, trustee, or a potential heir of a litigant or if he is the husband of the guardian or trustee of a litigant or if he is a relative or an in-law up to the fourth degree of such guardian or trustee;
- d) if he, his wife, a relative thereof, an in-law in the ancestral line or a person for whom he is an agent or guardian, has an interest in the case; or
- e) if he had provided a fatwa (religious legal opinion) or published his opinion on the subject of the case, or litigated on behalf of one of the litigants in the case, even if it were before he joined the judiciary, or if he had earlier considered the case as a judge, expert or arbitrator or had been a witness in the case or had engaged in any investigative action therein.

Article 95

An action or decision by a judge in any of the cases set forth in Article 94 of this Law shall be null and void even with the agreement of the litigants. If such nullification occurs with respect to an affirmed judgment, a litigant may petition the Supreme Court to nullify the judgment and assign another court to reconsider the case.

Article 96

- 1- A judge may be disqualified for any of the following reasons:
 - a) if he, or his wife, has a case similar to the case before him;
 - b) if he, or his wife, has a dispute with a litigant or the wife of the litigant after the case under consideration was filed before the judge, unless such case was filed with the intention of disqualifying the judge from considering the case pending before him;
 - c) if his divorcee with whom he has a child or one of his relatives or in-laws up to the fourth degree has a dispute before the court with a litigant in the case or with the wife of the litigant, unless the case was brought with the intention of disqualifying him;
 - d) if a litigant is his servant or the judge had regularly dined or resided with him, or if he had received a

gift from him shortly before the lawsuit was filed or thereafter; or

- e) if enmity or friendship exists between him and a litigant which would likely compromise his ability to judge impartially.

2- A petition for disqualification shall result in a stay of the case until said petition is decided on.

Article 97

A judge may not refrain from considering a case before him unless he is barred from considering such case or if ground for disqualification exists. He shall contact his immediate superior for permission to recuse himself. The same shall be entered into a special record kept at the court.

Article 98

If there is ground for the judge to be disqualified and he fails to recuse himself, a litigant may request his disqualification. If the ground for disqualification is not stated in Article 96 of this Law, a motion for disqualification shall be filed before any defense or plea is presented in the case; otherwise such right is forfeited. Nevertheless, such motion may be filed if the grounds therefor occurred afterwards or if the petitioner proves that he had no knowledge thereof. In any case, no motion for disqualification may be granted after closing of arguments.

Article 99

A motion for disqualification shall be filed with the court administration. It shall be signed by the petitioner, include grounds for disqualification and be accompanied with any supporting documents.

Article 100

- 1- The court administration shall immediately notify the judge of the motion for disqualification, and the judge shall within four days following the notification respond to the chief judge of the court in writing regarding disqualification and grounds thereof. If he fails to respond within the prescribed period, or if he responds in support of the grounds for disqualification and such grounds are valid, or if he refutes such grounds but are proven against him, the chief judge of the court shall declare him disqualified from considering the case.
- 2- If the judge sought to be disqualified is a chief judge of a court of first instance, the motion for disqualification shall be decided by the chief judge of the competent court of appeals. If the judge to be disqualified is a chief judge of a court of appeals or a judge of the Supreme Court, the motion for disqualification shall be decided by the Chief Judge of the Supreme Court.
- 3- If the chief judge – as the case may be – denies the motion for disqualification, he shall issue an order to this effect and such order shall be final.

Part 9

Evidentiary Procedures

Chapter 1

General Provisions

Article 101

Facts intended to be proven during arguments must be relevant, material to the case and admissible.

Article 102

If the evidence of a litigant is in a place beyond the court's jurisdiction, said court shall deputize the judge with jurisdiction over that place to hear and verify such evidence.

Article 103

A court may abandon the evidentiary procedures it ordered provided that it includes grounds therefor in the record. It may also disregard the result of the procedure provided that it explains the grounds therefor in its judgment.

Chapter 2

Questioning Litigants and Admissions

Article 104

A court may question a litigant who is present, and each litigant may request the questioning of his adverse party who is present. Responses shall be given during the same hearing, unless the court decides to grant time for a response. The response shall be in the presence of the person requesting the questioning.

Article 105

A court may, upon its own motion or the motion of a litigant, summon the adverse party for questioning if deemed necessary. A person whom the court decides to question shall attend the hearing specified in the court order.

Article 106

If a litigant has an acceptable excuse for not appearing in person for questioning, the judge shall move to his place of residence or delegate a trusted person to question him. If the person sought for questioning resides outside the area of the court's jurisdiction, the judge shall delegate the court of said place of residence to question him.

Article 107

If a litigant fails to appear for questioning without an acceptable excuse, or refuses to answer for no reason, the court may hear the evidence and draw whatever conclusion it deems proper from such failure to appear or refusal to answer. If the litigant who fails to appear or refuses to answer without justification has no evidence, he shall be deemed to have declined and the court shall take any necessary action in accordance with Sharia.

Article 108

The effect of a litigant's admission, during questioning or without questioning, shall be limited to him. The admission shall be made before the court during consideration of the case relating to the admission.

Article 109

A litigant's admission shall be valid if the litigant is legally competent and acts on his own volition. The admission of a person interdicted for imprudence shall be deemed valid in all matters not subject of interdiction according to Sharia.

Article 110

A litigant's admission shall not be divisible, whereby parts against him are admitted and parts in his favor are disregarded. Admission shall be taken as a whole except if it pertains to multiple facts the existence of one of which does not entail the existence of others.

Chapter 3

Oath

Article 111

A person requesting the adverse party to take an oath shall specify the facts regarding which the oath is to be taken. The court shall prepare the wording of the oath as prescribed by Sharia. An illiterate deaf person shall take oath by means of an understandable sign.

Article 112

Taking or refusing to take oath shall be made only before the presiding judge during the hearing and shall have no effect outside such hearing unless there is a provision to the contrary.

Article 113

- 1- A person summoned to court to take oath must appear.
- 2- If the person requested to take oath appears and declines without contesting the admissibility or relevance of the oath to the case, he must take the oath immediately or require that the adverse party take the oath. If he refuses without contesting or fails to appear without excuse, he shall be deemed to have declined.

- 3- If the person requested to take oath appears but contests the admissibility or relevance of the oath to the case, he shall provide reasons therefor. If the court is not satisfied, he shall take oath; otherwise he shall be deemed to have declined.

Article 114

If the person requested to take oath has a reason that prevents him from appearing, the court shall administer the oath at his place or assign one of its judges for such purpose. If he resides beyond the jurisdiction of the court, the court may delegate the court at his place of residence to administer the oath. In either case, a transcript of the oath shall be drafted and signed by the oath taker, the delegated or assigned judge, the clerk and the litigants present.

Article 115

An oath shall be taken in the presence of the person requesting it, unless he waives his right to appear or fails to appear without an acceptable excuse despite his knowledge of the hearing.

Chapter 4

Inspection

Article 116

The court may, on its own motion or the motion of a litigant, decide to inspect a disputed item either by presenting it to the court, if possible, or proceeding to its location or assigning the task to one of its judges, provided that such decision states the time of inspection. The court may assign the court with jurisdiction over the disputed item to undertake the inspection; in such case, the assigned judge shall be notified of the assignment decision. Said decision shall contain all particulars pertaining to litigants, inspection place and other particulars necessary for clarification of the case.

Article 117

The court or the assigned or delegated judge shall invite the litigants at least 24 hours prior to the scheduled time, not including travel time, by means of a memorandum sent through the court administration stating the venue, day and hour of the meeting.

The court may, if necessary, place the item subject of inspection under custody until a judgment is issued or to any other time it deems proper.

Article 118

The court and the judge assigned or delegated for inspection may appoint one or more experts to assist in the inspection. The court, the assigned or delegated judge may hear the testimony of any witness at the place of dispute.

Article 119

A transcript of inspection result shall be drafted and signed by the inspector, clerk, attending experts, witnesses and litigants. Said transcript shall be entered into the case file.

Article 120

Any person with interest in establishing facts that may become subject of a dispute before the court in the future may file a summary case before the competent court with venue jurisdiction for inspection of such facts – in the presence of persons with interest – and establishing their conditions. Request for inspection shall be made by means of a statement in accordance with standard case-filing procedures. Inspection and establishment of the condition shall be in accordance with the provisions of this Law.

Chapter 5

Testimony

Article 121

A litigant who, during proceedings, requests proof by testimony of witnesses shall state in writing or orally during the hearing the facts he seeks to prove. If the court determines that such facts are admissible under the provisions of Article 101 of this Law, it shall decide to hear the witnesses, schedule a hearing for such purpose and ask the litigant to bring said witnesses.

Article 122

If a witness has an excuse for not appearing to testify, the judge shall proceed to his place to hear his testimony or the court may assign one of its judges for such purpose. If the witness resides outside the jurisdiction of the court, it shall delegate the court of his place of residence to hear his testimony.

Article 123

The testimony of each witness shall be heard individually in the presence of the litigants but not in the presence of other witnesses whose testimony had not been heard. Failure of the litigant testified against to attend a testimony shall not

preclude hearing it, and the same shall be read to him when he attends. Upon verification of his identity, a witness shall state his full name, age, occupation, place of residence and his relationship to the litigants whether by kinship, employment or any other form of relationship, if applicable.

Article 124

Testimony shall be given orally. The use of written notes during testimony is permitted only with the approval of the judge provided it is justified by the nature of the case. A litigant against whom testimony is made may indicate to the court matters that may prejudice the witness or his testimony.

Article 125

The judge may, at his own motion or at the motion of a litigant, direct to the witness questions he deems conducive to revealing the truth. The judge shall accede to the request of the litigant in this regard unless the question is immaterial.

Article 126

If an adverse party requests time to bring witnesses absent from the hearing, he shall be granted the shortest period of time that is necessary in the opinion of the court. If he fails to bring them to the scheduled hearing or brought persons whose testimony was not conducive, he shall be allowed

another period and warned that he would be deemed unable if he fails to present his witnesses. If he fails to present them in the third hearing, or presents some of the witnesses whose testimony is not conducive, the court may decide the dispute. If he does not present his witnesses, due to their absence or his lack of knowledge of their place of residence, he shall have the right to file a case when they are available.

Article 127

The testimony of a witness and his answers to questions directed at him shall be entered into the record and stated in the first person without change. It shall then be read to him and he may enter any amendment thereto. The amendment shall be entered after the text of the testimony and signed by the witness and the judge.

Chapter 6

Expertise

Article 128

- 1- The court may, when necessary, decide to assign one expert or more. The court's decision shall specify his task, time for submitting his report, hearing date and, when necessary, an advance payment for the expert's fees and expenses, the litigant to deposit such payment and the deadline for making such deposit. The court may appoint an expert to provide an oral opinion in a hearing; in which case, the opinion shall be entered into the record.
- 2- Regulations of this Law shall determine rules for expert fees and expenses.
- 3- Courts may seek the expertise of employees of government agencies.
- 4- Regulations of this Law shall define the power of the Expertise Department at the Ministry of Justice which shall prepare a list of experts from other than government employees to assist the courts. Experts included in said list shall satisfy the following conditions:
 - a) be of good conduct; and
 - b) hold a valid license issued by the competent authority to practice his profession.

5- A department named Department of Experts shall be established in each court, as needed, and shall comprise members of the review committee, engineers, surveyors, interpreters and the like and shall be supervised by the chief judge.

Article 129

If a litigant fails to deposit the required amount by the date set by the court, the other litigant may deposit said amount without prejudice to his right to recourse against the adverse party if a judgment is made in his favor. If the amount is not deposited by either party and deciding the case is dependent on determination of the experts, the court may suspend the case until the amount is deposited.

Article 130

If the litigants agree on a particular expert, the court may approve their agreement; otherwise, it may select an expert in its own discretion and shall provide grounds thereof.

Article 131

Within the three days following depositing the amount, the court shall call the expert and explain to him his task in accordance with the assignment decision, and shall provide

him with a copy thereof. The expert shall have access to documents deposited in the case file but he may not take any of said documents without the court's permission.

Article 132

If the expert is not a court employee, he may, within three days of receiving his assignment decision, ask the court to relieve him of the assigned task. In this case, the court shall appoint another expert. It may, in accordance with Sharia, make an expert, who fails to perform his task, pay the costs spent in vain.

Article 133

Experts may be disqualified for the same reasons that disqualify judges. The court appointing the expert shall decide on disqualification motion in an unappealable decision. A motion to disqualify an expert made by the litigant who selected him shall be denied unless the reason for disqualification occurred after selection. No motion for disqualification may be granted once proceedings are closed.

Article 134

The expert shall set a date for commencing his work no later than 10 days following the date of receipt of the

assignment decision, and shall notify the litigants of the place and time of the meeting in a timely manner. The expert shall commence his work even in the absence of the litigants provided that they are duly notified.

Article 135

The expert shall prepare a statement detailing his tasks, attendance, statements and comments of the litigants as well as statements of persons concerned, and have it signed by them. The expert shall enclose with his statement a signed report providing the results of his work as well as his opinion and grounds thereof. If there are more than one expert, and they disagree, they shall present a single report in which they mention their individual opinions and grounds thereof.

Article 136

The expert shall deposit with the court his report and related statements and documents received. He shall inform the litigants of such deposit by registered mail within 24 hours following such a deposit.

Article 137

The court may, if it finds it necessary, summon the expert to a hearing to discuss his report. The court may return the report to the expert to rectify any errors or deficiencies, or it may assign such task to another expert or experts.

Article 138

The expert's opinion is for guidance and may not be binding on the court.

Chapter 7

Writing

Article 139

A document used for evidence shall be either on official paper or ordinary paper. An official paper is a paper on which a public servant or a person assigned to public service records actions taken by him or instructions received from concerned parties, pursuant to the law and within his powers and jurisdiction.

An ordinary paper is a paper signed, sealed, or fingerprinted by the person issuing it.

Article 140

The court shall determine the effects of any alteration, deletion, insertion or other material defects in a document on its validity as evidence.

If the court finds the validity of a document questionable, it may ask the public servant who issued it or the person who drafted it for clarification.

Article 141

Challenge to official documents may not be allowed except by claiming forgery, unless the content is in violation of Sharia.

Article 142

If the person to whom the contents of a document is ascribed denies that the handwriting, signature, fingerprint or seal belongs to him or to his successor or deputy while the document is material to the dispute and the facts and documents of the case are not sufficient to convince the court of the validity of the handwriting, signature, fingerprint or seal, the court may order a questioned document examination (QDE) to be made under its supervision by one or more experts to be named in the QDE decision.

Article 143

The denied handwriting, signature, fingerprint or seal shall be compared with the established handwriting, signature, fingerprint or seal of the person to whom the document is ascribed.

Article 144

The disputed document shall be signed by the judge and the clerk indicating that they have examined it. Transcript shall be entered into the record showing adequately the condition and description of the document. Such transcript shall be signed by the judge, the clerk and the litigants.

Article 145

Litigants shall appear on the date set by the judge to present documents in order for the court to select from among them the documents suitable for QDE. If the litigant upon whom the burden of proof falls fails to appear for no excuse, a decision forfeiting his right to use the disputed document as evidence may be made. If his adverse party fails to appear, the documents presented for comparison may be deemed valid.

Article 146

The judge and the clerk shall affix their signatures on the QDE documents prior to examination, and the transcript shall so indicate.

Article 147

If the original official document exists, a copy thereof issued by a public servant within his competence and attested as a true copy of the original shall have the force of the

original official document to the extent that he determines it to be true as the original. An attested copy shall be considered a true copy of the original unless disputed by a litigant; in such case, the copy shall be compared against the original. No copy shall be admissible in court if it is not attested to be a true copy of the original.

Article 148

A person holding an ordinary document may sue the person whom the document establishes a right against to make him acknowledge such right, even if the obligation set forth therein is not due at the time of the litigation. This shall be by means of a petition filed in accordance with standard case-filing procedures. If the defendant appears and admits the authenticity of the document, the court shall record his admission. In case of denial, the court shall order verification under the aforementioned procedures.

Article 149

When necessary, the court may, on its own motion or the motion of a litigant, order as follows:

- 1- Obtain documents or papers from government agencies in the Kingdom if the litigants are unable to do so. The litigant may indicate the content of such documents and their bearing on the case.

- 2- Include any third party in order to compel him to produce documents or papers in his possession. The court may also refuse so if the holder has a legitimate interest in refusing to present the same.

Article 150

A claim of forgery may be made at any stage of the case by means of a petition to the court setting forth all places of forgery claimed and verification procedures required for proof. A person charged with forgery may request verification process be suspended at any stage by waiving his right to use the disputed document; in such case, the court may, if the claimant of forgery so requests for a legitimate interest, order entry of the document into the record or keeping it on file.

Article 151

A claimant of forgery shall deliver to the court the disputed document if in his possession or the copy served to him. If the document is in the possession of the adverse party, the judge, upon reviewing the petition, shall order him to deliver such document to the court. If the adverse party declines to deliver the document and the court is unable to find it, it shall be deemed non-existent. This shall not preclude taking any future action with respect to said document.

Article 152

If the claim of forgery is material to the dispute while the facts and documents of the case are insufficient to convince the court whether the document is genuine or forged, and the court determines that the investigation requested is material to the case, the court shall order such investigation.

Article 153

If a document is established to be forged, the court shall send said document and a copy of the relevant transcripts to the competent authority to take necessary penal action.

Article 154

The court may, even if no claim of forgery is made before it, exclude any document if it appears from its condition or from the circumstances of the case to be forged or suspected to be forged. The court may also exclude any document of questionable validity. In such cases, the court shall provide in its judgment the circumstances and presumptions upon which it based its judgment.

Article 155

A person who fears that a forged document may be used against him may sue the person holding or benefiting from such document. This shall be by means of a petition filed in accordance with regular case-filing procedures. In investigating this case, the court shall observe the aforementioned rules and procedures.

Chapter 8

Presumptions

Article 156

A judge may draw one or more presumptions from the facts of the case or from questioning litigants or witnesses as grounds for his judgment, or complement incomplete established evidence, so that he becomes satisfied with the evidence to render judgment.

Article 157

Each litigant may rebut the presumption inferred by the judge; in such case, the presumption loses its value as proof.

Article 158

In a dispute over ownership, possession of movable property shall be a rebuttable presumption of ownership by the possessor. The adverse party may prove otherwise.

Part 10

Judgments

Chapter 1

Rendering Judgments

Article 159

Upon completion of arguments, the court shall decide the case forthwith or postpone rendering judgment to another hearing and inform the litigants of the closing of arguments and of the date for pronouncing the judgment.

Article 160

In case of multiple judges, deliberations shall be in a closed session. Notwithstanding Article 162 of this Law, only judges who heard the arguments may participate in the deliberations.

Article 161

During deliberations, the court may not hear clarifications from a litigant except in the presence of the other litigant.

Article 162

If several judges consider the case, judgment shall be rendered unanimously or by majority opinion. The minority shall be the first to enter its opinion in the record. The majority shall explain in the record its point of view in response to the view of the minority. If no majority is reached or if opinions diverge into more than two, the chief judge shall assign a judge to support one of the opinions so that a majority is reached for judgment. If this proves unattainable, the Chairman of the Supreme Judicial Council shall assign a judge for such purpose.

Article 163

Upon closing of arguments and rendering of judgment in the case, the judgment shall be entered into the record preceded by the grounds on which it was based, and signed by the judge or judges who participated in consideration of the case.

Article 164

The judgment shall be pronounced by reading its wording, or its wording and grounds in an open hearing. The judges who participated in the deliberations shall be present when the judgment is pronounced. If one of the judges is unable to attend, his absence shall not affect the judgment if he has signed the judgment entered into the record.

Article 165

Upon pronouncement of the judgment, the court shall inform the litigants of the prescribed manner and deadlines for appeal. Guardians, trustees, administrators, representatives of government agencies and the like shall also be informed – if the judgment is not in favor of their principals or less than what they asked for – that the judgment must be appealed or reviewed and that the case will be referred to the court of appeals.

Article 166

- 1- Within a period not exceeding 20 days from the date of pronouncement of the judgment, the court shall issue a decree containing a summary of the case, responses, valid defenses, verbatim testimony of witnesses along with attestation of their characters, oaths, names of judges who participated in the judgment, names of litigants, agents and witnesses, name of the court which considered the case, number and date of the case record, grounds and wording of the judgment, date of pronouncement, omitting redundant and repetitious sentences that have no bearing on the judgment. Said decree shall be signed by the judge or judges who participated in the judgment.
- 2- Each judgment shall be entered in the judgments record, unless otherwise decided by the Supreme Judicial Council.

- 3- A copy of the judgment decree shall be delivered within a period not exceeding the period provided for in paragraph 1 of this Article.

Article 167

If a judge's jurisdiction over a case lapses before a judgment is rendered, his successor may continue with the case from the point where the proceedings of his predecessor ended. He shall read to the litigants what is in the record, which he shall honor if signed by the previous judge along with the signatures of litigants and witnesses. If proceedings entered into the record are not signed by one or more of the litigants or the judge and the litigants have not acknowledged the same, the arguments shall be heard anew.

Article 168

- 1- The judgment decree which governs execution shall be sealed with the seal of the court after adding the following text: *All ministries and government agencies shall enforce this judgment by all applicable legal means, even if it requires the use of force by the police.*
- 2- The judgment decree shall be delivered only to the litigant with interest in its execution. Copies of the judgment without the execution statement may be given to any party with interest.

Article 169

The judgment shall be subject to expeditious execution, with or without bail as the judge may deem fit, in the following circumstances:

- a) judgments in urgent matters;
- b) if the judgment involves alimony, breastfeeding cost, accommodation, child visitation, surrender of a child to his custodian, returning a woman to her mahrahm or dissolution of marriage; or
- c) if the judgment involves payment of wages of a servant, craftsman, laborer, breastfeeding woman or custodian.

Article 170

A court before which an appeal is filed may, if it determines that the grounds for such appeal would result in reversal of the judgment, order stay of execution if it fears that it could lead to grave harm.

Chapter 2

Correction and Interpretation of Judgments

Article 171

The court shall, by a decision it issues pursuant to a petition by a litigant or upon its own motion, correct any material errors whether written or mathematical in the judgment decree. Such correction shall, upon entry of the decision into the case record, be made on the original decree and signed by the judge or judges of the issuing court.

Article 172

If the court rejects the correction, the objection thereto shall be in conjunction with the objection to the judgment itself. A decision to make corrections may be independently objected to through regular procedures of objection.

Article 173

If the wording of the judgment is vague or confusing, the litigants may file a petition for an interpretation from the court rendering such judgment, in accordance with applicable case-filing procedures.

Article 174

The interpretation of judgment shall be added to the original decree and signed and sealed by the judge or judges of the issuing court. The interpretation shall be deemed complementary to the original decree and shall be subject to applicable rules of appeal.

Article 175

If a court neglects to decide on motions related to subject matter, the party with interest may petition the court to order the adverse party to appear before it, in accordance with applicable procedures, and rule thereon.

Part 11

Methods of Objecting to Judgments

Chapter 1

General Provisions

Article 176

Methods of objection to judgments are appeal, cassation and petition for reconsideration.

Article 177

Only the party against whom judgment is rendered or whose petitions are not fully awarded may object to the judgment, unless the law provides otherwise.

Article 178

- 1- No objection may be made to judgments issued before the case is decided and with which the litigation does not end wholly or partly except in conjunction with the objection to the judgment on the merits. Filing an objection before rendering a decision on the merits may be permitted against a decision to stay the case and against provisional and summary rulings and judgments subject to execution by force as well as judgments of lack of jurisdiction.

- 2- Objection to temporary and expeditious judgments and judgments subject to execution by force shall not entail stay of execution.

Article 179

- 1- The objection period to a judgment shall commence from the date a copy of the judgment decree is delivered to the person against whom the judgment was rendered and his signature was entered into the record or from the date set for receiving such copy if he is not present. If he fails to attend to receive a copy of the judgment decree, said copy shall be deposited in the case file on the same date, marking such date in the record. Such deposit shall be deemed the commencement of the period for objection. The objection period to a judgment *in absentia* or a revised judgment before the Supreme Court shall commence from the date it is communicated to the person against whom it was rendered or his agent.
- 2- If the person against whom the judgment was rendered is imprisoned or detained, the authority in charge of him shall bring him to court to receive a copy of the judgment decree within the specified period. Said authority shall also bring him to file his objection within the specified period.

Article 180

The period for objection shall be stayed upon the death or loss of competence of the person filing the objection or loss of capacity of his agent. Such stay shall continue until the judgment is communicated to the heirs or their representative, or the contingency ends.

Article 181

If a judgment is objected to on grounds of lack of jurisdiction, the court considering such objection shall limit its consideration to jurisdiction.

Article 182

Reversal of judgments shall entail nullification of all subsequent decisions and proceedings based on the reversed judgment.

Article 183

If part of a judgment is reversed, other parts shall remain enforceable, unless the judgment is indivisible.

Article 184

Courts of appeal and the Supreme Court shall be governed by the rules and procedures established before courts of first instance, unless otherwise provided for in this Law.

Chapter 2

Appeal

Article 185

- 1- All judgments rendered by courts of first instance shall be appealable except for judgments in petty cases as determined by the Supreme Judicial Council.
- 2- The Supreme Judicial Council shall define the judgments for which revision by the court of appeals shall suffice.
- 3- Any person against whom an appealable judgment is rendered may, within the statutory objection period, file for revision by the court of appeals without a hearing, unless the adverse party petitions for an appeal. In all cases, the court of appeals may, on its own motion, consider the case by means of a hearing.
- 4- If the person against whom a judgment is rendered is an endowment administrator, trustee, guardian or representative of a government agency or the like and fails to file an appeal within the statutory period, or if said person is absent and cannot be notified of the judgment, the court shall refer the judgment to the court of appeals for revision, regardless of the subject of the judgment. This shall not include the following:
 - a) a judgment issued by the competent court against the General Commission for Guardianship over Property of Minors and those of Similar Status to enforce a prior final judgment; or

- b) a judgment regarding a sum of money which a person deposited for the benefit of another person or his heirs, unless the depositor or his representative objects thereto.

Article 186

New petitions shall not be accepted in an appeal and the court shall dismiss them on its own motion.

Article 187

The period for filing an appeal or a petition for revision shall be 30 days, with the exception of judgments rendered in summary cases which shall be 10 days. If an appellant fails to submit his appeal within said periods, his right to appeal or to file a petition for revision shall be forfeited and the competent court shall record the same upon the expiry of the objection period in the case record. A note on the judgment decree and record shall be made, indicating that the judgment is final, without prejudice to the provision of Article 185(4) of this Law.

Article 188

- 1- An appeal or a petition for revision shall be made by means of a brief deposited with the court rendering the judgment. Such brief shall contain the appealed judgment, its number, date, grounds for objection,

claims of the appellant and his signature as well as the date of depositing the brief.

- 2- The court shall enter the brief in the relevant record on the date of deposit and refer the same immediately to the court rendering the judgment.

Article 189

Upon reviewing the brief, the court which rendered the appealed judgment may reconsider such judgment in terms of grounds for appeal without a hearing, unless necessary. The court shall, at its discretion, affirm or amend its judgment. If the court affirms the judgment, it shall refer it along with a copy of the case record and all papers to the court of appeals. If the court amends the judgment, the amended judgment shall be notified to the litigants and be governed by applicable procedures.

Article 190

- 1- The court of appeals shall schedule a hearing to consider the appeal or petition for revision if it determines to consider the same by means of a hearing. If the appellant or the person filing the petition for revision fails to appear before the court after being notified of the date of the hearing, and 60 days have lapsed without making a request to proceed with the case or failing to appear in court after commencement of proceedings, the court shall, on its own motion, rule that his right

to appeal or to file a petition for revision is deemed forfeited, without prejudice to the provision of Article 185(4) of this Law.

- 2- The court of appeals shall consider the appeal or petition for revision based on the documents provided in the case file and new defense or evidence presented by litigants in support of their grounds for appeal as stated in the brief. Upon hearing the testimony of litigants with respect to the appeal or petition for revision, the court shall, if it decides to consider the case by means of a hearing, affirm or reverse the judgment either wholly or partly and rule on the reversed part.

Article 191

If the court of appeals, in cases reviewed without hearings, determines that the consequences of the text of the judgment are consistent with Sharia, it shall affirm the judgment and provide comments not requiring the reversal of judgment. If it reverses the judgment wholly or partly, it shall rule on the reversed part after hearing the litigants.

Article 192

If the court of appeals nullifies the judgment of lack of jurisdiction rendered by the court of first instance, or admits a partial defense resulting in a stay of action, it shall refer the case to the court rendering the judgment for consideration of the merits.

Chapter 3

Cassation

Article 193

A party may apply to the Supreme Court for reversal of judgments and decisions rendered or affirmed by the courts of appeal if the objection is based on any of the following grounds:

- 1- violation of provisions of Sharia or laws not conflicting therewith.
- 2- issuance of a judgment by a court not properly formed in accordance with the law.
- 3- issuance of a judgment by an incompetent court or circuit.
- 4- error in characterization or description of a case.

Article 194

The period for filing a petition for reversal of judgment shall be 30 days, excluding judgments rendered in summary cases, the period for which shall be 15 days. If an appellant fails to file his objection within said periods, his right to such petition shall be deemed forfeited.

Article 195

- 1- A petition for reversal of judgment shall be made through a brief filed with the court of appeals which rendered or affirmed the judgment. Such appeal shall include the name and address of each litigant, the judgment objected to, its number, date, grounds for objection, requests, signature of the appellant and date of filing.
- 2- The court of appeals shall enter the brief in the relevant record on the date of filing and refer the same along with a copy of the case record and all documents to the Supreme Court within a period not exceeding three days from the end of the objection period.

Article 196

An objection before the Supreme Court shall not stay execution of judgment unless otherwise provided by law. The court may order provisional stay of execution of judgment if petitioned to do so in the brief and if execution of said judgment would result in grave and irreparable harm. If the court orders stay of execution, it may require a security or a solvent guarantor, or whatever it deems appropriate, to protect the rights of the respondent.

Article 197

The Supreme Court shall consider the formalities of the appeal with respect to the information provided for in Article 195(1) of this Law, and whether said appeal is made by an eligible person. The court shall decide whether to grant the objection or dismiss it in form. If the appeal is dismissed in form, the court shall render a separate decision to this effect.

Article 198

If the Supreme Court grants the objection in form, it shall determine its subject matter based on available documents, without discussing the facts of the case. If the court is not satisfied with the grounds of the objection, it shall affirm the judgment or reverse it in whole or in part – as the case may be – stating grounds therefor, and return the case to the rendering court to rule thereon anew by a different judge. If the judgment is appealed for the second time and the case is ready for judgment, the court shall rule thereon and its judgment shall be deemed final.

Article 199

Grounds not stated in the memorandum of appeal may not be invoked before the Supreme Court, unless such grounds pertain to mandatory aspects of the Law. In such case, the court shall, upon its own motion, rule accordingly.

Chapter 4

Petition for Reconsideration

Article 200

- 1- Any litigant may petition for reconsideration of final judgments in the following circumstances:
 - a) if the judgment was based on documents that were subsequently found to be forged or based on a testimony that was subsequently ruled perjurious by the competent authority;
 - b) if the petitioner, after the judgment was rendered, obtained conclusive documents for the case that he was unable to produce before the rendering of the judgment;
 - c) if an act of fraud was committed by the adverse party which would have a bearing on the judgment;
 - d) if the judgment awards what the litigants did not ask for or more than what they asked for;
 - e) if the wording of the judgment was contradictory;
 - f) if the judgment was *in absentia*; or
 - g) if the judgment was rendered against a person not properly represented in the case.
- 2- Anyone who was bound by the judgment and was neither joined nor did he intervene in the case may petition for reconsideration of final judgments.

Article 201

The period for a petition for reconsideration shall be 30 days commencing from the day on which the petitioner is established to have known of the forgery of the documents, the testimony was ruled to be perjurious, the document provided for in Article 200(1)(b) of this Law appeared, or fraud was discovered. The period for cases provided for in Article 200(1)(d, e, f and g) of this Law shall commence from the time the judgment was communicated. The period for the case provided for in Article 200(2) of this Law shall commence on the date the petitioner becomes aware of the judgment.

Article 202

- 1- A petition for reconsideration shall be made through a brief filed with the court which rendered the judgment. Such brief shall indicate the judgment sought to be reconsidered, its number, date and grounds for reconsideration. The court administration shall, on the date of deposit, enter the brief in the relevant record. If the judgment is affirmed by the Supreme Court or court of appeals, the court which rendered the judgment shall refer the petition for reconsideration to the court which has affirmed the judgment to consider the petition. The court shall, as the case may be, issue a decision granting or denying the petition for reconsideration. If the petition is granted, the case shall be considered by the court which rendered the judgment and shall

notify the parties thereof. If the petition is denied, the petitioner may object to such denial in accordance with applicable procedures, unless the decision was rendered by the Supreme Court.

- 2- Filing a petition for reconsideration shall not stay execution of judgment. Nonetheless, the court considering said petition may order stay of execution of judgment if petitioned to do so and if execution of said judgment would result in grave and irreparable harm. If the court orders stay of execution, it may require a security or a solvent guarantor, or whatever it deems appropriate, to protect the rights of the respondent.

Article 203

Judgments rendered on the merits of the case by a court other than the Supreme Court, upon a petition for reconsideration, may be objected to by means of appeal or request for reversal, as the case may be.

Article 204

- 1- A decision denying the petition and a judgment issued on the merits of the case upon granting such petition may not be objected to by means of a petition for reconsideration.
- 2- Any litigant may file another petition for reconsideration on grounds not previously considered, as provided for in Article 200 of this Law.

Part 12

Summary Proceedings

Article 205

The court with jurisdiction over consideration of the subject shall provisionally consider the case on the merits in urgent matters related to the same case that the lapse of time may affect. Such decision shall not affect the merits of the case, regardless of whether the motion for a provisional action was made independently or as part of the original case.

Article 206

Summary cases shall include the following:

- a) cases of inspection to establish a condition;
- b) cases of an injunction banning travel;
- c) cases of an injunction banning interference with possession and recovery of possession;
- d) cases of suspension of new actions;
- e) cases requesting receivership;
- f) cases relating to daily wages; and
- g) other cases deemed urgent by law.

Article 207

The period for appearance in summary cases shall be 24 hours. Such period may, in compelling circumstances, be reduced by court order.

Article 208

A claimant may, during consideration of the case or immediately before it, file a summary case before the competent court to ban his adverse party from travel. The judge shall issue an injunction banning travel in case of a flight risk. In such case, the claimant shall provide security, as determined by the judge, to indemnify the defendant if the case is found to have no merit. A judgment indemnifying the defendant for damages resulting from the banning of his travel shall be appended to the judgment on the merit.

Article 209

- 1- A person having a prima facie claim may file a summary case before the court having jurisdiction over the merits of the case for injunction against interference with possession or recovery of possession. The judge shall issue an injunction against interference with possession or recovery of possession if deemed justifiable. Such an injunction shall have no effect on the merits of the claim, nor be deemed as evidence therefor. A person disputing the basis of such claim may resort to court as provided for in this Law.

2- A possessory action may not be combined with a claim of ownership; otherwise, the possessory action shall be deemed forfeited. A defendant in a possessory action may not base his defense on a claim of ownership and his claim of ownership may not be granted prior to determination of the possessory action and execution of judgment; unless he actually relinquishes his possession to the adverse party.

Article 210

A person harmed by an unlawful action may file before the competent court a summary suit to halt said action. The judge shall issue an injunction if he is convinced of the justifications. Such an injunction shall have no effect on the original right, nor may it serve as evidence therefor. A person disputing the same may resort to court as provided for in this Law.

Article 211

A receivership suit involving disputed movable or immovable property where the right thereto is not established shall be filed with the court having jurisdiction over the subject matter. The judge may order placement under receivership if the party having an interest in the movable or immovable property presents reasonable cause that an imminent danger is feared if the property remains in the hands of its possessor. The receiver shall undertake to hold and manage the property

and return it along with the proceeds derived therefrom to the person whose right thereto is established.

Article 212

The appointment of a receiver shall be by agreement of all concerned parties. The judge shall make the appointment if no agreement is reached. The judgment for receivership shall specify the obligations, rights and powers of the receiver. If the judgment is silent on the matter, the provisions of this Law shall apply.

Article 213

The receiver shall safeguard the property under his custody and manage it as necessary. He shall exercise due diligence and may not directly or indirectly delegate in the performance of his duties, wholly or partly, a concerned party without the consent of the remaining parties.

Article 214

In other than management matters, the receiver may only act with the consent of all parties concerned or upon permission from the judge.

Article 215

A receiver may receive the remuneration specified in the judgment, unless he waives the same.

Article 216

The receiver shall maintain orderly books and records. The judge shall require him, when necessary, to use books carrying the court stamp. He shall, at intervals specified by the judge, or annually at least, give the concerned parties a financial statement along with supporting documents. If the receiver is appointed by court, he shall deposit a copy of such statement with the court.

Article 217

Receivership shall end by agreement of all the parties concerned or by a court judgment. The receiver shall then return the property under his custody to the person chosen by the concerned parties or appointed by the judge.

Part 13
Declarations
Chapter 1
General Provisions

Article 218

- 1- Provisions relating to recusal of judges shall apply to establishment of title and other declarations if the same are disputed or the relevant judge has direct interest therein.
- 2- Provisions relating to cancellation, suspension, discontinuation and abandonment of a lawsuit shall apply to disputed declarations.
- 3- Provisions relating to correction and interpretation of judgments shall apply to declarations.
- 4- The regulations of this Law shall define the controls and procedures relating to the division of common property within the jurisdiction of the court, including distribution of inheritance, procedures for appointing liquidators, service of notices, summoning, announcement and eviction from real property.

Chapter 2

Endowments and Minors

Article 219

A judge may not register the establishment of an endowment unless ownership of said endowment by the endower is established and upon verification that his record is free from any encumbrances to such registration.

Article 220

An applicant for endowment registration shall submit an application to the competent court supported by official documents that establish ownership of the property to be endowed.

Article 221

Endowments without registered title deeds shall be established in accordance with applicable rules and procedures for establishment of titles.

Article 222

Subject to the provisions of ownership of real property by non-Saudis, endowment of real property owned by non-

Saudis – within the Kingdom – may not be registered unless the following conditions are satisfied:

- a) the endowment is in compliance with Sharia;
- b) the endowment is for a continuing charity cause;
- c) the endowment is for Saudi individuals or Saudi charities;
- d) the endowment administrator is a Saudi citizen;
- e) the endowment deed provides for the right of the General Endowment Council to oversee the endowment; and
- f) the endowment is subject to the regulations governing endowments in the Kingdom.

Article 223

- 1- If public interest requires a public endowment to be sold, substituted or transferred, the administrator may do so upon permission by the court where said endowment is located, and shall establish legitimate grounds for selling, substituting or transferring said endowment, provided that the proceeds are used, without delay, to acquire a similar property.
- 2- If interest dictates disposal of a private endowment by means of sale, exchange, transfer, pledge, borrowing, construction, purchase of a substitute, parceling, merger, lease for more than 10 years or trading in the proceeds thereof – if the price is insufficient to buy a substitute –

the administrator may do so upon the competent court permission.

Article 224

If the guardian is other than the father and there is a need to act on behalf of a minor or an absentee in the purchase, sale, division, pledge or merger of a real property, or borrowing for him or disposal, for any reason, of his money that is deposited by the court with the Saudi Arabian Monetary Agency or a branch thereof or with a local bank, or if the person placed under guardianship is a partner in the companies whose articles of incorporation are to be registered or their capitals to be increased, the guardian or trustee may not undertake such actions without the competent court permission.

Article 225

- 1- All judgments permitting the actions of guardians, trustees and administrators shall be revised by the court of appeals, with the exception of judgments for pledging, borrowing, registration of articles of incorporation, increase of corporate capitals and purchase of real property for minors, unless otherwise determined by the Supreme Judicial Council.
- 2- The judgment of the court of appeals on revision of judgments referred to in paragraph 1 of this Article shall be deemed final.

- 3- If the court of appeals reverses the judgments referred to in paragraph 1 of this Article, it shall rule on the same after hearing the declaration and request for disposal.

Article 226

- 1- If an endowed real property or one belonging to a minor or an absentee is expropriated for public interest, or if any of said parties has a common share therein, the same shall be executed by a notary public, unless the substitute is a real property; in which case, it shall be permitted and executed by the competent court.
- 2- The competent court shall deposit the sale proceeds of the real property with the Saudi Arabian Monetary Agency or a branch thereof or with a local bank until disbursement thereof is permitted by the competent court.

Chapter 3

Establishment of Title

Article 227

Establishment of title is a request for a deed establishing ownership of real property not prompted by a contention from an adverse party, though it does not preclude hearing the case concerning the right, if any.

Article 228

Subject to the provisions of ownership of real property by non-Saudis, any person claiming ownership of real property, whether a land or a building, shall be entitled to request a deed establishing title from the court where the real property is located.

Article 229

An application for establishment of title deed shall be made pursuant to a petition detailing the type, location, boundaries, sides and area of the real property – pursuant to a certified survey report – along with the ownership document, if any.

Article 230

The court shall verify the location, boundaries, sides and

area of the real property. The judge, or his designee, shall inspect the property with an engineer, if necessary. He shall prepare a report thereon and enter the same in the title establishment record.

Article 231

Prior to recording the declaration and initiating the relevant evidentiary procedures thereof, the court shall communicate in writing – with the objective of identifying any objection to the declarations – to the Ministry of Municipal and Rural Affairs, Ministry of Islamic Affairs, Endowments, Da’wah and Guidance, and the Ministry of Finance; and with respect to property outside cities and villages, to the National Guard, Ministry of Defense, Saudi Commission for Tourism and Antiquities, Ministry of Agriculture, Ministry of Petroleum and Mineral Resources, Ministry of Transport, Ministry of Water and Electricity and the Saudi Wildlife Authority or branches thereof or entities acting on their behalf as well as other agencies defined by the Prime Minister. The court shall also order the publication of the title establishment application in a newspaper published in the area where the real property is located. If no such newspaper exists, the court shall order publication in the newspaper having the largest circulation in the area.

Article 232

In addition to the provisions of Article 231 of this Law,

the court shall seek the approval of the Prime Minister if petitioned to establish title to a land that has never been cultivated.

Article 233

- 1- If 60 days lapse after notifying the government agencies concerned or after publication, as prescribed in Article 231 of this Law, without objection, the court shall proceed with establishing the title unless there is a Sharia or legal impediment.
- 2- Responses from agencies addressed along with their reference numbers and dates as well as name of the newspaper where the title establishment application was published, its issue number, date and page number shall be entered into the title establishment record.
- 3- Upon completion of title establishment procedures, the title establishment deed shall be executed and shall include essential details provided in the title establishment record. Said deed shall be signed and stamped by the judge establishing the title and shall be entered in the relevant record.

Article 234

- 1- If a dispute arises over a real property with no registered deed, the court shall, if said property falls within its jurisdiction, proceed with the establishment of the title while considering the case in accordance

- with procedures stipulated in this Law, unless urgent settlement of the dispute is required; in which case, the dispute shall be decided on without proceeding with establishment of title. The judgment shall state that it shall not have the same effect as the title establishment deeds. The judgment, upon becoming final, shall be kept in the case file and the winning party shall receive a copy thereof certified by the judge and chief judge.
- 2- If the disputed property is beyond the court's jurisdiction, the court shall rule on the matter without proceeding with title establishment and shall refer the case file, along with the judgment deed, to the court having jurisdiction over the property in order to proceed with title establishment.

Article 235

No title deed may be issued for lands and buildings in Mina and other Hajj sites. If litigation arises regarding any such matter, whether over ownership or usufruct of real property, and a party produced a supporting document, the court shall forward a copy of the litigation record and the supporting document to the Supreme Court, without issuing a deed.

Chapter 4

Establishment of Death and Determination of Heirs

Article 236

An applicant for establishment of death and determination of heirs shall submit a declaration to that effect to the competent court. The declaration shall include the name of the deceased, his last address, date, time and place of death and witnesses to the death or a medical report to this effect from a medical center in the area. As to determination of heirs, the deed shall include names of heirs, their competencies, their relationship to the deceased, and witnesses for deaths occurring after the effective date of the Law of Civil Procedures promulgated by Royal Decree No. (M/21) dated 20/05/1421H.

Article 237

The court, if necessary, may instruct the declarant to publish the application for establishment of death and determination of heirs in a newspaper published in the area of the deceased. If no such newspaper exists, the court may order publication in the newspaper having the largest circulation in the area. The court may also request the relevant administrative governor to investigate such request. Responses provided in the investigation shall be signed by the persons providing them and shall be certified by the administrative agency conducting the investigation.

Article 238

The judge shall investigate the matter personally if he finds the results of the investigation insufficient. Upon completion of procedures, the judge shall issue a death deed if death is established. Such deed shall determine the heirs, their names, capacities and dates of birth, in accordance with Sharia.

Article 239

The deed establishing death and determining heirs in the said form shall be authoritative unless a judgment to the contrary is rendered.

Part 14

Concluding Provisions

Article 240

- 1- The Implementing Regulations of this Law shall be drafted by the Ministry of Justice and the Supreme Judicial Council, with the participation of the Ministry of Interior with respect to relevant provisions, and shall be issued pursuant to a decision by the Minister of Justice upon coordination with the Council, within a period not exceeding 90 days from the date of entry into force of this Law. Said Regulations may be amended only in the same manner of its promulgation.
- 2- Competent departments at courts, whether existing or to be established, shall assume their administrative duties in accordance with this Law and its Implementing Regulations.

Article 241

This Law shall supersede the Law of Civil Procedures promulgated by Royal Decree No. (M/21) dated 20/05/1421H and shall repeal any conflicting provisions.

Article 242

This Law shall enter into force following the date of its publication in the Official Gazette.

For comments and inquiries
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