

Implementing Regulations of the Law of Civil Procedure

*This is an unofficial translation done by 'Center of Legal Studies and Research' provided for guidance. The governing text is the Arabic text.

Implementing Regulations of the Law of Civil Procedure

Part 1

General Provisions

1.1 Laws, decisions, and directives which are issued by a competent authority and do not conflict with this Law shall be applicable.

3.1 The circuit shall accept claims, whether original or incidental, where the claimant has an interest, including bringing benefit or avoiding damage, and shall dismiss other claims where the claimant has no interest.

3.2 A claim shall be accepted if the claimant seeks to avoid imminent damage where presumptive evidence to this effect exists.

3.3 A claim made to establish a right the evidence for which may not continue to be available at the time such right is contested shall be accepted even in the absence of the other litigant. This shall include a petition for inspection to establish a case or hear a testimony, subject to the provisions of summary judgment.

3.4 The circuit may punish any person proven to be involved in a frivolous or malicious lawsuit, including witnesses, experts, and the like.

3.5 An aggrieved party in a frivolous or malicious lawsuit may seek damages for any injury sustained by an incidental petition or a separate lawsuit before the same circuit. The judgment shall be appealable.

3.6 The punishment judgment for a malicious or frivolous lawsuit shall include dismissal of the lawsuit, if possible, and shall be appealable.

5.1 The circuit shall have the discretionary power to decide whether the proceeding has served its purpose.

7.1 Relatives up to the fourth degree shall include:

First degree: fathers, mothers, grandfathers, grandmothers, and their ascendants.

Second degree: children, grandchildren, and their descendants.

Third degree: full brothers and sisters, paternal or maternal half-brothers and half-sisters, and their children and grandchildren.

Fourth degree: paternal or maternal uncles and aunts, and their children.

7.2 The four degrees set out in Paragraph (7.1) of the Regulations shall also apply to the in-laws.

7.3 If there are grounds for the disqualification of any judicial clerk under this Article, he shall recuse himself; otherwise, the litigant may file a petition seeking his disqualification.

7.4 The petition for disqualification shall be filed with the circuit's chief judge pursuant to a memorandum signed by the petitioner, and shall include grounds for disqualification together with any supporting documents.

7.5 The circuit's chief judge shall decide on the petition for disqualification and may, to this end, hear the response of the clerk to be disqualified, and shall issue an order granting or denying the petition. Said order shall be final.

7.6 The petition for disqualification shall be filed before any defense or plea is made in the case; otherwise, the right to such petition shall be forfeited, unless the circuit decides otherwise. Said petition may be filed if the grounds therefor occur afterwards or if it is established that the

petitioner has no knowledge thereof. In any case, no petition for disqualification may be granted after closing of arguments.

7.7 Provisions of this Article shall apply to all tasks of judicial clerks, even if such tasks do not include any litigation involving them or their ascendants, descendants, or spouses.

8.1 In all cases requiring reference to the Gregorian date, the Hijri date shall be written prior thereto followed by the corresponding Gregorian date, stating the day and date according to Umm al-Qura calendar.

8.2 The times of sunrise and sunset in each city shall be determined according to Umm al-Qura calendar.

9.1 A prisoner or detainee shall attend hearings of a lawsuit filed against him before the court with which such lawsuit is filed during his imprisonment or detention until settlement of such lawsuit, even after his release. However, a lawsuit filed against him either prior to imprisonment or after release shall be considered by the court located in the area where he usually resides, save for exceptions provided for in Part 2 of this Law.

10.1 A case shall fall within the jurisdiction of a circuit once it is referred thereto, and shall be subject to the provisions of this Article.

10.2 If a written communication concerning a procedure or an inquiry relating to the subject matter of the lawsuit is required, the circuit shall make such communication and enclose therewith the whole case file or parts thereof.

10.3 For other than judicial inspection purposes, the record and case file may not be viewed without the circuit's permission and supervision.

11.1 A plaintiff's service of process to the defendant at his national address shall be deemed as delivered in person. The service shall be deemed executed upon the plaintiff's submission of a notice from a postal service provider indicating delivery of the process document to the defendant's national address and the validity of such address.

11.2 If the defendant is a dependent of the holder of the national address, the plaintiff's service of process to that address shall not be deemed as delivered to the defendant in person. The service shall be deemed executed if carried out in accordance with the provision stipulated in paragraph 11.1 of these Regulations.

11.3 The process server may deliver the process to the national address of the person sought to be served upon verification of the validity of such address.

12.1 If the process is served at the prohibited times and the defendant appears before the court at the specified time, the service shall be deemed valid, in accordance with Article 5 of this Law.

12.2 Official holidays are Fridays and Saturdays of each week, Al-Fitr and Al-Adha Eids, and whatever the competent authority designates as official holidays for all employees.

12.3 The assessment of the compelling circumstances referred to in this Article shall be entrusted with the competent circuit.

13.1 The clerk shall record in the process the name of the court and circuit as well as the date, time and duration of the hearing.

13.2 The mobile phone numbers of the plaintiff and the defendant shall be recorded in the process, if possible.

14.1 A copy of the statement of claim shall be delivered in a sealed envelope along with a copy of the process.

14.2 A person who receives a copy of the process and refuses to sign the original shall be deemed to have signed it.

14.3 If the recipient of the process is illiterate, this shall be indicated in the original process and his thumbprint shall be affixed thereon.

15.1 The entities mentioned in this Article shall provide assistance to the process server by enabling him to perform his duties as stipulated in this Law, including protecting him from any assault and enabling him to access the workplace of the person served if access is denied. This shall not include cases where the process is not delivered to the person to be served due to any of the reasons stipulated in Article 14 of the Law.

17.1 The service of process referred to in paragraphs (a), (b), (c), and (d) shall be for claims made against the entities stipulated in said paragraphs. As for individuals working for such entities, service shall be made in accordance with Article 14 of the Law.

17.2 Civilians working for the military shall be treated as military personnel.

17.3 The service made by the Ministry of Interior referred to in paragraph (i) shall be made through a written communication by the court addressed to the governorate of the province, county, or township where such court is located, or to the entity designated by the governorate of the province or county. The relevant agency shall inform the court of completion of service. If service is not feasible, it shall provide the court with any relevant information pertaining to such person.

17.4 The circuit may, when necessary and upon satisfying the provisions of paragraph (i) of this Article, carry out the service by publication in a local newspaper or any other appropriate medium.

17.5 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

18.1 In cities other than the city where the governorate of the province is located, the copy of the process shall be delivered to the governorate of the county or township, as the case may be.

19.1 The plaintiff shall submit a typed statement of claim and a copy thereof shall be enclosed with the copy of the process, after affixing the court seal thereon.

19.2 Service of a Saudi defendant residing outside the Kingdom —whether his address is known, or unknown but the Ministry of Interior indicates that he is outside the Kingdom— shall be made by the Ministry of Foreign Affairs or its branch in the area through diplomatic channels.

19.3 Service of a non-Saudi defendant residing outside the Kingdom, whether or not his address is known, shall be made by the Ministry of Foreign Affairs or its branch in the area through diplomatic means.

19.4 The application of the provisions of this Article shall be consistent with relevant treaties and agreements.

20.1 If the place of service is located in the Kingdom but outside the court's jurisdiction, the service shall be made by the general court in the area where the person to be served resides.

20.2 The time needed for service to be completed shall be taken into consideration in determining the appearance date.

20.3 The court receiving the papers to be served shall return the original service document to the sending court together with its findings.

21.1 A period of at least 60 days shall be added to the statutory time limits that must elapse prior to the proceeding, including appearance dates. A period of 60 days shall be added to the statutory time limits during which the proceeding must be completed, including objection periods. The court

may, if necessary, extend the time limit for a similar period for persons residing outside the Kingdom.

22.1 Time limits are of two types:

- a. Time limits that must elapse prior to the proceeding, such as appearance dates.
- b. Time limits during which the proceeding shall be taken, such as periods for objection to judgments and filing of the defendant's statement of defense.

22.2 If an official holiday falls at the beginning or middle of the time limit, it shall not be deducted from the time limit.

23.1 All documents received from outside the Kingdom shall be certified by the Ministries of Foreign Affairs and Justice and translated into Arabic.

Part 2
Jurisdiction
Chapter 1

International Jurisdiction

24.1 The court shall, upon entering the case, accept the plaintiff's claim that the defendant is a Saudi national.

24.2 Cases in rem involving real property shall include any action brought against a person who is in possession of a property whose ownership or right related thereto is contested by a plaintiff, such as usufruct, easement, endowment, or mortgage. This shall include property division or action for injury therefrom.

25.1 Service of a non-Saudi national living in the Kingdom and having no known place of residence shall be in accordance with paragraph (i) of Article 17 of the Law.

25.2 If a deportation order is issued against the defendant during consideration of the case, the circuit shall determine the period necessary to complete consideration of the case and shall notify the relevant agency thereof.

26.1 The Kingdom shall be deemed the place where the obligation originates if such obligation is concluded therein, whether it involves two or more natural or corporate parties, or whether it is made by a single party such as Juallah [a promise of payment for the performance of a certain task], or whether it is voluntary, such as a sale, or involuntary, such as compensation for damage.

26.2 The Kingdom shall be deemed the place where the obligation is enforced if the contract provides for its full or partial enforcement therein, even if such obligation originates outside the Kingdom.

26.3 The circuit shall ensure that the property is located in the Kingdom by verifying the property's related documents, whether said documents are submitted by the plaintiff or by the relevant agency.

27.1 If a non-Saudi defendant is prohibited from entering the Kingdom, he may designate an agent in accordance with laws and instructions.

27.2 The lawsuits in cases provided for in this article shall be considered in accordance with Article 36 of the Law.

28.1 A court considering the cases referred to in this Article must have subject matter jurisdiction.

29.1 Precautionary measures are measures taken to protect a property or right.

29.2 Provisional measures are measures taken by a circuit to consider urgent cases temporarily until a judgment is rendered in the original case, subject to the provisions of Articles 206-217 of the Law.

29.3 The precautionary and provisional measures provided for under this Article shall be taken by the court having subject-matter jurisdiction if the original case is filed in the Kingdom.

29.4 Precautionary and provisional measures shall, upon establishing that the original case has been filed, only be taken pursuant to an order by the court considering the original case or upon a petition by a litigant, provided that the original case is not in violation of the provisions of Sharia, subject to Article 1 of the Law.

30.1 Preliminary matters are matters that must be decided prior proceeding with case and rendering a judgment thereon, such as jurisdiction, competency, capacity, and determination of heirs.

Chapter 2

Subject Matter Jurisdiction

31.1 General courts shall have jurisdiction to consider evidentiary documents save those provided for in Article 33 of the Law and those relating to personal status matters, such as proof of support, marital status, change of name and surname, and establishment of kinship.

31.2 An assignment shall be made to a court having jurisdiction over the subject matter.

31.3 The court considering the original case may hear preliminary matters such as determining heirs and custody; this shall be entered into the case record.

31.4 The circuit shall, if necessary, send a copy of the property title deed to the issuing agency for verification.

31.5 The circuit may, upon a petition by a litigant, order suspension of the transfer of ownership of the disputed real property and the like, if there are grounds for such suspension. The petitioner shall provide a written statement by a solvent guarantor to be certified by the circuit and entered into the case record or by a notary public, or provide a guarantee securing the rights of the other litigant and any damage he may sustain if it established that the petitioner's claim is invalid.

31.6 If the circuit issues an order suspending the transfer of ownership of the real property and the like, under paragraph (31.5) of these Regulations, and it is found that it does not have jurisdiction over the original case, the court to which the case is referred shall issue an order for the continuation or revocation of such suspension.

31.7 If the circuit issues an order suspending the transfer of ownership of the real property and the like, and the litigation is suspended or the case is dismissed, the provisions of paragraphs 205(5) and (6) of these Regulations shall apply, as the case may be.

31.8 The general courts shall apply the Traffic Law and its Implementing Regulations when considering the claims provided for in paragraph (C) of this Article, in a manner not conflicting with the provisions of this Law and its Regulations.

31.9 Without prejudice to the stipulations of Article 39(3) of this Law, if there are multiple lawsuits arising from the same traffic accident filed with the same court, they shall be heard by the same circuit, and each lawsuit shall be deemed as an independent case.

33.1 In concluding or establishing a marriage, the approval of the relevant agency shall be required in cases specified by the instructions.

33.2 The form establishing divorce shall include a statement by the divorcing husband that he shall, upon resumption of marriage, establish such resumption with the competent court.

33.3 A person seeking establishment of divorce or *Khul'* shall provide the address and identification number of the divorced wife. The court shall deliver the divorce deed upon its issuance to the divorced wife or her representative.

33.4 A circuit shall, when establishing divorce, *Khul'* or dissolution of marriage, indicate the following:

- a. The utterance indicating divorce, type, and number of occurrences;
- b. Necessity for *Iddah* (waiting period for a woman after divorce or death of husband); and
- c. Type of *Iddah* if the wife is present;

33.5 The establishment of *Khul'* shall be accompanied by a statement by the husband indicating receipt of compensation for *Khul'*, or the presence of the wife to approve the amount of compensation and manner of payment.

33.6 Subject to territorial jurisdiction, the cases of divorce, *Khul'*, dissolution of marriage, resumption of marriage, child custody, alimony and visitation shall be considered by the same circuit, and each case shall be deemed as an independent case.

33.7 A circuit may, upon a motion by a litigant, decide in a single judgement the cases provided for in paragraph 33(6) of these Regulations when considering any of such cases.

33.8 A court may not grant a father custody over his children, and may when necessary, establish continuation of such custody; the court may remove his custody with respect to marriage or property for a cause.

33.9 A petition for designation of an administrator, guardian, or trustee or for imposing interdiction against spendthrifts shall be filed with the court within whose jurisdiction the endowment, minor or person subject to interdiction falls. In case of multiple properties of a single endowment, the petition for designation of an administrator shall be filed with the court within whose jurisdiction the majority of such properties fall. In case such properties are equally located within the jurisdiction of multiple courts, the petition may be filed with any of such courts.

33.10 When filing a request for the designation of a guardian over a mentally deficient person, it shall not be necessary to enclose a medical report with the request. The circuit must request such report prior to the designation of the guardian.

33.11 A guardian or trustee of a protected minor or person may file a request for establishment of attainment of age of majority or regaining competency with any family court. Upon establishment of the same, a note to this effect shall be entered into the deed and record.

33.12 A family court may, in a case filed therewith, remove a guardian, trustee, or administrator, even if it has not issued the designation deed, and designate a replacement if the endowment or minor falls within its jurisdiction. If such endowment or minor falls within the jurisdiction of another court, a note of such removal shall be entered into the deed, and the case file shall be referred to the competent court for designation of a replacement.

33.13 The circuit ordering an interdiction against a spendthrift may include in the order publication of the interdiction and manner thereof.

33.14 If a deaf person is literate, his power of attorney shall be established by notaries public.

33.15 A woman without a guardian is one established by the circuit to have no guardians by loss, death, or absence wherein it is not possible to contact them, attain their presence or the presence of their agents; or a woman having no known father; or a convert with no Muslim guardian.

33.16 Without prejudice to the working rules and procedures of family reconciliation offices, if either spouse petitions for the establishment of divorce or *Khul'* or files a lawsuit for dissolution of marriage, in the event that children have resulted from this marriage, the court shall take the following measures:

- a. Refer the petition or lawsuit – as the case may be – to the reconciliation office, and both spouses shall, in their presence, be offered to reach a settlement within a period not exceeding 20 days from the date of the petition. In the event that the two spouses agree to reconcile, same shall be established by a record, and said record shall be deemed to be a writ of execution;
- b. If the two spouses fail to reach a reconciliation for the continuation of their marriage, they shall be offered to settle the issues related to child custody, alimony and visitation. In the event that they agree to settle these issues, same shall be entered in the reconciliation record, and said record shall be deemed to be a writ of execution, and the petition for establishing divorce or *Khul'* shall be referred to the relevant circuit to decide thereon;
- c. Cases that the two spouses fail to settle shall be referred to the relevant circuit to decide thereon; and
- d. The circuit shall – in all cases – decide on alimony, child custody and visitation cases within a period not exceeding 30 days from the date of the first hearing.

34.1 The provisions and procedures stipulated in Article 61 of the Social Insurance Law shall be taken into account upon reviewing the complaints set out in paragraph (E) of this Article.

Chapter 3

Territorial Jurisdiction

36.1 If the case is filed with a court having territorial jurisdiction and the defendant's place of residence changes, the jurisdiction over the case shall remain with such court.

36.2 If the defendant's place of residence and workplace are different, the territorial jurisdiction shall be determined based on his place of residence, unless he resides during working days in the area of his workplace; in which case, the case shall be heard in such area.

36.3 If the parties stipulate a condition to determine the place for filing the case, such case shall be considered in the specified area, unless agreed otherwise.

36.4 If the defendant has a place of residence in more than one area, the plaintiff may file the case in any of such areas.

36.5 The majority shall refer to the number of defendants.

36.6 If the defendant lacks capacity or is an endowment, the territorial jurisdiction shall be determined based on the place of residence of the guardian or administrator.

36.7 If the defendant is an agent, the territorial jurisdiction shall be determined based on the principal's place of residence.

37.1 Submission of cases to the King shall be carried out by the Ministry of Justice.

38.1 A lawsuit shall be filed against a member or partner with the court having territorial jurisdiction over the company, society, or establishment if the defendant is officially registered therewith. If he is not registered, the lawsuit shall be filed with the court having territorial jurisdiction over the defendant's place of residence in accordance with Article 36 of this Law.

39.1 The provisions of paragraph 1 of this Article shall apply to marital and other suits seeking alimony or increase thereof. Suits seeking termination or reduction of alimony shall be in accordance with Article 36 of the Law.

39.2 If the circuit initially finds that the lawsuits provided in paragraph 2 of this Article have merit, it shall summon the defendant without any assignment.

39.3 If the lawsuit has no merit, the circuit shall dismiss it, and such dismissal shall be subject to appeal.

39.4 The provisions governing the defendant's appearance and absence in this Article shall be subject to the provisions of appearance and absence provided for in Chapter 2 of Part 4 of the Law.

39.5 The provisions of paragraph 2 of this Article shall not apply if the defendant is a woman.

40.1 Proximity shall be based on the roads usually taken by regular means of transport.

40.2 If the circuit decides that the case does not fall within its territorial jurisdiction but within the jurisdiction of another court, it shall refer the case to such court. If the case is returned to the circuit and the circuit is still not convinced, it shall forward the case the Supreme Court to decide thereon, and its decision shall be binding.

Part 3

Filing and Recording Lawsuits

41.1 A signed statement of claim shall be filed with the competent court using the approved form and addressed to its chief judge.

41.2 If a court receives a case file from an official entity pertaining to a private claim, it shall return the same and notify such entity that the statement of claim shall be directly filed with the court by the plaintiff. The court may, if necessary, request such case file.

41.3 In addition to particulars provided in paragraph (a) of this Article, a statement of claim shall include the plaintiff's national address, together with an attestation of its validity from the Saudi Post Corporation, unless his national address is registered with the court.

41.4 The terms *employee* or *self-employed* may be used for the profession or job provided in paragraphs (a) and (b) of this Article.

41.5 The deposit of a statement of claim shall be by making an entry into the court's record.

41.6 The case file may not be sent to the circuit for consideration until the statement of claim is completed, the date of hearing is determined, and the service of process is completed.

42.1 The clerk shall enter the date and time of the hearing in the statement of claim and such information shall be provided in the process of service.

42.2 The court shall, upon entering a commercial statement of claim, specify a hearing for consideration thereof, within a period not exceeding 20 days from the date of entry.

44.1 The periods stipulated in this Article shall not apply to persons already served nor to subsequent dates during the hearing of the case.

44.2 The circuit shall have the discretion to reduce the periods in such cases as custody, visitation, and alimony cases as well as cases relating to prisoners, minors, travelers, and the like.

44.3 In reducing the periods, it is not necessary to reach the minimum stipulated in the Article. The reduction may not fall below such minimum.

44.4 Reduction of the period shall require delivery of a copy of the process of service to the person to be served or his agent in the same case. Any other procedure shall not suffice for the reduction.

46.1 Postponement for completion of the period shall be by a request noted on the process of service, filed with the court, or made verbally or in writing before the circuit during the hearing.

47.1 To hear the case provided for in this Article, it must fall within the subject-matter jurisdiction of the court.

Part 4
Appearance and Absence of Litigants and Representation in Litigation
Chapter 1

Appearance and Representation in Litigation

49.1 Representation of a government agency before courts shall be pursuant to an official memorandum from the authorized person.

49.2 Representation of a private company, association or establishment shall be pursuant to a power of attorney from the authorized person in accordance with its articles of association or register.

49.3 In case of multiple agents representing a single party in a litigation, they may, jointly or severally, appear on behalf of their client, whether at the outset of the suit or during its proceedings unless the power of attorney stipulates otherwise or their successiveness impedes the progress of the suit.

50.1 If an agent does not have a copy of his power of attorney duly certified, the competent officer shall verify the authenticity of such copy against the original and shall sign the copy and deposit it in the case file.

50.2 If the agent of the plaintiff fails to present his power of attorney at the first hearing he attends, the plaintiff shall be deemed absent and shall be treated in accordance with Article 55 of the Law. If the agent of the defendant fails to do the same, the hearing shall be adjourned to present his power of attorney. This shall be communicated to him and entered into the case record. If he fails to appear or present the power of attorney, he shall be treated in accordance with Article 57 of the Law.

50.3 If the agent of the plaintiff submits a power of attorney not authorizing him to carry out a certain action, the circuit shall notify him to provide the required power of attorney. Upon failing to do so in the next hearing, Article 55 of the Law shall apply. If he is the agent of the defendant, the circuit shall instruct him to provide the proper power of attorney. If he fails to do so in the next hearing, he shall be deemed absent, and Article 57 of the Law shall apply.

50.4 An agent may not assign a third party as an agent unless the power of attorney states otherwise.

51.1 A litigation power of attorney shall authorize the agent to carry out the actions and procedures necessary to represent the principal in the case proceedings including arguments, defenses, and denials, except for actions and procedures stipulated in this Article or excluded by the principal.

51.2 A power of attorney shall remain valid unless limited by a time or a certain action or revoked on legal grounds, and the circuit may, when necessary, verify its validity or request its renewal.

51.3 The power of attorney's number, date, issuing entity, and case-related content should be entered into the record.

51.4 An agent shall not represent the principal except in matters he is authorized to do so.

52.1 If an agent resigns or is dismissed without court's approval, he shall continue to represent the principal in the case unless the principal informs his adverse party of the appointment of another agent, or of his intention to represent himself in the case.

53.1 The circuit may deny an agent's request for continuance to consult with the principal if it decides that such request is unnecessary, and this shall be entered into the case record.

53.2 The circuit may, in family matters, request the appearance of the principal.

Chapter 2

Absence of Litigants

55.1 The case shall be dismissed upon establishment of the plaintiff's failure to appear, in accordance with Article 59 of the Law.

55.2 The circuit may cancel the dismissal of the case if the plaintiff provides acceptable grounds.

55.3 Dismissal of the case shall not affect previous proceedings which shall remain valid once the case is continued.

55.4 A plaintiff may petition the continuation of the case upon its first dismissal pursuant to a memorandum filed with the court or a report entered into the case record.

55.5 Referral of a case to the Supreme Court upon the second and subsequent dismissals shall be pursuant to a petition by the plaintiff enclosed therewith a copy of the case record. The Supreme Court may, if it decides to hear the case, set a hearing date before which the case may not be heard.

56.1 A case shall be ripe for judgment on its merits upon entering statements and closing arguments of litigants, if there are grounds to render such judgment thereon, in accordance with Article 89 of the Law.

57.1 A defendant shall be deemed served if served in person or through his agent in the same case, in all other cases such service shall not be deemed personal.

57.2 If a defendant is absent, the content of the process of service shall be entered into the case record.

57.3 If the defendant is served in person or through his agent and fails to appear in the first hearing; or if the service is made to a person other than himself and he fails to appear in the second hearing; or if he appears in any hearing and then he fails to appear, and the need arises to postpone the case to a subsequent hearing, the service of process shall not be repeated unless the litigation is suspended or discontinued or the case is dismissed and the like. In such case, the service of process shall be repeated, and the judgment shall be rendered in the presence or absence of the defendant in accordance with the process of service after the rendering of judgment.

57.4 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

57.5 If a defendant is required to take oath after a hearing, a notice to this effect shall be served thereto in accordance with service procedures, and he shall be notified that he must take oath before the court. If he fails to appear without justification, he shall be deemed to have declined appearance in accordance with Article 113 of the Law. If there is justification accepted by the court, Article 114 of the Law shall apply.

57.6 If a judgment is made in the absence of the defendant and deemed as made in his presence, the circuit shall set a date to collect a copy of the judgment decree in accordance with Articles 166 and 179 of the Law, without sending a copy to him. If the period for appeal elapses and the defendant fails to file such appeal, the judgment shall be final.

57.7 If the defendant has no known or designated place of residence in the Kingdom, Article 17(i) of the Law and paragraph (57.3) herein shall apply.

57.8 If a judgment is made *in absentia* against a defendant who has no known or designated place of residence, the judgment shall be referred to the appeals court for review without notifying the defendant.

57.9 The provisions of paragraph (57.3) shall not apply to persons who have been notified.

57.10 The court shall not order the forcible appearance of the defendant in matters provided for in paragraph (4) except if he fails to appear despite being notified, whether in person or otherwise, or if it appears to the court that he is hiding or evading appearance before the court.

57.11 The order for forcible appearance of the defendant shall be made by directly writing to the police station having jurisdiction over the defendant's place of residence, even if it is outside the court's jurisdiction.

57.12 If a defendant is arrested before the date set for hearing, he shall be brought directly to the court.

57.13 The circuit may include in its order for the forcible appearance of the defendant the detention period, provided that such period does not exceed five days. If such period elapses without bringing the defendant to the court, the competent agency shall urgently write to the circuit, or an entity acting in its capacity, for instruction.

57.14 The police station shall, if it fails to arrest the defendant, notify the court five days prior to the date set for the hearing. This shall not preclude the defendant from being brought to the court, even after the date set for the hearing.

57.15 If the defendant cannot be brought by force, the circuit shall write to the competent agency to place him on the list of persons sought to be arrested.

58.1 If some defendants are notified in person in summary cases provided for in Articles 205 through 217 and none of them appear, the circuit shall consider the case and decide thereon.

58.2 If defendants notified in person are absent but other defendants not notified in person appear, the circuit shall consider the case and rule thereon, and the judgment shall not be deemed *in absentia* with respect to such defendants.

58.3 In other than summary cases, if the circuit adjourns the case to a subsequent hearing due to the absence of all or some of the defendants, the court shall consider the case and decide thereon. The court may not discontinue hearing the case until all defendants are present.

60.1 The provisions of this Article shall apply to an *absentia* judgment if it is not final; but if the judgment is final, the provisions of the petition for reconsideration shall apply.

60.2 The court shall enter the appeal into its record on the day of filing, and shall immediately refer it to the circuit that rendered the judgment for consideration and setting a date to be notified to the parties of the case.

60.3 If it is not feasible to notify the defendant of a judgment rendered *in absentia* against him, the court shall refer the judgment to the court of appeals in accordance with Article 185(4) of the Law.

Part 5

Hearing Procedures and Order

Chapter 1

Hearing Procedures

61.1 The chief judge of the court may complete the quorum of the circuit, and if the circuit is composed of a single judge, the chief judge may preside over the case in the absence of the circuit judge or assign such task to one of the court judges.

62.1 The duration of the hearing shall be 30 minutes and may be extended at the discretion of the circuit. The Supreme Judicial Council shall set rules for determining the proper number of hearings per day according to the subject-matter jurisdiction of each court.

62.2 The docket shall include: the full names of the plaintiff and the defendant, as well as the time and duration of the hearing. The circuit may not disclose the full names if the interest so requires.

63.1 Calling the litigants shall be made by any means that ensures the litigants knowledge that the hearing is in session.

64.1 Any person attending a hearing shall respect the court's order, and may not interfere in court proceedings. Any person violating the court's order shall be subject to Article 73 of the Law.

65.1 Memorandums filed during arguments shall be clearly written, and shall be dated and signed by the petitioner.

65.2 The circuit may order that offensive or indecent terms be removed from any documents not required by the defense in presenting its arguments.

65.3 1. The circuit shall hold a preparatory hearing in commercial cases prior to the hearing of arguments wherein the following procedures shall be observed:

- a. Verify matters relating to jurisdiction, and conditions for granting a claim;
 - b. Offer reconciliation to the parties;
 - c. List the petitions and defenses, and determine the subject of the dispute between the parties, and the level of complexity of the case;
2. The preparatory hearing shall be held in the presence of the parties to the claim; the circuit shall draw up a report comprising the findings of said hearing;
 3. The circuit may assign one of its judges to conduct the preparatory hearing, and it may seek the assistance of competent persons at the court to conduct same.
 4. The proceedings of the preparatory hearing may be carried out via electronic means.

65.4 The court may, upon verification of preliminary matters in the first hearing, postpone the hearing – when necessary – for a period not exceeding 60 days in commercial cases.

65.5 The court may, by a decision to be entered into the hearing record, enable the parties to a commercial case to exchange memoranda and documents under the supervision of the court within a period not exceeding 60 days, provided that the decision specifies the number of memoranda, the date of filing each, and the date of the next hearing.

66.1 If the circuit dismisses the case for failure to present such case in writing, it shall issue a deed to this effect, and the judgment shall be appealable.

66.2 If a plaintiff drafts his case after the issuance of the judgement dismissing the case for his refusal or failure to draft such case, the circuit rendering such judgement shall have jurisdiction over the case, even if the judgement becomes final.

67.1 The caution stated in this Article shall mean that the circuit informs the defendant: "If you do not answer the plaintiff's claim, the circuit shall consider you shall be deemed to have declined and shall rule against you". The circuit shall repeat the statement upon him three times and shall enter the same into the case record. The defendant shall either answer the request or be deemed to have declined, and the circuit shall proceed with the case in accordance with Sharia.

68.1 A motion for continuance and grounds submitted by either party shall be entered into the case record, as well as the length of such continuance.

68.2 If the circuit denies the continuance, and the petitioner refuses to provide an answer, he shall be subject to Article 67 of this Law.

68.3 This Article shall include a continuance to provide an answer for the original case.

68.4 The number of hearings in a commercial case shall not exceed three after notifying the defendant; no further postponement may be permitted save in compelling circumstances, such as the illness of a party to the case or his representative or the failure of a witness to attend.

69.1 Arguments shall close once the case is ready for judgment after litigants have made their statements and closing arguments during the hearing, as provided for in Article 89 of the Law.

69.2 If the circuit reopens arguments after closing, it shall provide reasons therefor, and enter the same into the record.

70.1 If an agreement is reached prior to entering the case, the text of the case and the answer shall be entered prior to entering such agreement, provided that the original case falls within the jurisdiction of the circuit, even if the text of the agreement falls within the jurisdiction of another court or circuit and the object of the case or portion thereof is agreed upon.

70.2 If the circuit establishes that the agreement submitted by the litigants contains misrepresentation or fraud, such agreement shall be rejected in accordance with Article 3 of the Law.

70.3 Litigants may not file a petition for appeal or review of their agreed-upon acknowledgement, settlement, or the like, after signing the same in the case record.

71.1 The circuit shall hear the case, answers, statements, and defenses of litigants and testimony of witnesses. The clerk may not carry out any of such duties on his own.

71.2 If any of the persons whose names are stated in the record cannot sign, his thumb-print shall suffice.

71.3 The grounds for reviewing the case by the circuit at the first hearing shall be entered by stating the number and date of entry and referral or the competent authority's decision to assign the same.

71.4 The clerk shall enter into the record the identification number of litigants and their agents, and other persons upon the first mentioning of their names.

71.5 If the circuit orders the continuance, it shall enter into the record the grounds therefor as well as the date and duration of the subsequent hearing.

71.6 Oral statements made by the litigants that the circuit deems relevant to the case shall be entered into the case record.

71.7 When filing a memorandum, only the name and capacity of the petitioner, date of filing and number of pages thereof shall be entered into the case record; the original memorandum shall be kept in the case file. The circuit may enter statements or defenses it deems to have a bearing on the case.

71.8 The circuit shall allow the litigants to write down what is entered into the record, and may provide a copy thereof to any litigant.

72.1 If the service of process is made electronically, it may be made at any time.

Chapter 2

Hearing Order

73.1 The imprisonment order referred to in this Article shall be entered into the record, and its text shall be communicated to the competent agency for immediate execution, and a copy of such order shall be retained by the court.

73.2 Imposition of penalties provided for in this Article on a lawyer violating the hearing order shall not preclude the imposition of penalties stipulated in the Code of Law Practice.

73.3 The circuit rendering the judgement shall consider a claim for compensation relating to damages resulting from defaulting in the fulfillment of liabilities prior to the entry of the execution petition, as for claims for damages resulting from defaulting occurring after the petition is filed shall fall within the jurisdiction of the enforcement circuit.

73.4 The circuit rendering the judgement at the trial court shall consider the claim for damages upon affirming its decision by the court of appeals. If the court of appeals reverses the judgment, the claim for compensation shall be referred to the trial court for consideration by a circuit other than the circuit which rendered the first judgment, if such judgment falls within its subject-matter and territorial jurisdiction.

Part 6

Motions, Joinder, Intervention and Incidental Petitions

Chapter 1

Motions

75.1 If a litigant has more than one motion as stated in this Article, they shall be jointly presented.

75.2 The *relation* referred to in this Article shall mean the connection between a subsequent case and a preceding one in subject matter or cause of action, regardless of the amount of compensation sought in either case.

75.3 Dismissal of a case shall not preclude it from being a precedent for a subsequent case.

75.4 The precedent case must have been filed with a competent court.

75.5 If the circuit establishes the validity of the motion for the invalidity of the statement of claim, it shall grant the plaintiff time to rectify such statement.

75.6 If a motion is filed claiming lack of territorial jurisdiction of the court considering the case, the court shall request the petitioner to provide his place of residence and national address and shall enclose the same to the case file.

75.6 (bis) If the defendant or his agent in the same case fails to attend after being notified of the date of the hearing, he shall forfeit his right to file any of the motions stated in this Article.

77.1 Including a motion to the subject matter does not entail the granting or denial of such motion, and the court shall provide the grounds for its decision in the judgment.

77.2 If the court decides independently to grant the motion, its judgment shall be appealable.

78.1 If a case is filed with a court and it decides that it lacks jurisdiction, such case shall be considered as follows:

a. If the circuit decides that it does not have territorial jurisdiction to consider the case, it shall issue a ruling to this effect and shall retain the case file upon the judgment becoming final. Any conflict of jurisdiction shall be decided in accordance with Article 27 of the Law of the Judiciary.

b. If the court decides that it lacks subject-matter jurisdiction to consider the case and that such case falls within the jurisdiction of another court, it shall issue a ruling to this effect. If the judgment becomes final, such case shall be referred to the court having jurisdiction. The latter court is obliged to consider the case.

c. If a conflict arises between the court and the notary public, the papers shall be referred to the Supreme Court for decision and its decision shall be binding.

78.2 Without prejudice to the rules issued by the Supreme Judicial Council to organize internal distribution between the circuits of the same court, if a case is referred to a circuit and it decides that such case falls within the jurisdiction of another circuit within the same court, the chief judge of the court shall decide thereon, and his decision shall be binding.

Chapter 2

Joinder and Intervention

79.1 A petition for joinder shall be made pursuant to a memorandum filed with the court or during the hearing, whether in writing or orally.

79.2 A person who may join or intervene in the case is a person who may initially act as a plaintiff or defendant, provided that a connection exists between his petition and the original case.

79.3 If the circuit adjourns decision on the subject-matter of the petition for joinder after ruling on the original case, such circuit shall also rule on the petition, in accordance with case-filing procedures.

79.4 A person may not be joined in a case if his joinder conflicts with the court's territorial or subject-matter jurisdiction.

80.1 If the joinder of a person would serve the interest of justice or truth-finding, and the joined person resides outside the territorial jurisdiction of the court, the matter shall be assigned to the court having jurisdiction over the person's place of residence, unless consideration of the case requires his appearance before the court.

80.2 The court may remove the person joined, and such person may file an intervention, and the litigant may petition his joinder.

80.3 Failure to comply with the period stated in the Article shall not result in the invalidity of the proceeding.

Chapter 3

Incidental Petitions

82.1 Each litigant may file incidental petitions prior to closing of arguments, and either litigant shall have such right if the circuit decides to reopen arguments.

82.2 Each litigant may file an incidental petition with the circuit against the original litigant, or against a person intervening for himself, or against a person joined by the other litigant or by the court.

82.3 Multiple incidental petitions may be filed.

82.4 A judgment denying an incidental petition shall be appealable.

83.1 An original petition is the claim made by the plaintiff in his statement of claim.

83.2 If an incidental petition clearly conflicts with the original petition, it shall be denied.

83.3 A plaintiff shall specify the relation between an incidental petition and the subject matter or cause of action of the original case.

83.4 If the circuit establishes after considering an incidental petition that it has no relation with the original case, it shall deny such petition. This shall not preclude the filing of such petition to be considered as a separate case and referred pursuant to distribution rules.

83.5 If a plaintiff seeks delivery of a property and such property is damaged or the like, he may amend his claim by seeking its value or a replacement thereof.

83.6 If a plaintiff files a claim for a debt and the defendant is dead, he may amend his claim to seek satisfaction of such debt from the heirs of the defendant.

83.7 If a plaintiff seeks determination of his entitlement to a property and such entitlement is determined during trial, he may amend his claim by seeking delivery of such entitlement.

83.8 If a buyer petitions the delivery of a property and the judgment thereon is delayed, he may amend his claim by seeking annulment for frustration of purpose due to delay.

83.9 If a plaintiff claims payment of a rent and a new rent becomes due before deciding on the case, he may add the new rent to the original claim.

83.10 If a plaintiff seeks ownership of a real property in possession of another and files an incidental petition against the possessor seeking rent for past period, he may do so since the incidental petition relates to the original petition. The same shall apply to an incidental petition to remove any changes made to the real property or restore the same to its original condition.

83.11 An heir who files a petition to invalidate the will of his testator may petition to receive his share thereof from the defendant, since both petitions are indivisible.

83.12 If either litigant asserts the statements of the other litigant, or witness or expert testimony and the like, in support of his claim for a reason other than the stated reason, he may do so by filing an incidental petition and may amend his entitlement on the merit. He may also amend the subject matter of the original petition for the reason stated in his original suit.

83.13 If a plaintiff establishes that his entitlement is less than the amount stated in his statement of claim, he may limit his claim to such amount and amend his original claim.

83.14 If a case is filed against multiple parties and division is feasible the plaintiff may file an incidental petition to exclude any of them.

84.1 A petition for judicial offset must satisfy the following:

a. Each of the offset parties, and not his representative, must be indebted to the other, and not to a third party.

b. Both debts shall be of the same kind.

c. Both debts shall be equal in terms of maturity and deferment and no offset shall be made between a due debt and a deferred debt.

84.2 Establishment of the defendant's debt shall not be required for judicial offset. The circuit shall consider establishment of such debt during the hearing of the case, and shall conduct offset upon the establishment of the debt.

84.3 If both litigants agree to an offset of their due debts which do not meet the offset requirements, the circuit shall decide on such offset.

84.4 If the original claim includes multiple petitions, the defendant may file an incidental petition requesting denial of such petitions, such as in the case where a defendant seeks annulment of a sale contract where the plaintiff seeks rectification thereof, delivery of the property, and payment of rent for the subsequent period of the contract. The defendant may petition denial of some of the plaintiff's petitions, such as petitioning for the annulment of one of the contracts subject of the suit. The defendant may petition granting the plaintiff's petition for the benefit of the defendant, such as if he petitions for a ruling in his favor regarding the validity of the lien of property claimed to be owned by him until payment of debt owed to him by the plaintiff.

84.5 The defendant may, similar to the plaintiff in his original suit, file an incidental petition, such as in the case where the plaintiff files a petition for the removal of the defendant's control over the

property and establishment of his ownership of such property, and the defendant files a counterclaim seeking establishment of his ownership of the disputed property, since the incidental petition indivisibly relates to the original suit.

84.6 If the plaintiff petitions delivery of the remainder of sale amount of a property and the defendant files an incidental petition seeking delivery of such property, his petition shall be granted because it relates to the original suit.

85.1 If the circuit retains the incidental petition for consideration upon ascertaining its validity, it shall have the jurisdiction to rule thereon.

Part 7

Suspension, Discontinuance and Abandonment of Litigation

Chapter 1

Suspension of Litigation

86.1 If the circuit suspends the suit, the agreement shall be entered into the record and the litigants shall be informed of the provisions of this Article, provided that such suspension does not result in detriment to a third party.

86.2 A suit may be suspended more than once in accordance with the provision of this Article.

86.3 *Time limitation* shall mean any date set by the Law, the non-compliance of which shall result in a procedural penalty, including the period set for objection to summary judgments or judgements issued in relation to a portion of the suit prior to the suspension decision.

87.1 The suspension of a judgement provided for in this Article means the provisional suspension of the suit, since the ruling thereon is conditional upon deciding on a related case, whether such case is being considered by the same circuit or a different circuit.

Chapter 2

Discontinuance of Litigation

88.1 Discontinuance of litigation due to death or loss of capacity shall commence from the date of its occurrence, not from the date the circuit's has knowledge thereof.

88.2 If the circuit establishes that the power of attorney is revoked due to the principal or agent's death, loss of capacity, or the like, the circuit may withdraw the original power of attorney from the agent and send it to its issuing agency for endorsement of revocation. If the original cannot be withdrawn, the circuit may address the issuing agency to complete the statutory procedures with respect to the revocation of such power of attorney.

90.1 Discontinuance shall not affect prior procedures.

90.2 Unless the suit is ripe for judgment, the circuit may not render a judgment thereon during discontinuance. A judgment rendered in such suit shall be deemed void.

90.3 A motion for invalidity of the proceedings carried out during discontinuance may not be asserted except by the successor of the party in whose favor discontinuance was applied. Said motion must be asserted prior to any motion or defense in the suit; otherwise, such right shall be forfeited.

91.1 The circuit shall resume proceedings of the case from the point where they have been discontinued, after informing the parties of the content of the record, or providing them with a copy thereof. A note to this effect shall be entered into the record.

91.2 If a ground for discontinuance arises prior to the first hearing set for the case, discontinuance provisions shall not apply. The plaintiff shall file a new statement of claim against the person

against whom ground for discontinuance applies, in accordance with the provisions of territorial jurisdiction.

Chapter 3

Abandonment of Litigation

92.1 *Abandonment of litigation* means a plaintiff's waiver of his claim which is being considered by the court while retaining the claimed right, so that he may re-claim the same whenever he so desires.

92.2 A plaintiff shall notify his adverse party of the abandonment of litigation, and allow him access to the abandonment memorandum in accordance with the procedures provided for in Article 11 of the Law. A copy of the same shall be delivered to the circuit, and entered into the case record.

92.3 If the subject-matter of a lawsuit is divisible, and there are multiple plaintiffs, some of such plaintiffs may abandon it, and the suit shall remain valid with regard to the remaining plaintiffs. Likewise, if there are multiple defendants, the plaintiff may abandon some of such defendants.

92.4 A defendant shall approve or reject the abandonment of litigation orally during the hearing or pursuant to a signed memorandum submitted to the competent clerk, and a note to this effect shall be entered into the record. If no approval or rejection is made by the defendant during the period from the time of service until the hearing date, he shall be deemed to have approved abandonment of litigation.

93.1 Without prejudice to territorial or subject-matter jurisdiction, if the plaintiff files a lawsuit he has abandoned, such lawsuit shall be referred to the same circuit.

93.2 Abandonment of a suit shall not result in nullification of any entry made into the case record, including any evidence or expert testimony, unless the conditions upon which the expert testimony is based change. The circuit may refer to such entries when necessary.

Part 8

Recusal and Disqualification of Judges

94.1 The dispute provided for in paragraph (B) shall commence from the date of its filing with the court, until the judgment becomes final.

94.2 Continuance of a marriage shall not be required for establishing an in-law relationship.

94.3 A judge who is a relative or in-law to both parties shall be disqualified from considering the suit.

94.4 The agency, guardianship, or trusteeship disqualifying the judge must be valid at the time of filing the suit regardless of the content thereof.

94.5 A litigant of whom the judge is a potential heir is the litigant whom the judge cannot inherit at the time of filing the case due to a reason barring inheritance which, if removed, he would inherit such litigant.

94.6 The *fatwa* or publication disqualifying a judge from considering a case is the *fatwa* or publication that relates to the same suit.

94.7 A judge shall be disqualified from considering a case if has prepared a statement of claim, a response, an appeal, a legal advice, or the like in favor of either litigant.

94.8 A judge rendering a summary judgment shall not be disqualified from considering the original case.

94.9 Earlier consideration of a lawsuit is a case where the judge ruled on the lawsuit and then was transferred to a different circuit or court and is disqualified from considering said lawsuit.

94.10 Cases provided for in this Article shall disqualify the judge from considering the suit; whether such suit was initially considered by the judge or referred to him, and whether or not the judge or litigants have knowledge of the same.

95.1 If a judgment is issued by the trial court, and the judge or one of the circuit judges is disqualified from considering the case and said judgment becomes final, either of the following shall be carried out:

a. If the judgment is not affirmed by the court of appeals, the litigant may, at any time, petition such court to revoke such judgment.

b. If the judgment is affirmed by the court of appeals or the supreme court, a litigant may, at any time, petition the supreme court to reverse such judgment.

In either case, if the judgment is reversed or revoked, it shall be reconsidered by the trial court.

95.2 If a judgment is rendered or affirmed by the court of appeals, while ground for disqualification of one of its judges exists, a litigant may, at any time, petition the Supreme Court to reverse said judgment; in which case, the lawsuit shall be reconsidered by another circuit with the court of appeals.

95.3 If a judgment is rendered or affirmed by the Supreme Court, while ground for disqualification one of its judges exists, a litigant may, at any time, petition the Supreme Court to reverse said judgment. The petition for reversal shall be considered by a circuit other than the one where ground for disqualification exists. If the other circuit reverses the judgment, it shall review the objection.

95.4 The competent court may, as the case may be, verify that ground for disqualification exists by writing to the relevant judge.

96.1 If the litigants agree to consider the suit or to continue consideration of such suit, while one of the grounds for disqualification stated in this Article exists, their right to seek disqualification shall be forfeited.

96.2 The motion for disqualification, stipulated in this Article, shall be granted at any stage of the suit once it is known, the right to such motion shall be forfeited. Dismissal, suspension or abandonment of a suit shall not effect the right to file such motion if the suit is reconsidered.

96.3 Similarity of suits means their having the same subject-matter and grounds, such that a judgment that applies to either suit shall apply to the other.

96.4 A servant means a person serving a judge, with or without pay.

96.5 The dining provided for in this Article refers to the judge's dining with a litigant several times as a guest.

96.6 The residence provided for in this Article refers to the judge's residence with a litigant in the same household or vice versa most of the time or permanently, with or without of rent.

96.7 Enmity means hostility arising between the judge and a litigant which involves aggression against person, honor, offspring or property. Such matter shall be determined by the judge considering the disqualification.

96.8 If an agent is the judge's relative or in-law up to the fourth degree, his power of attorney shall not be accepted; in which case, the principal shall either replace said agent or personally pursue the case.

97.1 If the chief judge, as the case may be, grants a judge self-recusal, and the circuit is composed of a single judge, the case shall be referred to another circuit. If the circuit is composed of more than one judge, the chief judge shall assign one of its judges to complete the quorum. If the court

has no other circuit than the one against which ground for barring applies, or if no judge is available to complete the quorum, the Chairman of the Supreme Judicial Council shall assign a judge to consider the case in the same court.

97.2 If a judge recuses himself from a case that is entered in the record, he shall enter a summary of the recusal transcript in the case record, without issuing a decision thereon.

97.3 If the chief judge denies the motion for recusal, he shall issue an order to this effect, and such order shall be final.

97.4 Transcripts of approval or denial of recusal shall be kept by the chief judge in a special file maintained for that purpose; the same shall not be enclosed with the case file.

98.1 If a defendant fails to attend a hearing he has been notified in person of, during which a judgment is rendered against him, he shall not have the right to file a motion for disqualification; he may, nevertheless, object to the judgment.

98.2 Upon reopening arguments, after being closed, litigants shall restore the right to motion for disqualification, unless the said right has previously been forfeited.

100.1 The four-day period shall commence as of the date of receipt of the said motion by the judge.

100.2 The chief judge shall not hear the petitioner's statements until after receiving the judge's response, or upon the lapse of the prescribed period.

100.3 If the chief judge—as the case may be—grants the motion for disqualification, he shall issue an order to this effect; such order shall be final.

100.4 In cases where the chief judge is absent, or his position is vacant, the deputy or acting chief judge shall decide on motions for disqualification.

100.5 If the chief judge—as the case may be—declares a judge disqualified from considering a case, the said case shall be considered in accordance with the provisions contained in Paragraph (1) of Article 97 of these Regulations.

Part 9
Evidentiary Procedures
Chapter 1
General Provisions

101.1 Relevant facts shall refer to the facts that, once proven, would directly or indirectly result in proving the case, wholly or partly.

101.2 Material facts shall refer to the facts affecting the case, by way of proving or refuting the same.

101.3 Admissible facts shall refer to plausible facts, those that can be accepted by reason or intuition.

102.1 In case of delegation, the circuit shall send a letter to the court, stating names of the plaintiff and defendant, subject-matter of the case and deputation, as well as requesting verification of the said evidence.

102.2 The delegated circuit shall, upon verification of the subject-matter of delegation, send a certified copy of the same to the circuit considering the case. Said copy, if required to be sent abroad, shall be printed.

103.1 If a litigant petitions for a certain evidentiary procedure, which the circuit—upon reviewing the same—finds unsatisfying, said petition shall be entered in the record, even if not granted by the circuit.

Chapter 2

Questioning Litigants and Admissions

104.1 The questioned litigant, indicated in this Article, shall refer to all litigants of the case.

104.2 If some of the litigants required to be questioned fail to attend a hearing of which they have been notified, those who are present may still be questioned.

104.3 A litigant in a commercial case may question the other litigant directly under the supervision of the judge.

104.4 If the circuit establishes that an agent provides dilatory responses to the questioning, Article (53) of this Law shall apply.

105.1 If a litigant petitions for summoning or questioning his adversary, which the circuit dismisses as unnecessary, said circuit may deny the petition. The same shall be entered in the record, along with grounds for denial.

107.1 Refusal to answer shall hereby mean refusal to answer a questioning; whereas refusal to answer a claim shall be dealt with in accordance with Article 67.

108.1 Admission, hereby, shall mean judicial admission, one that is made before the circuit during consideration of the case relating to the admission.

108.2 Non-judicial admission shall mean admission not meeting any of the legal controls set forth in this Article.

108.3 Non-judicial admissions shall be subject to the legal evidential provisions.

110.1 A litigant's admission of a time-bound right shall not be divisible, unless the reason with which the admitted right is bound is stated therewith, or unless the person in whose favor the admission is made adduces evidence against the original right, or the reason thereof; only in such cases shall admission of the said right be divisible.

110.2 A litigant's admission shall be divisible if it is composed of two facts, occurring at two distinct points of time, as is the case with an admission containing, in addition to admission of right, a redemption thereof.

Chapter 3

Oath

111.1 No litigant may require his adversary to take an oath on facts not relating to the case under consideration.

111.2 A litigant's oath, unless permitted by the circuit, shall not be taken into account.

111.3 The circuit may deny a litigant's request requiring his adversary to take oath, if said circuit determines that the petitioner has no right to such request.

111.4 Upon preparing the wording of the oath, the circuit shall deliver it to the litigant required to swear it, and warn him—orally—against lying under oath. The oath wording and swearing shall be entered in the case record and judgment decree.

111.5 The circuit may, whenever it deems necessary, require one of the litigants to take an oath of credulity, or the like, even without the adverse party so requesting.

113.1 If a litigant requested to take oath appears, and contests admissibility of the oath, on such ground as that said oath is intended to establish his adversary's right to a usury or a gambling debt, or otherwise contests the relevance of the oath to the case, he shall be required to provide reasons therefor. If the circuit is not satisfied, it shall warn the same litigant thrice to take the oath; otherwise, he shall be deemed to have declined.

113.2 A person who appears in court but refuses to take an oath shall not be deemed to have declined, until after being warned thrice. The same shall be entered in the record.

113.3 The circuit may, if necessary, grant the litigant a period of time for taking the oath.

114.1 A person refusing to take oath shall be warned thrice, before a transcript of the refusal is drafted, and be submitted to the circuit to decide thereon in accordance with Sharia.

115.1 If the person requesting an oath waives his right to appear, the same shall be entered in the record.

Chapter 4 Inspection

116.1 Upon determining to proceed with inspection, the circuit shall enter the same in the record, along with the inspection date, and names of those required to be present therewith.

116.2 The circuit may deny a litigant's request for inspection, in which case both the request and reasons for its denial shall be entered in the record.

117.1 The circuit may proceed with inspection as it deems appropriate, even in the absence of one or more litigants, as long as they have been notified of the inspection date and time as per Articles (14) and (17) of the Law.

117.2 The circuit may, if it deems necessary, order placing the item subject of inspection under custody, and assign a receiver thereto, in accordance with Articles (211-217) of the Law.

118.1 Experts shall be appointed pursuant to Articles (128-138) of the Law.

118.2 The circuit may hear the testimony of witnesses during inspection, even in the absence of the adverse litigant, as long as said litigant has been notified of the inspection date.

119.1 Upon drafting a transcript of inspection, all pages thereof shall be signed by the inspector, clerk, attending experts, litigants and witnesses. In case a litigant or a witness refuses to sign, proof of his presence shall be adduced in the same transcript, along with a note indicating his refusal to sign, and his reasons therefor.

120.1 If an inspection request is made prior to filing the original case, the competent court shall be the court with territorial jurisdiction over the place where the inspected item is located.

120.2 If an inspection request is made after filing the original case, the same shall be referred to the circuit considering the original case.

120.3 The persons with interest, mentioned in this Article, shall be specified by the circuit.

120.4 In order for an inspection and condition establishing case to be heard, only the persons with interest, provided they have been notified of the case date, shall be required to appear in court.

Chapter 5 Testimony

121.1 If a litigant does not petition the circuit to hear the evidence of his claim, the circuit shall ask him to provide such evidence.

121.2 If a circuit determines to hear the witnesses, and schedules a hearing for such purpose, the same shall be entered in the case record.

122.1 Delegation for hearing testimony of witnesses shall be pursuant to Article (102) of this Law, and its respective regulations.

123.1 If the witnesses are women, their testimonies shall be heard two by two.

123.2 Reference to a witness's occupation, age, place of residence, national ID number, and relationship to litigants shall be entered in the record and not the decree; whereas his full name shall be stated in both the record and the decree.

125.1 In addition to the provisions of this Article, the litigant in a commercial case may question a witness directly under the supervision of the judge.

126.1 In the event that a litigant declares his inability to bring witnesses, or requests so long a period of time that it may harm his adverse party, the circuit may decide the case, and inform the said litigant that he shall still retain his right to file a new lawsuit whenever the witnesses become available, in accordance with the general provisions of territorial and subject-matter jurisdiction. If the judgment is rendered by the competent court, the new case, once filed, shall be referred to the circuit by which the judgment is rendered, in order to build on what has previously been entered in the record.

127.1 A witness's testimony shall be recorded verbatim.

127.2 The circuit may, upon hearing a witness's testimony, ask the witness to clarify what is ambiguous, or elaborate what is stated in brief.

Chapter 6

Expertise

128.1 Upon assigning an expert, the circuit shall enter the assignment decision and, if necessary, the expert's fees in the case record, and communicate the same to the assigned expert by means of an official letter.

128.2 The circuit may deny a litigant's request for assigning an expert, whereupon it shall indicate the reasons for such denial in the record.

128.3 Advance payment shall hereby mean the amount estimated by the court as the expert's fees and expenses.

128.4 Advance payments shall be deposited in the court treasury.

128.5 If none of the experts indicated in this Article is available, the circuit may seek assistance from other experts as it deems fit.

128.6 The expert shall file his report in a commercial case no later than 60 days from the date specified for the commencement of his work, in accordance with Article 134 of the Law.

129.1 The circuit shall grant a litigant a period of time, not exceeding five days, to deposit the prescribed advance payment. If not paid over the set period, the said amount shall be deposited by the adverse litigant, over an equivalent period of time. If neither litigant makes the deposit in time, the case shall be suspended.

129.2 Upon failure of both litigants to deposit the amount in time, the circuit shall suspend the case by means of a reasoned decision, which shall be subject to the procedures of objection.

129.3 If a litigant deposits the advance payment while the case is suspended, the circuit shall resume proceeding with the case in the same record, and notify litigants of its resumption in accordance with the applicable notification procedures.

130.1 If the litigants fail to agree on an expert, the circuit shall assign an expert from those selected by the litigants or others.

130.2 Under no circumstances shall the circuit's decision, in relation to expert selection, be appealable.

131.1 The circuit shall enter the expert's presence in the record, and obtain from him a signed acknowledgment of receipt of a copy of the assignment decision.

131.2 An expert shall preserve the confidentiality of the case-related documents, and the information he is privy to by virtue of his job, as well as the report he delivers.

132.1 A lawsuit against an expert shall be filed by the litigant incurring the expenses.

132.2 An independent lawsuit may be filed against an expert, who fails to perform his task, to make him pay the costs spent in vain. Said lawsuit shall be referred to the circuit considering the original case.

133.1 Reasons for disqualifying an expert shall be the reasons stipulated in Article (96) of the Law. In cases where the provisions of Article (7) and its regulations apply, experts may not be accepted to perform their task.

133.2 Motions for disqualifying an expert shall be filed with the circuit that assigned him.

133.3 Motions for disqualifying an expert shall be considered as part of the record of the same case.

133.4 If a litigant knows of a reason disqualifying the expert he selected, only after selecting him, he may request disqualifying such expert.

134.1 The expert shall notify the litigants of the meeting date, at least seven days beforehand, unless otherwise agreed—whether explicitly or implicitly—by the litigants.

134.2 The expert shall notify the litigants directly by registered mail; if not applicable, he shall notify them through the court, as per the notification procedures.

135.1 If the circuit, upon disagreement of experts, is unsettled on which opinion to embrace, drawing upon the case facts and evidence, as well as previous reports, it shall assign one or more experts to support one of the opinions.

135.2 Experts shall begin the report with the matters on which there is a consensus, and then mention their individual opinions in the same report, one after another. The experts shall sign all pages of the said report.

136.1 Upon depositing the report, the expert shall send a notification to the litigants' addresses as stated in the statement of claim. If not applicable, he shall notify them through the court, as per the notification procedures.

136.2 The expert may retain copies of the report and its attachments, and he shall return the received documents to the court.

136.3 If the expert is unable to file the report at the specified date, he shall submit to the circuit a report indicating the reason therefor, in which case the court may extend the period for filing the report by no more than 30 days.

137.1 The circuit shall enter the results of the expert's report, along with the discussion thereof, in the record, whereas the original report shall be included in the case file.

137.2 The circuit may issue a reasoned order to return the report to the expert, or assign a substitute thereof. Said expert, to whom the report is returned, may not refuse such an order.

138.1 If the circuit finds it necessary to deny the expert's report, or a part thereof, it shall provide reasons therefor upon deciding the case, and enter the denial decision in both the record and the decree.

Chapter 7

Writing

139.1 A litigant may submit any document he thinks would support his claim.

140.1 The circuit may disregard whatever information it finds doubtful in the document.

141.1 Forgery of official documents shall be of two types: forgery of information, and forgery of signature, both of which shall undermine the authenticity of documents.

141.2 Violation of an official document to the provisions of the Islamic Sharia shall undermine the authenticity of the said document, even if not forged.

142.1 If the circuit determines that the handwriting, signature, fingerprint or seal denied by a litigant is valid, it shall cite the grounds for such determination. In such a case, a QDE shall not be necessary.

142.2 A successor's or deputy's denial of the contents of a document that has been approved by the principal shall not undermine the authenticity of the said document.

142.3 A successor's acknowledgment of the contents of a document that is denied by the principal shall apply only to the acknowledger.

143.1 The circuit may attach the established documents against which the doubtful documents shall be compared.

143.2 Established documents belonging to a deceased must be enclosed, in order to be compared with the doubtful documents ascribed to him.

143.3 The circuit may delegate a handwriting expert to obtain established documents from any relevant authority.

145.1 A litigant required to prove the validity of a handwriting, seal, signature or fingerprint, in the document in question, shall present whatever documents in his possession that include the seal or signature of the person to whom it is ascribed, in order for a comparison to be conducted. The adverse litigant may challenge the same with whatever evidence in his possession.

145.2 The adverse litigant shall be asked to acknowledge or deny said documents, before forwarding the same to a handwriting expert.

145.3 Litigants' agreement upon the documents suitable for QDE, along with the contents and description thereof, shall be entered in the record. In case of disagreement, the circuit shall select from among said documents the ones suitable for QDE.

146.1 QDE documents shall refer to the documents that are established, by way of acknowledgment, evidence or agreement of litigants, those against which the disputed documents shall be compared.

147.1 If a copy of an official document is certified as a true copy, this shall not preclude challenging its authenticity on the ground of forgery.

148.1 General courts shall have jurisdiction over the case mentioned in the Article, irrespective of the contents of such document.

148.2 A case that involves the contents of the ordinary document in question shall be considered by the court with subject-matter jurisdiction.

148.3 A litigant may abandon his lawsuit, and, instead, petition execution circuits for putting into effect the document at hand, in accordance with the provisions of Article (15) of the Law and its implementing regulations.

149.1 In cases where the court receives a copy of a document without its original, against which to check the authenticity of the copy, said court may communicate in writing with the document-issuing authority, in order to certify the same as a true copy of the original.

149.2 Each party to a commercial case may petition to obtain or have access to the documents of the other party if they are related to the case or if they contribute to clarification of facts therein. The court shall order said documents to be presented or made accessible, whether the petition relates to the documents *per se* or to their type.

150.1 A claim of forgery shall be considered by the circuit considering the original case, and entered in the record thereof.

150.2 Upon filing a claim of forgery, the case shall be suspended till the end of investigation, unless the claimant adduces other evidence through which to prove his claim.

150.3 Entry of a document in the record shall mean obtaining said document from its owner, and including a note therein, indicating—as the case may be—whether it has been examined or nullified; whereas keeping it on file shall mean depositing the same in the case file, after including a note therein.

150.4 The circuit shall resume proceeding with the case upon waiver of the document contested on the ground of forgery by its owner.

151.1 If a litigant delivers a document to the court, said court shall enter it in the record, and forward the same to the circuit. The litigant may otherwise deliver such document directly to the circuit.

151.2 If a litigant declines to deliver the document contested as being forged, provided it is obtainable by any other means, the court shall take whatever action it deems appropriate to obtain—and, if necessary, investigate—such document.

151.3 In cases where a litigant declines or denies a document, provided it is unobtainable by any other means, the circuit shall enter the same in the record, and proceed with the case, deeming such a document to be non-existent.

151.4 A litigant who admits forgery, and though declines to deliver the forged document, shall not be relieved of the criminal responsibility as decided by the circuit.

152.1 If the circuit orders investigation, the same shall be entered in the record. Such investigation shall be carried out by the competent authority.

152.2 The circuit may determine whether the contested document is genuine or forged, in the event that the facts and documents of the case are sufficient to convince the circuit thereof.

155.1 The general court shall have jurisdiction over the case mentioned in this Article, irrespective of the contents of such document.

155.2 A case that involves the contents of a document shall be considered by the competent court with subject-matter jurisdiction.

155.3 In such a lawsuit, the plaintiff may petition for obtaining the said document from its holder, and including a note therein indicating its nullity.

Chapter 8

Presumptions

156.1 The circuit shall, upon drawing a presumption from the facts of a case, clarify its significance.

Part 10

Judgments

Chapter 1

Rendering Judgments

159.1 Upon scheduling a date for judgment pronouncement, the circuit may, if it deems so necessary, bring that date forward, or put it off, whereupon the litigants shall be notified of the new date as per the notification procedures, and the same shall be entered in the record.

160.1 A judge may embark on examining the case beforehand, in preparation for engaging with the other circuit judges in deliberations.

162.1 The assignment request, mentioned in this Article, shall be submitted by the chief judge, or the person authorized to act on his behalf, to the Chairman of the Supreme Judicial Council.

162.2 The assigned judge may, upon reviewing the case file and record, question any of the litigants, witnesses or experts where necessary.

162.3 The assigned judge may, before making a decision, convene with the participating judges for deliberation, or ask the chief judge to open arguments.

162.4 Upon consideration of a case by three judges, each of whom embraces a distinct opinion, if the assigned judge concurs with one of them, a majority shall have been reached. In case the assigned judge holds yet another opinion, distinct from the other two, another judge shall be assigned, and so forth until a majority is reached.

162.5 The judgment shall belong to the circuit without reference to any violation in the judgement decree or decision.

163.1 A judgment, unless entered in the record, shall not be deemed conclusive, even after its pronouncement.

163.2 If a judgment involves a duration or a period of time, the circle shall state it at both the beginning and end of the said judgment.

165.1 Litigants shall be informed, as stipulated by this Article, orally, as well as in writing in the case record.

165.2 The circuit shall only inform litigants of the prescribed manner for appeal, no matter whether the person against whom the judgment is rendered is satisfied with the judgment.

165.3 Without prejudice to the provisions of Paragraph (4) of Article (185) of this Law, a litigant's right to appeal shall be forfeited in the following two cases:

a. if he fails to file an appellant brief until the expiry of the period stipulated in Article (187) of the Law; or

b. if he submits a memorandum, to be recorded with the court, indicating his waiver of the appeal.

165.4 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

166.1 Number of the case record shall refer to the number of its entry in the court.

166.2 Upon issuing the judgment decree of a personal status case, only the facts material to the judgment shall be cited, while offensive or indecent terms shall be removed.

166.3 The original copy of the decree kept with the court shall be a record of judgments, in accordance with the Regulations of Judicial Documents.

166.4 In the judgment decree, only the name of the agent who attended the hearing wherein the judgement has been pronounced shall be recorded.

167.1 If a judge's jurisdiction lapses before pronouncement of judgment in a case considered by a circuit composed of more than one judge, a substitute judge shall take his place in the circuit, and shall continue, with the other circuit judges, consideration of the case.

167.2 Upon reading to the litigants the contents of the record, the successor judge shall, during the same hearing, draft a transcript thereof, and enter the same in the case record.

167.3 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

168.1 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

168.2 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

168.3 This Article shall not apply to a judgment enjoining a wife to return to the conjugal home.

168.4 In case of a judgment execution outside the Kingdom, international agreements and treaties shall be taken into consideration.

169.1 If a circuit determines to bail a person, as part of a judgment subject to expeditious execution, it shall specify the type of bail. Said bail shall be delivered to the execution circuit.

169.2 Judgments shall be subject to expeditious execution, even in cases where no such remark is made by the judgment-rendering circuit.

169.3 An alimony judgment subject to expeditious execution in this Article shall refer to a future alimony judgment.

170.1 If the circuit, upon rendering a judgment subject to expeditious execution and before referral of the same to the court of appeals, fears that grave harm may be caused as a result of execution, it may decide to stay execution, and state the grounds therefor.

170.2 If the court orders stay of execution of a judgment subject to expeditious execution, it may oblige the petitioner for stay of execution to provide a security or bring a solvent guarantor, or whatever it deems appropriate to protect the rights of the person in whose favor the judgment is rendered.

170.3 The court that has ordered a stay of execution shall deliver a copy of the order to the litigant who has an interest in the stay of execution.

Chapter 2

Correction and Interpretation of Judgments

171.1 Material errors—whether written or mathematical—in a judgment decree shall be corrected by the judgment-rendering circuit; and corrections shall be made in the record without a hearing.

172.1 If the court accepts correction of a non-final judgment, the objection thereto may either be filed in conjunction with the objection to the judgment itself, or independently.

172.2 If the court accepts or rejects correction of a final judgment, it shall issue a separate decision to this effect, which shall be subject to the procedures of objection.

172.3 If the court decides to accept or reject correction of a judgment rendered in the petty cases, set forth in Paragraph (1) of Article (185) of the Law, such a decision shall not be subject to the procedures of objection.

173.1 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

173.2 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

173.3 A petition for interpretation of a judgment shall not be time-bound.

174.1 Interpretation of a judgment, provided it is final, shall be entered in the record of the same case; and the circuit shall issue an independent decision thereof, which shall be subject to the applicable procedures of objection. Once the decision becomes final, a note thereof shall be included in the original decree as appropriate.

174.2 If the court decides to accept or reject interpretation of a non-final judgment, the objection thereto may be filed in conjunction with the objection to the judgment itself.

174.3 If the court decides to accept or reject interpretation of a judgment rendered in the petty cases, set forth in Paragraph (1) of Article (185) of the Law, such a decision shall not be subject to the procedures of objection.

175.1 Motions related to subject matter shall refer to the motions having to do with the merits of a dispute, or the original right. Such motions include a motion for establishing ownership, a motion for revenue entitlement, and the like. Whether a motion is included in the statement of claim or an incidental motion shall also be of relevance to this distinction.

175.2 The circuit shall consider the neglected subject-matter-related motion upon filing an independent lawsuit in accordance with the regular case-filing procedures.

175.3 If the circuit neglects a motion related to subject-matter on the ground of having no connection with the original case, or failure to meet the conditions provided for in Articles (83) and (84) of the Law, said circuit shall decide to reject such a motion, and its decision shall be subject to the procedures of objection. Nevertheless, this shall not preclude from making such a claim in an independent lawsuit, to be referred pursuant to distribution.

Part 11

Methods of Objecting to Judgments

Chapter 1

General Provisions

177.1 A judgment that fully awards a person's claims may not be objected to by said person, or the persons acting on his behalf, including guardians, endowment administrators, and those of a similar status.

177.2 A judgment may be objected to by the person against whom it is rendered, even if he is not present in court or has no agent, as is the case in inheritance cases, according to the procedures of objection.

177.3 A person whose intervention is approved may object to the judgment rendered against the party in whose favor he intervenes, even if no objection is made by the party against whom the judgment is rendered.

177.4 In cases where a judgment is rendered against a group of persons, such as partners or heirs, each of them may object to said judgment.

178.1 Judgments issued before the case is decided, and with which the litigation does not end, shall include denial of joinder, intervention and incidental petitions.

178.2 No objection may be made to a judgment denying suspension of court proceedings, except in conjunction with objection to the judgment on the merits.

178.3 In petty cases, an objection may be made to case-suspension judgments and judgments of lack of jurisdiction.

178.4 The procedures of objection, stipulated herein, shall apply to case-suspension judgments, provisional and summary judgments, as well as judgments subject to execution, and judgments of lack of jurisdiction.

179.1 The circuit shall, on the day of pronouncement of the judgement, set a date for the delivery of a copy of the judgment decree, provided that it does not exceed 20 days, and may deliver the same on the day of pronouncement. A copy of the judgment decree shall be delivered to the person against whom the judgment is rendered on the specified day by the competent employee. In all cases, the employee in charge shall draft a record indicating delivery of the copy of judgement decree or the failure of the person against whom the judgment is rendered to attend to receive the same, and shall deposit the said copy in the case file.

179.2 The competent court administration shall inform the authority in charge of the prisoner or detainee of the date for receiving a copy of the judgment decree and the period specified for filing a petition for appeal. Said authority shall bring the prisoner or detainee on the specified dates unless he decides only to receive a copy of the judgment decree at the prison or detention center and to file the petition for appeal through the authority in charge. In all cases, a record to that effect shall be drafted and shall be signed by the prisoner or detainee and by the warden of the prison or detention center or their designee, and shall be sent to the court.

179.3 An objection period shall commence as of the day following the date when a copy of the judgment decree is received, or the date specified for its receipt.

180.1 An appellant's heirs, or those otherwise representing the person subject to contingency, shall be notified in accordance with the notification procedures provided for herein. If notification fails, the judgment shall be referred to the court of appeals for review.

180.2 Upon the end of contingency, or communication of the judgment to the appellant's heirs or those otherwise representing the person subject to contingency, the objection period shall resume, adding to the amount of time that lapsed prior to stay of the said objection period.

180.3 In cases where a contingency usually takes much time, the circuit may designate a representative to the appellant, authorized only to file an objection on his behalf. The same shall be entered in the case record.

181.1 If a court considering an objection reverses the judgment on grounds of lack of jurisdiction, it shall designate the competent court to which the case shall be remitted.

181.2 If reversal of a judgment is decided by the Supreme Court on grounds of lack of jurisdiction, its decision shall be binding. But if the reversal is decided by a court of appeals, the provisions stipulated by the regulations of Article (78) of the Law shall apply.

Chapter 2

Appeal

185.1 The adverse party, contained in Paragraph (3) of this Article, shall refer to any of those entitled to objection, as stipulated by Article (177) of this Law.

185.2 The absent person against whom a judgment is rendered, contained in Paragraph (4) of this Article, shall refer to the person against whom a judgment is rendered in absentia, pursuant to Paragraphs (1) and (3) of Article (57) of this Law.

186.1 An appeal shall restore the lawsuit to the status it has had prior to the judgment under appeal, only in relation to portions of the judgment against which the said appeal is filed.

186.2 Rents, as well as additional damages incurred after making closing arguments before a court of first instance, may be added to the original petition.

186.3 Upon consideration of an appeal, a person not involved in the lawsuit under appeal may not be joined except by the court for purposes of serving the interest of justice. Nor may anyone intervene in an appeal, except for a person requesting to join a litigant, or a person bound by the judgment.

187.1 A court of first instance shall not refer a case to the court of appeals until after the appellant files his brief, and the statutory objection period expires.

188.1 An appellant shall include his own particulars, as well as those of the adversaries, as detailed in Article (41) of the Law, in the brief, and shall sign all pages thereof.

188.2 An appellant shall attach a copy of the appealed decree. The appeal may be conducted by means of a hearing, in which case the appellant shall attach a copy of the brief, stating the number of appellees.

188.3 In cases where the type of petition for appeal is not stated in the appellant's brief, whether a hearing or a review, the court of appeals shall consider the said appeal by means of a hearing.

188.4 An appellant who requests in his brief either of the two types of appeal—i.e. hearing and review—may opt to the other type no later than the specified period of objection.

188.5 If a judgment is rendered against a group of persons, they may file a single brief, or multiple briefs.

188.6 An appellant may file more than one brief over the appointed period of objection.

189.1 If a circuit, upon reviewing a brief, still finds no reason to change the judgment under appeal, it shall enter a remark to that effect in the case record, and provide an explanation thereof on the brief.

189.2 In case the mandate of a circuit judge (or all or some of its judges) lapses before an appeal that it considers is decided, the judges replacing them shall apply the provisions of this Article, including changing or amending the judgment if necessary.

190.1 A case referred to the court of appeals shall remain open for a 60-day grace period from the date of its entry in the court registry. If the appellant fails to appear before the court within the said period to request proceeding with the case, his right to appeal shall be forfeited. The same shall be entered into the record.

190.2 If an appellant appears before the court of appeals within the 60-day grace period, the court shall fix a date for the hearing, even if that date coincides within the said grace period. In case the appellant fails to appear in court for the said hearing, or any subsequent hearing, his right to appeal shall be forfeited. The same shall be entered into the record.

190.3 The appellee, and anyone whose presence is deemed necessary, shall be notified in accordance with the standard notification procedures.

190.4 If an appellant requests review of a judgment, whereas the court of appeals otherwise determines to consider it by means of a hearing, a hearing shall be scheduled, the date of which shall be notified to litigants as per the standard notification procedures. If a notified appellant fails to appear in court as scheduled, his right to both appeal and review shall be forfeited. The same shall be entered in the record.

190.5 Upon forfeit of the right to appeal, pursuant to Paragraphs (190.1), (190.2) and (190.4) of these Regulations, Paragraph (4) of Article (185) of the Law shall apply.

190.6 Whenever a judgment becomes final, as established by Paragraphs (190.1), (190.2) and (190.4) of these Regulations, the court of appeal shall render the said judgment, include a note thereof in the decree of the court of first instance, and enter it in the case record and judgment register.

190.7 In case the court of appeals, upon considering a case by means of a hearing, and rendering a judgment therein, it shall issue a decree based on what is stated in the case record, pursuant to Paragraph (1) of Article (166) of the Law. The said decree shall contain full wording of the first-instance judgment, the portions against which the appeal is filed, and name of the court that delivered the judgment decree, along with its number and date. The execution statement shall also be annexed to the same. Besides, the content, number and date of the judgment rendered by the court of appeals shall be included as notes in the decree, record and register of the first-instance judgment.

191.1 If the court of appeals affirms a judgment referred to it for review, the said court shall issue a decision to that effect, the content of which shall be included as a note in the first-instance judgment decree. The said decision shall also be forwarded, enclosed with the case file, to the court by which the judgment was rendered. The latter court, upon receipt of the said decision, shall enter its content in the record and register.

191.2 If the court of appeals determines that there are remarks on the judgment under review that would possibly result in reversal thereof, without requiring the litigants, or anyone else, to appear in court, the said court may make such remarks without hearings.

191.3 If the court of appeals wholly reverses the judgment under review, it shall issue a decision to that effect, include the content thereof as a note in the decree, record and register of the first-instance judgment, and consider the lawsuit as per the applicable case-filing procedures.

191.4 If the court of appeals partly reverses the judgment under review, and affirms the rest thereof, it shall issue a decision to that effect, include the content thereof as a note in the decree, record and register of the first-instance judgment, and consider the reversed portions as per the applicable case-filing procedures.

Chapter 3 Cassation

198.1 If a reversed case is returned to the court that rendered the judgment, at the same time when only the judgment rendering circuit is available therein, the Chairman of the Supreme Judicial Council shall assign a circuit to consider the said case in the same court.

Chapter 4 Petition for Reconsideration

200.1 A litigant's petition for reconsideration of a case, on the ground of lack of proper representation therein, shall not be accepted in the event that the representative loses his capacity after the said case becomes ripe for judgment.

200.2 A litigant may petition for reconsideration of the judgements rendered in small claims referred to in Paragraph (1) of Article 185 of the Law; he may not, however, file a petition for appeal of the judgement rendered to deny such petition nor the judgement rendered on the merits of the case after granting the petition.

201.1 A petitioner may only notify the court of the date on which he knew of forgery or fraud, or the date when the documents stipulated by this Article appeared, whereas a person bound by the

judgment may only submit a notice indicating the date when he knew of the judgment, unless proven otherwise.

202.1 If the Supreme Court or the court of appeals decides to deny a petition filed against a judgment it has previously affirmed, a copy of the said decision shall be delivered to the judgment rendering circuit, in order for the latter to enter the same in the record.

202.2 No request for stay of execution shall be accepted unless upon a petition for reconsideration. Nevertheless, said request for stay of execution may be independently submitted after filing the petition.

Part 12

Summary Proceedings

205.1 If a summary case is filed before the original case is considered, the former shall be filed by means of a petition, as per applicable case-filing procedures.

205.2 Except for the cases detailed in Paragraph (C) of Article (206) of the Law, a summary case may be filed along with the original case through a single petition. Said petition may be submitted as an incidental petition during consideration of the original case. The same may also be submitted, orally or in writing, during a hearing attended by the adversary. In any case, said summary case shall be entered in the record along with the original case.

205.3 If an original case is filed after a summary case, the former shall be considered by the same court considering the latter, provided it is within the subject-matter and territorial jurisdiction of such a court.

205.4 A decision or ruling handed down in a summary case shall be entered in the record and be subject to the procedures of objection, and a decree thereof shall be issued.

205.5 Abandonment of an original case, or reversal of the judgment rendered therein, shall entail revocation of the precautionary, provisional and summary orders handed down during or prior to consideration of the original case, such as pretrial detention and travel-ban orders. The circuit shall take the necessary action to that end.

205.6 If an original case is cancelled, or suspended by the court pursuant to Article (87) of this Law, or if a litigation discontinues upon the death of the plaintiff, loss of capacity to litigate, or loss of capacity to represent any of the litigants, the defendant may request the court considering the original case to revoke precautionary and provisional orders handed down during or prior to consideration of the said original case, including pretrial detention and travel-ban orders. The circuit shall decide, at its discretion, whether or not to accept such a request.

206.1 A case of inspection to establish a condition shall refer to a summary case filed before the competent court, by a person with actual or potential interest, in order to establish facts that may possibly become subject of a dispute before the court in the future. Said inspection and condition establishing shall be conducted pursuant to Articles (116-120) of the Law, and in accordance with the subject-matter of the said summary case.

206.2 Cases relating to daily wages shall include all those whose wages must be paid at least once a week.

206.3 Summary cases shall encompass all matters that lapse of time may affect, including:

- a. Request for visitation or surrender of a child,
- b. Request for interdiction of property, and
- c. Recording a testimony feared to be lost.

207.1 A 24-hour time span shall be fixed as the minimum period for consideration of a litigant's request. When necessary, the same shall be extended.

207.2 Litigants of a summary case shall be notified as per the applicable notification procedures. The stated period may be reduced to less than 24 hours, provided that the litigant or his agent is served in the same case, and is able to reach the court in time.

207.3 If a defendant is notified, whether in person or not, provided that said notification is served properly, no notification shall be re-served; rather, the court shall consider the case and rule thereon.

208.1 If a circuit issues a travel ban injunction against a litigant, even though *in absentia*, it shall be communicated in writing to the competent authority for enforcement. Said litigant may not travel except upon a written permission delivered by the circuit at the litigant's request.

208.2 The circuit shall, upon lapse of the cause of a travel ban, communicate in writing with the enforcing authority to lift the said travel ban.

208.3 The circuit may invoke assistance of the Department of Experts in estimating the security and indemnification set forth in this Article.

208.4 A plaintiff shall provide the security determined by the circuit by means of a held cheque payable to the chief judge and it shall be deposited with the court treasury.

208.5 If a defendant is banned from travel on a case in which a sum of money is claimed against him, said defendant shall be permitted, by the circuit, to travel, provided he deposits the claimed sum with the court, or brings a solvent guarantor and designates a person to represent him in court.

208.6 If a plaintiff files a lawsuit to ban his adverse party from travel prior to filing the original case, he shall be required to file the said original case within a grace period of seven days from the date of entering the lawsuit in the court registry, or otherwise the travel ban, if already issued, shall be lifted. No subsequent travel ban claim shall be accepted from the plaintiff unless in conjunction with the original case.

208.7 The circuit shall decide whether the defendant is entitled to indemnification, and whether or not to return the security if not claimed. The circuit's said decision shall be included in the judgment it renders in the original case.

209.1 Possession, as set forth in this Article, shall refer to a real property under the *de facto* disposition of a person, whether for use or usufruct, on a regular and ongoing basis, even if such person is not the owner thereof, such as a lessee, for instance.

209.2 An action for disturbance of possession shall refer to a lawsuit filed by a plaintiff (possessor) claiming preventing the defendant from impeding utilization of the real property under his disposition.

209.3 An action for recovery of possession shall refer to a lawsuit filed by a plaintiff claiming restoration of possession of real property he used to hold before conversion by the defendant.

209.4 A plaintiff may, by means of an incidental petition, amend his claim from disturbance to recovery of possession, or vice versa, if an event requiring such an amendment arises. The request for said amendment shall be made through a petition, as per the applicable case-filing procedures, and the same shall either be referred to the circuit, or submitted thereto, orally or in writing, during the hearing.

209.5 Upon considering a lawsuit claiming disturbance or recovery of possession, said consideration, and hence the judgment to be rendered thereupon, shall be limited to the disputed possession, without treating the original right.

209.6 A judgment rendered in a possession-related lawsuit shall not be invoked except against the person against whom the said judgment is rendered. Nor shall the same be cited as proof of ownership.

209.7 The provisions of this Article shall not apply to movable property.

210.1 New actions shall refer to actions that, though commenced by a defendant in his own property, may result in harming the plaintiff.

210.2 For a petition for halt of new actions to be valid, the two following conditions shall be met:

a. Said actions have been commenced but not completed; and

b. Actions commenced by a defendant may result in harming the plaintiff.

210.3 A judgment decreeing halt of new actions shall suspend such actions only provisionally, rather than considering removal of said actions.

210.4 If new actions harming a plaintiff are completed before the halt, said actions shall not be considered in a summary case; rather, a lawsuit claiming removal of harm may be filed.

210.5 Changes made to disputed property shall, if necessary, be halted by the circuit, provided a litigant, through a summary suit, so requests.

211.1 Receivership shall mean placing disputed property under the custody of a custodian who, unless agreed upon by the concerned parties, shall be designated by the circuit.

211.2 A circuit may place under receivership disputed property, whether movable, immovable or both at once, in cases where said dispute has to do with ownership, holding, possession, management or disposal of property. The same shall include disputes that may arise over inheritance among all or some heirs, and disputes among partners over management and utilization of common property.

211.3 A receivership suit shall be filed before the court having jurisdiction over the subject matter through a petition, as per the applicable case-filing procedures, before it shall be remitted to the circuit considering the suit. Said petition may also be submitted, orally or in writing, during a hearing. If no suit is under consideration, the same shall be referred pursuant to distribution.

211.4 The parties concerned may, jointly, petition a circuit for ordering receivership, which said circuit shall accept, even though no imminent danger may be anticipated.

211.5 A circuit may, at its discretion and as it deems appropriate, order placement of property under receivership, even though no judgment is rendered on the merits, and no request thereof is made by any litigant. Said circuit's order shall be subject to procedures of objection.

211.6 If an administrator or guardian is proven to be mismanaging an endowment or a minor's property, the circuit that designated said administrator or guardian may order receivership over said endowment or property until the same decides on guardianship or administratorship.

212.1 If the parties concerned agree on a particular receiver, the circuit shall affirm their agreement. But if no such agreement is attained, the circuit may, at its discretion, designate a receiver, provided he is authorized thereto by the Ministry of Justice, or otherwise said circuit shall designate whomever it deems fit.

212.2 If, by virtue of a judgment, receivership is placed over common property, on grounds relating to its management, whereas the partners' shares are not contested, the circuit may authorize the receiver to distribute the net returns to said partners, each according to his share.

212.3 Upon denial of a litigant's petition for receivership, the same may file a second such petition, provided that he sets forth new grounds.

212.4 A circuit may, if it deems necessary, appoint more than one receiver.

212.5 A circuit may, if necessary and where applicable, limit receivership to the share of one of the partners, or one of the persons entitled to an endowment.

212.6 Litigants, or some of them, may request replacement of a receiver, if they deem such a replacement necessary. Said request shall be made by means of a suit to be filed, as per the applicable case-filing procedures, before the circuit that designated the receiver, unless the original case is considered by another court, in which case the latter court shall have the jurisdiction over the said receiver replacement suit.

212.7 Receivership shall not end upon the death or accepted resignation of a receiver; rather, another receiver shall be appointed.

212.8 If a receiver, upon his own motion and without the court's approval, abandons receivership, the court shall appoint another receiver in his place, in accordance with the applicable receiver appointment procedures. The replaced receiver shall be incurred whatever damages caused to the property under his custody as a result of abandoning receivership.

213.1 A receiver's liabilities shall commence as of receipt of the property placed under his custody. Said receiver shall draft a transcript in which to make an inventory of the property under custody, as well as descriptions thereof. Thereupon, the receiver shall notify the parties concerned to attend, along with a designee of the court, and sign the transcript. If any of the parties concerned declines to attend or sign, this shall be indicated in the transcript.

213.2 No receiver may waive or delegate receivership to another, unless such a waiver or delegation is permitted by the circuit, or endorsed by all parties concerned.

214.1 Management matters mainly refer to custody and maintenance of property. It is upon these that any remuneration or contest concerning a receiver's work shall be based.

215.1 A receiver's remuneration shall be estimated according to an agreement between concerned parties and the said receiver. In case no such agreement is attained, the circuit shall estimate the remuneration, and, if necessary, seek assistance from experts in the estimation thereof.

215.2 A receiver's remuneration shall be drawn from the property under his custody, or, otherwise, from the parties concerned. If a dispute arises, it shall be decided on by the circuit that appointed the receiver, by means of a lawsuit filed according to the applicable case-filing procedures, unless the original case is considered by another court, in which case the latter court shall have the jurisdiction over the said lawsuit.

216.1 If a receiver spends from his own money on the property under custody, he may claim his money back from the parties concerned. If they decline to refund him, he may file a lawsuit against them, by means of a petition to be submitted, as per the applicable procedures, to the circuit that appointed the same, unless the original case is considered by another court, in which case the latter court shall have the jurisdiction over the said lawsuit.

217.1 A receiver shall return the property under his custody in the same place where he received it, unless otherwise agreed or ruled.

217.2 In the event that a receiver fails to return the property under his custody in time, he must immediately submit a request to the competent circuit to extend the grace period for return. The circuit shall, at its discretion, decide on such a request.

217.3 Receivership shall end by agreement of the parties concerned if appointment of the receiver was conducted by their agreement and endorsed by the circuit. Thereupon, the court shall notify the receiver of the end of receivership.

Part 13
Declarations
Chapter 1
General Provisions

218.1 If several related declarations—such as determination of heirs, guardian appointment and marital status declaration—are submitted to a court within its jurisdiction, they shall be remitted to the same circuit.

218.2 A petition for amendment or completion of a declaration deed shall be submitted in conformity with the general provisions of territorial and subject-matter jurisdiction, set forth in the Law. If a deed is issued by the court with jurisdiction, it shall be remitted to the said court's finalizing circuits, and if the said deed has been issued by one of those circuits, it shall be remitted to the same circuit.

218.3 An appeal filed against a declaration before becoming final shall be considered by the same circuit considering the declaration, irrespective of its degree.

218.4 An appeal to a declaration, after becoming final, shall be filed as an independent lawsuit before a court of first instance, pursuant to the general provisions of territorial and subject-matter jurisdiction, set forth in this Law.

218.5 Reversal of a declaration shall not entail revocation of the previous actions taken by the declaration-issuing court, and the court of appeals may, at its discretion, invoke said actions.

218.6 Upon considering a request for sale of endowed real property, or one belonging to a minor, absentee or devisee, the circuit shall announce such a sale properly, taking into consideration location and value of the said real property.

Chapter 2
Endowments and Minors

219.1 Establishment and attestation of an endowment or will involving property, whether realty or personality, shall be conducted by the court with subject-matter jurisdiction, even though such property may lie beyond the said court's territorial jurisdiction, as long as it is located inside the Kingdom.

219.2 The court shall, prior to establishing an endowment, verify validity of the document of title, and identification thereof with the record. Upon establishment of the said endowment, a statement thereof shall be annexed to the document of title and the record. The same shall apply to a will involving a real property, in whole or in part.

219.3 A notary public shall be responsible for registration of lands allocated for mosques, in the land parcels permitted for building, whether they are State- or privately owned; whereas endowed lands not allocated for mosques shall be documented by the competent courts.

219.4 If an endowment is vested in a charity, upon extinction of the persons entitled thereto, said endowment shall be overseen by the authority entrusted to oversee endowments.

219.5 If a court dismisses an endowment administrator, or accepts his resignation, said court shall appoint another administrator in his place, provided that the endowment lies within its jurisdiction. If not, the same court shall add a note indicating dismissal of the administrator on the administratorship deed, and forward the entire case file to the competent court to appoint a new administrator.

221.1 No title deed shall be issued for a land on which a mosque is built, unless so requested by the Ministry of Islamic Affairs, Endowments, *Da'wah* and Guidance.

221.2 No title deed shall be issued for a grave unless so requested by the Ministry of Municipal and Rural Affairs.

221.3 The court shall deliver deeds of public charitable endowments to the administrator mentioned in the endowment deed, and shall provide a copy thereof to the authority entrusted to oversee endowments. In the event that no administrator is mentioned in the said deed, the court shall deliver the same to the branch of the said authority in the region where the said endowment is located. In either case, a copy of the deed shall be delivered to the endower.

221.4 If a person requests issuance of a title deed of an endowment for which no administrator is appointed, the court may empower the said requester, in the title-establishment record, to claim the said deed.

223.1 A circuit considering a request concerning an endowment shall, by seeking assistance from relevant experts, verify that approval of such a request would serve the benefit and interest of the said endowment. If said request is made by the General Commission for Guardianship over Property of Minors and Persons of Similar Status, or the General Authority of Islamic Affairs and Endowments, the circuit may determine that the proposal put forth by either authority shall suffice.

223.2 If it serves the interest of a public or private endowment, or a will, to proceed with any of the actions provided for in Paragraph (2) of this Article, the endowment administrator shall submit a request thereof to the court with territorial jurisdiction over the endowed property.

223.3 If endowed property remains unsold one year after a sale permission was upheld by the court of appeals, the circuit shall only revalue the said property, enter a note thereon in the declaration record, and annex the same to the deed. The circuit may, at its discretion, determine a new value, whether higher or lower than the original one, in which case its decision shall be subject to revision by the court of appeals. No such revision shall be necessary, though, in cases where the circuit reaffirms the original value, and makes no change thereto.

223.4 Endowed real property shall be revalued once a year, pursuant to the provisions set forth in Paragraph (3) of Article 223 of these Regulations, unless the circuit determines to revalue it more frequently.

223.5 No endowment may be moved outside the Kingdom. Nor may any endowment be moved from Makkah or Madinah to otherwise place.

223.6 Moving an endowment from one town to another inside the Kingdom shall require a final permission from the court with territorial jurisdiction over the town where the endowed property is located. A request for purchase of a substitute thereof shall be submitted to the court with jurisdiction over the town to which the endowment is moved, or the court that permitted movement thereof. In either case, the court shall verify, beforehand, that such an action would serve the benefit and interest of the said endowment.

223.7 A permission to replace a public charitable endowment, by way of selling the same and purchasing a substitute thereof, shall be contingent on the approval of the Supreme Endowment Council.

223.8 The notary public shall be responsible for attesting disposal of an endowment share, including sale, purchase or pledge thereof. And upon the court's permission, a notary public shall issue deeds of division, sorting or merger of endowment shares, even if the real property deeds have been issued by the court.

223.9 An endowment administrator, upon receiving an endowed sum of money sufficient for purchase of real property for speculative purposes, shall immediately proceed, through the competent court, with purchasing said property as a substitute of the said endowed money.

223.10 A circuit may, at its discretion, permit sale of an endowment share, even if no purchaser is found, and even in the absence of partners or their designees, in which case the circuit shall set the minimum value of the said endowment share.

224.1 A circuit considering a request concerning a minor or an absentee shall, by seeking assistance from relevant experts, verify that approval of such a request would serve the benefit and interest of the said minor or absentee. If said request is made by the General Commission for Guardianship over Property of Minors and Persons of Similar Status, the circuit may determine that the appraisal put forth by said authority shall suffice.

224.2 If a minor's guardian is his father, he shall not be required to establish benefit or interest of the said minor. In such a case, sale, purchase, and the like actions of disposal, shall be attested by the notary public with jurisdiction.

224.3 This paragraph has been removed pursuant to the Ministry decision no. 841, dated 16/3/1439H.

224.4 A notary public shall be responsible for attesting disposal of a minor's or an absentee's share, including sale, purchase or pledge thereof. Upon the competent court's permission, the notary public shall issue deeds of division, sorting or merger of endowment shares, even if the real property deeds have been issued by the court.

224.5 This paragraph has been removed pursuant to the Minister of Justice Resolution no. 5062, dated 7/9/1440H.

224.6 A circuit may, at its discretion, permit sale of a minor or an absentee's share, even if no purchaser is found, and even in the absence of partners or their designees; in which case the circuit shall fix the minimum value of the said minor's or absentee's share.

224.7 If a minor or an absentee independently owns real property, his benefit and interest shall be established as a prerequisite for permitting sale of such property. But if said minor or absentee is entitled to a share in common real property that cannot be divided, or if retention of partnership does not serve the interest of the same, establishing usual value of the said share shall suffice.

224.8 The court in charge of the approval of the sale of a property belonging to a minor shall be the court having territorial jurisdiction over such property.

225.1 Judgments permitting actions of guardians, trustees and administrators, as well as judgments for pledging, borrowing, documentation of articles of incorporation, increase of corporate capitals, and purchase of real property for minors, shall not necessarily be subject to revision by the court of appeals.

226.1 Real property expropriated for public interest shall refer to a property that is expropriated pursuant to the Law of Eminent Domain and Temporary Taking of Property.

226.2 An endowed property, or one belonging to a minor, absentee or devisee, that is intended to be expropriated for the benefit of a private-sector corporation shall not be deemed to be for public interest. Sale of the said property shall not be executed, except upon a permission thereof from the competent court, to be upheld by the court of appeals, after verifying benefit and interest of the person entitled to the said property. If the estimated value does not serve such benefit and interest, the court shall join the corporation to increase the value in such a manner that would serve the benefit and interest. If the corporation declines, the court shall take whatever action it deems appropriate.

226.3 If one of the owners of a real property expropriated for public benefit is not present, a notary public shall execute conveyance of the said owner's share, in the manner provided for in Paragraph (2) of this Article.

Chapter 3 **Establishment of Title**

227.1 A title-establishment deed, even if final, shall not preclude hearing the case.

227.2 If the competent agency at the Ministry of Justice or the Supreme Judicial Council finds it necessary to reconsider a title-establishment deed on the grounds of an error in procedures which cannot be rectified or completed and which may result in its revocation, such deed shall be referred to the Supreme Court if it is upheld by the court of appeals or to the court of appeals in cases other than that, for examination and a decision thereon. The referral shall be made by the Ministry of Justice or the Supreme Judicial Council, as the case may be.

227.3 If a title-establishment deed is amended or completed in a manner not affecting the area, dimensions or neighbors of the real property under consideration, within the limits of the deed at hand, title-establishment procedures shall not be applied thereto; nor shall the deed be referred to the court of appeals, unless otherwise requested by an appellant.

227.4 If an amendment of a title-establishment deed involves a change of the area stated in the said deed and the conveyance contingent thereupon, title-establishment procedures shall apply, and be annexed to the deed, without referral to the court of appeals, unless otherwise requested by an appellant.

227.5 Title-establishment deeds not stating property area and dimensions shall be completed as per the applicable establishment instructions. Completion procedures shall be entered in the record, and annexed to the establishment deeds. Nevertheless, said procedures shall not be annexed to ownership documents or litigation deeds.

227.6 No title-establishment deed shall be issued except by the court under whose territorial jurisdiction the property lies. In the event that property, the title of which is already established by a court, is moved to the territorial jurisdiction of another court, the former court shall proceed with issuing the deed.

227.7 All actions relating to title-establishment deeds, including completion, amendment, addition, and so forth, shall be considered before the court with territorial jurisdiction over the place where the property is located. In case of changing territorial jurisdiction of property, the following procedures shall be carried out:

a. The latter court having territorial jurisdiction over the place where the property is moved to shall, in accordance with the applicable title-establishment instructions, proceed with any action deemed to be necessary, legally and statutorily.

b. The said latter court shall forward whatever actions it has applied to an establishment deed to the former, deed-issuing court, in order to enter the said actions in the record and register.

228.1 A partner in real property, whether inheritance-related partnership or otherwise, may request a title-establishment deed for himself and his partners, even if not holding power of attorney therefrom.

228.2 If a title-establishment deed is reversed, and remitted, thereupon, to the deed-issuing court, at the same time when only the circuit that issued said deed is available therein, the Chairman of the Supreme Judicial Council shall assign a circuit to consider the said deed in the same court.

228.3 A title-establishment deed of inherited real property shall, if possible, shall be issued in the name of heirs, or, if not, in the ancestor's name. In cases where real property is vested in the persons entitled to it (requester and his partners) by means other than inheritance, the deed shall be issued in the name of all partners, with the share of each partner specified therein.

228.4 Title-establishment deeds of real property located beyond the court's territorial jurisdiction shall be referred to the Supreme Court.

228.5 A title-establishment deed attesting to ownership of a building, but not the land on which it is built, may not be invoked to establish ownership of the said land. The land ownership claimant, in such a case, shall be required to prove his claim. Thereupon, the court shall proceed with the usual title-establishment process.

228.6 A person shall not need to establish his title to a building, as long as the same building is appendant, through a complementary deed, to a land he owns. An acknowledgment of the said building, upon its purchase, by both the seller and purchaser, shall suffice.

228.7 A title-establishment deed, whose record and register are lost or non-existing at all, shall be referred to the Supreme Court.

228.8 A copy of a title-establishment deed, whose record and register are lost or non-existing at all, shall be deemed null, without having to refer the same to the Supreme Court.

228.9 In cases where a record or register of a title-establishment deed is lost or non-existing at all, a copy of the said deed, along with a copy of the available record or register, shall be submitted to the Supreme Court.

228.10 If a title-establishment deed cannot be identified with its record, for reasons relating to damage of the said record, the original deed shall be submitted, along with a copy of the record, to the Supreme Court.

228.11 If a title-establishment deed has a record but no register, or has a register but no record, the original deed shall be submitted, along with a copy of the available record or register, to the Supreme Court.

228.12 If a circuit, upon consideration of a request for completion or amendment of a title-establishment deed with available record and register, finds out that the title-establishment request file is lost, wholly or partly, and finds it necessary to verify the deed, the circuit shall refer the said request to the Supreme Court.

229.1 If a person requests title establishment for more one real property, the following shall apply:

a. If requested establishment has to do with one or more separate property units, each with independent property boundaries and dimensions, a separate request, meeting the legal and statutory procedures of relevance, shall be made for each of the said property units.

b. If requested establishment has to do with adjacent property units, having common property boundaries, a single title-establishment deed shall be requested.

c. If a person, holding a title deed of a real property unit, requests annexation of an adjacent real property unit he owns to the same deed, his request shall not be considered. He may, instead, request issuance of a separate title-establishment deed for the latter property unit.

29.2 A title-establishment request must state the following:

a. Full name and national ID number of the property owner;

b. Property type and location, and the way the ownership document (if any) is obtained; and

c. Boundaries, dimensions and area (in meters).

229.3 A survey report shall detail the property boundaries, dimensions, aggregate area, geographic coordinates, and refraction angles, as well as linking it to a landmark.

230.1 The meter (and its submultiples) shall be used as the standard-length measurement units for measuring dimensions and aggregate area of real property.

230.2 The judge, or his designee, whether or not from the Department of Experts, shall inspect the property, and, if necessary, invoke the assistance of an engineer.

230.3 The judge or his designee, upon inspection of real property, shall draft a transcript, to be signed by him and those present therewith, elaborating the property status: its boundaries, dimensions, area, width of surrounding streets, and type or effect of restoration (if any), as well as ensuring that it does not encroach upon a valley, a forest, a coast or the like public facilities. All such details shall be entered in the title-establishment deed.

230.4 The court may, if necessary, invoke assistance of the Ministry of Municipal and Rural Affairs, the Ministry of Agriculture, or any other government agency, in surveying residential or agricultural sites, each according to its area of competence.

231.1 The court shall communicate in writing with the Ministry of Interior (Border Guards) with respect to coastal real property and those located inside the customs control zone. Likewise, it shall communicate with the General Authority of Civil Aviation with respect to the real property located in cities or governorates including airports.

231.2 Property-related communication with government agencies shall be carried out as per the approved form, and a copy of the survey report of the real property shall be enclosed thereto.

231.3 In case the real property under consideration is located within the approved urban boundaries of a city or village, the Ministry of Energy, Water and Agriculture shall not be communicated, even if the said property is an agricultural one.

231.4 If a relevant government agency states, in its reply to the court, that another agency, not specified in this Article, has jurisdiction over the property under consideration, the court shall communicate with the latter agency.

231.5 If a government agency, in its response to the court, approves of a part of the property under consideration, and keeps silent on the remainder, its silence shall be deemed as rejection of the unapproved part.

231.6 If a relevant government agency, in its reply to the court, objects to the requested title-establishment, the court shall schedule a date, within a duration of no less than one month, for

hearing the appeal, and notify the appellant agency, through a formal letter, of the hearing date. No appeal shall be heard before lapse of the period stipulated by Article (233) of this Law.

231.7 In case the appellant agency fails to send a designee on the specified hearing date, in spite of being notified thereof, the court shall, upon verifying that the notification was served, proceed with the title-establishment process. Upon issuance of the title-establishment deed, it shall be referred to the court of appeals for revision.

232.1 If a person requests establishment of his title to a vacant land he claims to have previously cultivated, the circuit shall consider the said request in accordance with Sharia rules, without having to communicate with the Prime Minister.

232.2 The request for approval shall be submitted to the Prime Minister through the Ministry of Justice, along with the circuit's point of view concerning the title-establishment request under consideration.

233.1 If a government agency does not respond during the period specified in this Article, neither with approval nor with rejection, the circuit shall, after verifying that the said agency was properly notified, proceed with the title-establishment process, and may, as it deems fit, refer the said title deed to the court of appeals for revision.

233.2 A circuit shall not record the declaration of a vacant land that has never been cultivated, or embark on the relevant evidentiary procedures thereof, until after receiving the Prime Minister's approval.

233.3 If an individual or an agency files an appeal before the court considering establishment of a title, and prior to deciding thereon, the appeal shall be heard, and entered in the declaration record, as part of the title-establishment process.

233.4 Subject to the provisions set forth in Paragraph (1) of Article 166 of the Law, a title-establishment deed must state the claimant's declaration and information, as well as detail the property boundaries, dimensions, aggregate area, geographic coordinates, and refraction angles, in addition to width of the surrounding streets. Values of the dimensions and area shall be entered in writing. The deed shall, in addition, include the responses of government agencies, as provided for by Paragraph (2) of this Article.

234.1 If a wreckage on a plot of land is removed by a competent government body on the ground that the said wreckage was unlawfully placed and the building was not old, a claimant may not request establishment of his title, until after filing a lawsuit against the said agency. Thereupon, Paragraph (1) of this Article shall apply.

235.1 Other *Hajj* sites shall refer to: *Muzdalifah* and *Arafat*.

235.2 If a deed involving ownership in any of the *Hajj* sites is submitted to a court or a notary public, the same shall be referred to the Supreme Court.

235.3 No title-establishment deed shall be issued for any property deemed to be part of, pertaining to, or necessary for the *Hajj* sites.

235.4 If a person requests from the court or notary public a copy of a deed establishing his title to property located in any of the *Hajj* sites, an attested copy of the said deed, once extracted from its record, shall be referred to the Supreme Court.

235.5 If a dispute concerning property located inside the *Hajj* sites arises, and no litigant files an appellant brief, the judgment rendered in such a dispute shall be referred to the court of appeals for revision.

235.6 In case a competent authority directs a person to establish his ownership of a building inside the *Hajj* sites, for purposes of indemnification, the court shall issue a provisional ownership document in the name of the owner, and communicate the same to the competent authority. The indemnification, upon receipt thereof, shall be added as a note to the ownership document, deed and register (if available).

Chapter 4

Establishment of Death and Determination of Heirs

236.1 Name of the deceased shall be mentioned in full, as stated in his national ID, so as not to be conflated with others, along with the national ID number, if available.

236.2 No request for establishment of death or determination of heirs shall be accepted unless submitted by one of the heirs, or a person legally authorized to act on his behalf.

236.3 In case all heirs are minors without a guardian, the court shall appoint a person to request establishment of death and determination of heirs on their behalf.

238.1 Official documents shall be used for noting down the dates of birth of minor heirs.

Part 14

General Provisions

240.1 The regulations stipulated in Articles (11.2), (128.2), (128.4), and (218.4) shall be deemed as part of this Law, and shall be issued in accordance with the provisions of Paragraph (1) of Article (240) of the Law.

242.1 This Law was published in Umm al-Qura Newspaper, Issue no. (4493), dated 17/2/1435H.