

LAW OF PROCEDURE BEFORE SHARI'AH COURTS

**Royal Decree No. (M/21)
20 Jumada I 1421 [19 August 2000]
Umm al-Qura No. 3811 – 17 Jumada II 1421
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PART ONE

GENERAL PROVISIONS

Article 1:

Courts shall apply to cases before them provisions of Shari'ah laws, in accordance with the Qur'an and Sunnah of the Prophet (peace be upon him), and laws promulgated by the State that do not conflict with the Qur'an and Sunnah, and their proceedings shall comply with the provisions of this Law.

Article 2:

The provisions of this Law shall apply to cases brought before them that have not been adjudged and proceedings that have not been completed prior to the effective date hereof, except the following:

- A. Articles amending jurisdiction in respect of cases filed prior the effective date hereof.
- B. Articles amending time limits which started prior to the effective date hereof.
- C. Provisions hereunder that establish or repeal methods of objection with respect to final judgments issued prior to the effective date hereof.

Article 3:

Any procedure in a proceeding validly applied under laws in force shall remain valid unless otherwise provided for hereunder.

Article 4:

No claim or defense shall be accepted in which its proponent has no existing legitimate interest. Nevertheless, potential interest shall be sufficient if the claim is intended as a precaution to avoid imminent damage or to document a right the evidence for which might disappear by the time it is contested. The judge shall reject a case he deems fictitious, and he may punish the plaintiff.

Article 5:

A case filed by at least three citizens in any matter involving public interest shall be accepted if there is no official agency in charge of that interest in the town.

Article 6:

An action shall be invalid if declared null and void by a provision hereunder or is so flawed that the purpose thereof is not served. However, it shall not be adjudged invalid, notwithstanding such a provision, if it is proven that the purpose of the action is definitely achieved.

Article 7:

A clerk shall attend all hearings and all case proceedings along with the judge, and shall keep a record and sign it together with the judge. If the clerk fails to attend, the judge may assume the procedure and take the minutes.

Article 8:

Process servers, clerks, and such other judicial assistants may not perform any work that lies within the scope of their jobs in cases involving them or their spouses, relatives, and in-laws up to the fourth degree, and any such work shall be null and void.

Article 9:

Periods and time limits set forth herein shall be calculated according to Umm al-Qura calendar, and sunset of each day shall be considered the end of that day.

Article 10:

In the application of the provisions hereof “place of residence” shall mean the place where a person normally resides. For nomads, the place of residence shall be deemed the place where a person lived when the case was filed. For detainees and prisoners, the place of residence shall be deemed the place where a person is detained or imprisoned. Any person may designate a particular place of residence for receiving the notices and service of process addressed to him regarding specific matters or transactions, in addition to his general place of residence.

Article 11:

No case properly filed with a competent court may be transferred to another court or agency before judgment is rendered.

Article 12:

Processes shall be served by servers at the judge’s order or at the request of the adversary or the court administration. Adversaries or their attorneys-in-fact shall follow up the procedures and give the relevant papers to servers for service. Service may be done by the plaintiff at his request.

Article 13:

No process may be served or judgment executed in the place of residence before sunrise or after sunset or during official holidays, except in compelling circumstances and with the written permission of the judge.

Article 14:

A service of process must be in duplicate, an original and an identical copy. There shall be as many copies as there are persons if several persons are served.

The process must contain the following:

- A. The subject and date of the process, giving the day, the month, the year, and the hour of the service.
- B. The full name, occupation or job, and place of residence of the person requesting the process as well as the full name, occupation or job, and place of residence of his representative.
- C. The full name, occupation or job, and place of residence of the person served. If the place of residence at the time of service is unknown, the process shall be served at the last [known] place of residence.
- D. The name of process server and the court where he works.
- E. The name and capacity of the person who received a copy of the process, and his signature on the original, or an entry showing his refusal and the reason therefor.
- F. The server's signature on both the copy and original.

Article 15:

The server shall deliver a copy of the process to the person to be served at his place of residence or work if available; otherwise, he shall deliver it to whoever of his family members, relatives, and in-laws residing with him is present, or to whoever works in his service that is present. If none of them is present or the one present refuses acceptance, the copy shall be delivered, according to the circumstance, to the *Umdah* of the quarter, the police station, to the head of the 'center', or the chief of the tribe within whose jurisdiction lies the place of residence of the person to be served, in that order.

The process server shall indicate same in detail at that time on the original of the process. Within twenty-four hours of the delivery of a copy to the administrative agency the server shall send a letter - registered with acknowledgement of receipt - to the person to be served at his place of residence or work notifying him that a copy had been delivered to the administrative agency.

Article 16:

Police stations and quarter *Umdahs* (Chief) shall, within the limits of their jurisdiction, assist the court server in the performance of his task.

Article 17:

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

Article 18:

Process copies shall be delivered as follows:

- A. With respect to government agencies, to their heads or those acting for them;
- B. With respect to public corporate persons, to their managers or those acting for them or representing them;
- C. With respect to companies, societies, and private establishments, to their managers or those acting for them or representing them;
- D. With respect to foreign companies and establishments which have a branch or an agent in the Kingdom, to the branch manager or the one acting for him or to the agent; or the one acting for him;
- E. With respect to armed forces personnel and those of similar status, to the immediate superior of the person to be served;
- F. With respect to sailors and ship personnel, to the captain;
- G. With respect to interdicted persons, to their trustees or guardians as the case may be;
- H. With respect to prisoners or detainees, to the warden of the prison or detention center;
- I. With respect to persons who have no known place of residence or designated place of residence in the Kingdom, to the Ministry of Interior in the regular administrative ways for notification by appropriate means.

Article 19:

In all the cases set forth in the preceding article, if the person to be served or the one acting for him refuses to receive the copy or sign the original acknowledging receipt, the server shall so indicate on the original and the copy, and deliver the copy to the amirate within whose jurisdiction lies the place of residence of the person to be served, or to the agency designated by the amirate.

Article 20:

If the place of residence of the person to be served is in a foreign country, a copy of the process shall be sent to the Ministry of Foreign Affairs, for communication by diplomatic means. A reply stating that the copy has reached the person to be served shall be sufficient.

Article 21:

If the in-Kingdom place of service lies outside the court's jurisdiction, the papers to be served shall be sent by the Chief judge or the Judge of such court

to the Chief Judge or the Judge of the court within whose jurisdiction the service lies.

Article 22:

Sixty days shall be added to the statutory time limits for persons whose place of residence is outside the Kingdom.

Article 23:

A time limit defined in days, months, or years, shall not include the notice day or the day on which the event which by law initiated the time limit occurred. The time limit expires at the end of the last day if the action is to take place within that time limit. If the time limit is one that must expire before the action, then the action may take place only after expiry of the last day of the time limit. If a time limit is defined in hours, its starting hour and its hour of expiry shall be calculated as aforesaid.

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

PART TWO
JURISDICTION
Chapter I
International Jurisdiction

Article 24:

The Kingdom's courts shall have jurisdiction over cases filed against a Saudi, even if there is no record of his general or designated place of residence in the Kingdom. Excepted are cases *in rem* involving real estate located outside the Kingdom.

Article 25:

The Kingdom's courts shall have jurisdiction over cases filed against an alien who has a general or a designated place of residence in the Kingdom. Excepted are cases *in rem* involving real estate outside the Kingdom.

Article 26:

The Kingdom's courts shall have jurisdiction over cases filed against an alien who has no general or designated place of residence in the Kingdom in the following circumstances:

- A. If the lawsuit involves property located in the Kingdom or an obligation considered to have originated or is enforceable in the Kingdom.
- B. If the lawsuit involves bankruptcy declared in the Kingdom.
- C. If the lawsuit is against more than one person and one of them has a place of residence in the Kingdom.

Article 27:

The Kingdom's courts shall have jurisdiction over cases filed against an alien Muslim who has no general or designated place of residence in the Kingdom in the following circumstances:

- A. If the case is against a marriage contract to be executed in the Kingdom.

- B. If the case is for divorce or annulment of a marriage contract and is filed by a Saudi wife or one who has lost her citizenship by reason of marriage if either one is residing in the Kingdom, or a non-Saudi wife residing in the Kingdom, against her husband who has a place of residence therein if her husband abandoned her and took residence abroad or if he was deported from the Kingdom's territory.

- C. If the lawsuit is for support and the person for whom support is claimed resides in the Kingdom.
- D. If the lawsuit involves paternity of a child in the Kingdom or relates to an issue of custody over a person or property when the minor or the one to be interdicted has a place of residence in the Kingdom.
- E. If the lawsuit involves some other personal status issue and the plaintiff is a Saudi or an alien residing in the Kingdom, if the defendant has no known place of residence abroad.

Article 28:

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

Article 29:

The Kingdom's courts shall have jurisdiction over preventive and temporary measures enforced in the Kingdom, even though they had no jurisdiction over the original case.

Article 30:

A corollary of the jurisdiction of the Kingdom's courts shall be jurisdiction over consideration of preliminary issues and requests incidental to the original case as well as consideration of any request which relates to such a case and is required by the proper process of justice.

Chapter II. Subject-Matter Jurisdiction

Article 31:

Without prejudice to the provisions of the Grievance Board Law and to the general courts' jurisdiction to consider real estate cases, Summary Courts shall have jurisdiction to adjudicate the following cases:

- A. Lawsuits for restraining interference with possession or for recovery of possession.
- B. Lawsuits where the value does not exceed ten thousand riyals. The Implementation Regulations shall prescribe how to estimate value of the claim.
- C. Lawsuits involving leases where the rent does not exceed one thousand riyals a month, provided that the claim does not exceed ten thousand riyals.

- D. Lawsuits involving labor contracts where the salary or wage does not exceed one thousand riyals a month, provided that the claim does not exceed ten thousand riyals.

The sums stipulated under Paragraphs B, C, and D of this article may be amended as required by a decision of the full membership of the Supreme Judicial Council on the recommendation of the Minister of Justice.

Article 32:

Without prejudice to the provisions of the Grievance Board Law, General Courts shall have jurisdiction over all cases outside the jurisdiction of Summary Courts. Specifically, they may consider the following:

- A. All cases *in rem* dealing with real estate.
- B. Issuing title deeds, registration of endowment and hearing the declaration thereof, and recording marriages, probate, divorce, *khul'* divorce at the insistence of the wife, paternity, death and determination of heirs.
- C. Designating trustees, guardians, and administrators and permitting them to perform actions that require the judge's permission, and dismissing them if required.
- D. Imposing and waiving support.
- E. Marrying off women who have no guardians.
- F. Interdicting spendthrifts and bankrupts.

Article 33:

General Courts shall have jurisdiction over all claims and cases under the jurisdiction of Summary Court in towns where no Summary Court exists.

**Chapter III.
Venue**

Article 34:

A lawsuit shall be filed with the court with jurisdiction over defendant's place of residence. If he has no place of residence in the Kingdom, jurisdiction

belongs to the court with jurisdiction over plaintiff's place of residence. If there are several defendants, jurisdiction belongs to the court with jurisdiction over the place of residence of the majority. In case of equal numbers, plaintiff shall have the option of filing the case with any court with jurisdiction over the place of residence of any of them.

Article 35:

Subject to the established jurisdiction provisions of the Grievance Board, cases against government administrative agencies shall be filed with the court with jurisdiction over the head office thereof. A lawsuit may be filed with the court with jurisdiction over the branch of a government agency in matters relating to that branch.

Article 36:

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

Article 37:

As an exception to Article 34, a claimant of support shall have the option of filing his lawsuit with the court with jurisdiction over the place of residence of either claimant or defendant.

Article 38:

A city or village shall be considered the scope of the venue of the court existing there. If there are several courts, the Minister of Justice shall define the venue of each pursuant to a suggestion from the Supreme Judicial Council. Villages that have no court shall fall within the jurisdiction of the court of the nearest town. Whenever there is a dispute affirming or denying venue, the case shall be referred to the Appellate Court for deciding the subject of the dispute.

PART THREE
FILING AND RECORDING LAWSUITS

Article 39:

A lawsuit shall be filed by the plaintiff with a court by means of a claim memorandum to be deposited with the court in original and as many copies as there are defendants.

Such claim memorandum shall contain the following:

- A. The full name, occupation or job, and place of residence of plaintiff and the full name, occupation or job, and place of residence, if any, of his representative.
- B. The full name, occupation or job, and place of residence of defendant, or his last place of residence if he has no known place of residence.
- C. The date of submission of the claim memorandum.
- D. The court with which the lawsuit is filed.
- E. The plaintiff's designated place of residence in the town where the court is located if he has no place of residence there.
- F. The subject of the case and plaintiff's claim and support therefor.

Article 40:

The date for appearance before a General Court shall be not less than eight days after service of the claim memorandum. This time limit may be reduced to twenty-four hours in compelling circumstances. The time limit for appearance before Summary Courts shall be three days. This time limit may be reduced to one hour in compelling circumstances, provided that the process is served to the adversary in person in both cases of time reduction. The reduction of the time limit in both cases shall be with the permission of the judge or the chief judge of the court with which the case is filed.

Article 41:

In all but summary cases where the time limit for appearance has been reduced, defendant shall deposit with the court his defense memorandum not

less than three days before the hearing at General Courts, and not less than one day before the hearing at Summary Courts.

Article 42:

The competent clerk shall place the case in the docket on the day the claim memorandum is submitted, after recording the day scheduled for the hearing on the original and copies of the declaration in the presence of the plaintiff or his representative. He shall on the day immediately following deliver the declaration and the copies thereof to the process server or plaintiff, as the case may be, for serving and returning the original to the court administration.

Article 43:

The process server or plaintiff, as the case may be, shall serve the claim memorandum to defendant in sufficient time before the date of the hearing to allow for the time limit set for appearance.

Article 44:

Failure to honor the time limit set forth in the preceding article, or failure to honor the time limit for appearance, shall not invalidate the claim memorandum and shall not prejudice the right of the one served to postponement for completion of the time limit.

Article 45:

If plaintiff and defendant appear of their own accord before a court and request a hearing of their dispute, the court shall, if possible, immediately hear the case or schedule another hearing therefor, even if the case is outside its venue.

Article 46:

If a court schedules a hearing for two litigants but they appear at other than the scheduled time and request consideration of their dispute, the court shall, if possible, accede to that request.

PART FOUR
APPEAREANCE AND ABSENCE OF LITIGANTS

Chapter I
Appearance and Representation in Litigation

Article 47:

On the day scheduled for consideration of the case the litigants shall appear in person or through representatives. If the representative is an attorney-in-fact he shall be the one qualified to accept a power of attorney according to law.

Article 48:

An attorney-in-fact shall declare his appearance on behalf of his client and shall deposit the document of his power of attorney with the competent clerk. The court, when necessary, may allow the deposit of the document by the attorney-in-fact within a time limit prescribed by the court, provided that it is not later than the first hearing of the proceedings. The power of attorney may be recorded in the hearing by a declaration to be entered in the record and signed or thumb printed by the client.

Article 49:

Whatever the attorney-in-fact declares in the presence of the client shall in effect be a declaration by the client himself unless the client denies it in the same hearing during consideration of the case.

If the client does not appear, the attorney-in-fact may not concede the right claimed, make a waiver or accept a settlement, accept, direct, or reject an oath, drop the litigation, waive judgment in whole or in part or any method of appeal, lift an interdiction, release a mortgage while leaving the debt [unpaid], or claim forgery unless he is specifically authorized to do so in the power of attorney.

Article 50:

Resignation or dismissal of an attorney-in-fact without the court's approval shall not preclude continuation of the proceedings unless the client notifies his

adversary of the appointment of a substitute for the resigning or dismissed attorney-in-fact, or of his intention to handle the case in person.

Article 51:

If it becomes apparent to the court that an attorney-in-fact has been dilatory under the pretext of the need to consult his client but intending to procrastinate, the court shall have the right to request the client himself to complete the proceeding.

Article 52:

No judge, public prosecutor, or court employee may be the attorney-in-fact for a litigant in a case, even if filed with a court other than their own. They are allowed to do so, however, on behalf of their spouses, ascendants and descendants, and persons legally under their guardianship.

Chapter II
Absence of Litigant(s)

Article 53:

If the plaintiff is absent from a court hearing without an excuse acceptable to the court, the case shall be stricken off. Afterward, he may, depending on the circumstances, request continued consideration of the case, in which case the court shall schedule a hearing for such consideration and notify defendant. If plaintiff is again absent without an excuse acceptable to the court, the case shall be stricken off and it may be heard again only by a decision of the permanent panel of the Supreme Judicial Council.

Article 54:

In both situations set forth under the preceding article, if the defendant attends the hearing from which the plaintiff is absent, the defendant may ask the court not to strike off the case and to adjudge on the merits thereof if the case is ripe for judgment, in which instance the court shall adjudge the case and the judgment shall be considered a default [judgment] with respect to plaintiff.

Article 55:

If the defendant is absent from the first hearing, consideration of the case shall be postponed to a subsequent hearing of which the defendant shall be notified. If he is absent from this hearing or from another hearing without an excuse acceptable to the court, the court shall adjudge the case and its judgment shall be considered a default [judgment] with respect to the defendant, unless defendant's absence was after the closing of argument, in which case the judgment shall be considered in his presence.

Article 56:

If there are several defendants some of whom were served in person while the others were not, and all of them or only those who were not served in person were absent, the court, in other than summary cases, shall postpone consideration of the case to a subsequent hearing and plaintiff shall serve notice of that hearing to those absent who were not served in person. The decision in the case shall be considered in the presence of all defendants.

Article 57:

In the application of the preceding provisions, a person who arrives thirty minutes before the scheduled time for the end of the hearing shall not be considered absent, and he shall be considered present if he arrives while the hearing is still in progress.

Article 58:

A person against whom a default judgment has been rendered may, within the deadline specified herein, object to the judgment before the court that rendered the judgment. He may ask the court to expeditiously issue a temporary stay of the execution of the judgment. A default judgment shall be stayed if the court issues a judgment to stay it, or if it issues a judgment that is contrary to the default judgment and supercedes it.

**PART FIVE
HEARING PROCEDURE AND ORDER**

**Chapter I
Hearing Procedure**

Article 59:

The record clerk shall each day prepare a list of the cases for that day arranged in the order of the hours scheduled for their consideration. After presentation to the judge, a copy of the list shall be posted before working hours on the bulletin board set up for this purpose at the door of the courtroom.

Article 60:

The litigants shall be called at the time scheduled for considering their cases.

Article 61:

Proceedings shall be in open court unless the judge on his own or at the request of an litigant closes the hearing in order to maintain order, observe public morality, or for the privacy of the family.

Article 62:

Argument shall be oral. This, however, shall not preclude the presentation of statements or defenses in the form of written briefs copies of which shall be exchanged between the litigants and the original shall be kept in the case-file which shall be referenced in the minutes. The court shall grant the litigants sufficient time to review and respond to the documents as circumstances warrant.

Article 63:

The judge shall ask the plaintiff with regard to whatever is required to plead his case prior to questioning the defendant. He may not dismiss the case to correct a pleading, nor may he proceed with the case, prior to that.

Article 64:

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

Article 65:

If either party presents a valid defense and requests a reply from the other party who asks for time for that purpose, the judge may grant him time if he deems it necessary, but time may not be granted again for the same answer except for a legitimate reason acceptable to the judge.

Article 66:

Proceedings shall close upon the litigants concluding their arguments. Nevertheless, the court may, before announcing its judgment, and for proper cause, reopen argument on its own or at the request of a litigant and docket the lawsuit again.

Article 67:

Litigants may, in whatever form the case may be, ask the court to enter whatever acknowledgement, settlement, or suchlike agreed between them in the court record and the court shall issue a deed to that effect.

Article 68:

The record clerk shall, under the supervision of the judge, enter the minutes of the argument in the record, stating the date and hour each argument began and the hour it ended, the name of the judge and the names of the litigants or their attorneys-in-fact. The judge, the clerk, and those persons whose names are mentioned therein shall sign the record. If one of them declines to sign the judge shall so indicate in the record of the hearing.

**Chapter II
Hearing Order**

Article 69:

Order and management of the hearing are assigned to the Presiding Judge. In pursuance of this he may expel from the courtroom anyone who disturbs order. If he disobeys, the court may forthwith sentence him to prison for up to twenty-four hours. Such a judgment shall be final but the court may reverse that judgment.

Article 70:

The Presiding Judge is the person who addresses questions to the litigants and witnesses. Other court members participating in the hearing and the litigants may ask him to address whatever questions relating to the case they wish to ask.

**PART SIX
DEFENSES, JOINDER, INTERVENTION,
AND INCIDENTAL REQUESTS**

**Chapter I
Defenses**

Article 71:

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

Article 72:

A motion for lack of subject-matter jurisdiction or for dismissal of the case for lack of capacity or interest, or for any other reason, or for dismissal of the case shall be ruled on by the court itself, and such motions shall be admissible at any stage of the case.

Article 73:

The court shall rule independently on such motions unless it decides to include them with the subject matter of the case in which instance it shall indicate its ruling on both the motions and the merits.

Article 74:

If a court rules that it lacks jurisdiction, it shall refer the case to the competent court and notify the litigants accordingly.

**Chapter II
Joinder and Intervention**

Article 75:

A litigant may ask the court to join in the case whoever would rightfully have been a litigant when the case was filed. The normal summons procedure shall be followed in making him a litigant. The court shall, whenever possible, rule on the matter of the request for the joinder and on the original case in the same judgment whenever possible, otherwise it shall rule on the matter of the request for joinder after adjudging the original case.

Article 76:

The court on its own may order the joinder of whoever it feels should be joined in the following circumstances:

- A. A person who is linked to an adversary by the bonds of partnership, right, or indivisible obligation.
- B. An heir of the plaintiff or defendant or an owner in common with either of them if the case involves an estate in the first instance or a common ownership in the second.
- C. A person who may be harmed by the case or by a judgment thereon if the court finds serious evidence of collusion, fraud, or failure on the part of the litigants.

The court shall set a time for the appearance of whoever it orders joined, and the normal summons procedure shall be followed.

Article 77:

Any person having an interest may intervene in the case by joining a litigant or requesting a judgment for himself on a matter related to the case. Intervention shall be by a memorandum notified to the litigants before the day of the hearing or by a request made orally in the hearing in their presence and recorded in the minutes. No intervention may be permitted after the closing of proceedings.

Chapter III Incidental Requests

Article 78:

Incidental requests shall be filed by the plaintiff or the defendant by means of a memorandum delivered to the litigants before the day of the hearing or by a request made orally in the hearing in the presence of the adversary and recorded in the minutes. No incidental request may be permitted after the closing of the proceedings.

Article 79:

The plaintiff may make the following incidental requests:

- A. Matters that involve correcting the original request or amending its subject matter to meet exigencies that arose or became known after the lawsuit was filed
- B. Matters complementing, arising from, or which are indivisibly linked to the original request.
- C. Matters involving an addition or a change to the grounds for the case, leaving the original subject matter of the case unchanged
- D. Requesting an order for preventive or temporary action.
- E. Whatever the court permits relating to the original request.

Article 80:

The defendant may make the following requests:

- A. Request for judicial set off.
- B. Request for a judgment for compensation for damages sustained stemming from the original case or from an action therein.
- C. Any request which, if accepted, results in not rendering judgment on all or some of the requests of the plaintiff, or rendering a judgment with qualifications advantageous to the defendant.
- D. Any request indivisibly linked to the original case.
- E. Whatever the court permits relating to the original case.

Article 81:

Whenever possible the court shall rule on an incidental request along with the original case; otherwise, it shall retain the incidental request for a ruling after verification.

**PART SEVEN
SUSPENSION, DISCONTINUANCE,
AND ABANDONMENT OF LITIGATION**

**Chapter I
Suspension of Litigation**

Article 82:

The case may be suspended on the basis of an agreement by the litigants not to proceed with it for a maximum of six months from the date the court approves the agreement. Such suspension shall have no effect on any mandatory time limit prescribed hereunder for an action.

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

Article 83:

If a court determines that its judgment on the merits of a case should be contingent on ruling on another issue on which the judgment depends, it shall order suspension of the case and the litigants may request proceeding with the case when the cause of suspension lapses.

**Chapter II
Discontinuance of Litigation**

Article 84:

Unless the case is ripe for judgment on the merits, litigation shall discontinue with the death of a litigant or his loss of capacity to litigate, or with the loss of representational capacity by the person litigating on his behalf. Litigation shall not discontinue with the expiry of a power of attorney, however. The court may grant sufficient time to a client if he appoints a new attorney-in-fact within fifteen days of the expiry of the first power of attorney. If the case is ripe for judgment, however, the litigation may not be discontinued and the court shall render judgment.

Article 85:

A case shall be considered ripe for judgment on its merits if the litigants make their statements and closing arguments during the litigation hearing before the cause to discontinue existed.

Article 86:

Discontinuance of litigation shall entail the suspension of all set times of the litigation then proceeding in respect of the litigants and the invalidation of all actions occurring during the discontinuance.

Article 87:

Proceedings of the case shall resume at the request of a litigant [with summons] duly notified to the successor of the person by reason of whom the discontinuance happened, or to the other adversary. Proceeding with the case shall also resume if the hearing scheduled for considering the case is attended by the successor of the person by reason of whom the discontinuance happened.

**Chapter III
Abandonment of Litigation**

Article 88:

The plaintiff may abandon litigation by means of a notice addressed by him to his adversary, by a declaration from him to the competent court clerk, by an explicit statement in a memorandum signed by him or his attorney-in-fact and shown to his adversary, or by making the request orally on the record in a hearing. Abandonment after the defendant completes his defenses is permitted only with the court's approval.

Article 89:

Abandonment shall entail nullification of all litigation actions, including the claim memorandum. Such abandonment, however, shall not prejudice the right claimed.

PART EIGHT
RECUSAL AND DISQUALIFICATION OF JUDGES

Article 90:

A judge shall be prohibited from considering and hearing a case, even if no litigant makes such a request, in the following circumstances.

- A. If he is the spouse, relative, or in-law up to the fourth degree of a litigant.
- B. If he, or his wife, has an existing dispute with a litigant in the case or with his wife.
- C. If he is an attorney-in-fact, guardian, trustee, or presumptive heir of a litigant or if he is the spouse of the guardian or trustee of a litigant or if he is a relative or an in-law up to the fourth degree of such guardian or trustee.
- D. If he, his wife, a relative, or an in-law in the ancestral line, or a person for whom he is trustee or guardian, has an interest in the existing case.
- E. If he had issued a fatwa (religious legal opinion), litigated for one of the litigants in the case, or written about it, even if it were before he joined the judiciary, or if he had earlier considered the case as a judge, expert, or arbitrator, or had been a witness in the case or had engaged in any investigative action therein.

Article 91:

An action or decision by a judge in any of the foregoing circumstances set forth in Article 90 shall be null and void even if it were with the agreement of the litigants. If such nullification occurs with respect to a judgment upheld by the Appellate Court, a litigant may request said court to nullify the decision and assign another judge to reconsider the appeal.

Article 92:

A judge may be disqualified for any of the following reasons:

- A. If either he or his wife has a case similar to the case before him.
- B. If he, or his wife, has a dispute with a litigant or his wife after the lawsuit was filed and pending with the judge, unless that [latter] lawsuit was filed with the intention of disqualifying him from considering the case before him.
- C. If his divorcee with whom he has a child or one of his relatives or in-laws up to the fourth degree has a dispute before the judiciary with a litigant in the case, or with his wife, unless the case was brought with the intention of disqualifying him.
- D. If a litigant is his servant or the judge had habitually dined or lived with him, or if he had received a gift from him shortly before the lawsuit was filed or thereafter.
- E. If enmity or friendship exists between him and a litigant such that it is likely he would not be able to judge impartially.

Article 93:

A judge may refrain from considering a case before him only if he was forbidden to consider the case or possessed a disqualifying cause. He shall contact his immediate superior for permission to recuse himself, all of which shall be entered into a special record kept at the court.

Article 94:

If there was cause for a judge to recuse himself and he had failed to do so, a litigant may request his disqualification. If the reason for disqualification is not one of those set forth under Article 92, a request for disqualification must be made before any defense or plea is presented in the case; otherwise such a right is forfeited. Nevertheless, such a request may be made if the reasons therefor occurred afterwards or if the petitioner proves that he had no knowledge thereof.

Article 95:

Disqualification shall be effected by a declaration to the court administration signed by the petitioner personally or by his attorney-in-fact under special power of attorney which shall be attached to the declaration. A declaration for disqualification shall include reasons therefor and enclose whatever supporting papers are available. When making the declaration, the petitioner shall deposit

one thousand riyals which shall revert to the public treasury if the petition is rejected.

Article 96:

The court administration shall immediately show the declaration for disqualification to the judge who shall within the following four days of reviewing the declaration write to the Chief Judge of the court or the Chief Judge of the province courts, as the case may be, about the facts and causes of disqualification. If he does not write within the prescribed time, or if he writes in support of the reasons for disqualification, which reasons shall be proper hereunder, or if he writes a denial but proof is established, the Chief Judge of the court or the Chief Judge of the province courts shall declare him disqualified from considering the case.

PART NINE
EVIDENTIARY PROCEDURES
Chapter I
General Provisions

Article 97:

Facts intended for verification during proceedings must be relevant, material to the case and admissible.

Article 98:

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

Article 99:

A court may renounce evidentiary procedures it had ordered provided that it sets forth the reasons for renunciation in the record. It may take no account of the result of the procedure provided that it explains the reasons therefor in its judgment.

Chapter II
Questioning Litigants and
Admission

Article 100:

A court may question a litigant who is present, and each litigant may request the questioning of his adversary who is present. Responses shall be given during the same hearing, unless the court deems fit to grant time for a response. The response must be given in front of the person requesting the questioning.

Article 101:

A court either on its own, or at the request of a litigant, may order the presence of his adversary for questioning if it determined a need therefor. A person whom the court decides to question shall attend the hearing as scheduled in the court's order.

Article 102:

If a litigant has an acceptable excuse that prevents his appearance in person for questioning, the judge shall himself go, or deputize a trustworthy person to go, to question the litigant at his place of residence. If the one to be questioned is outside the area of the court's jurisdiction, the judge shall deputize the court of his place of residence to question him.

Article 103:

If a litigant fails to appear for questioning without an acceptable excuse, or refuses to answer for no reason, the court may hear the evidence and draw whatever conclusion it deems proper from such failure to appear or refusal to answer.

Article 104:

An admission by a litigant during questioning or without questioning shall be proof affecting him only. The admission shall be made before the bench during the course of the case related to the admitted event.

Article 105:

For an admission to be valid it must be made by an adult, who is sane, not under interdiction, and must make the admission freely. An admission by an interdicted spendthrift shall be accepted in all matters for which he is not legally under interdiction.

Article 106:

An admission shall not be divisible to the detriment of its maker whereby what is damaging to him is taken into account but what is in his favor is not. It shall be taken *in toto*, unless it pertains to several events where the existence of one event does not necessarily entail the existence of others.

Chapter III Oaths

Article 107:

A person requesting the oath of his adversary must precisely specify the events concerning which he wishes said adversary take an oath. The court shall prepare the formula of the oath as prescribed by the Shari'ah.

Article 108:

An oath or refusal to be take an oath may be made only before the presiding judge in the judicial hearing, and shall be of no consequence outside the hearing unless there is a provision to the contrary.

Article 109:

A person summoned to court to take an oath must appear. If he appears and declines without contesting the permissibility or relevance of the oath to the case with the person requesting the oath he must, if present in person, take the oath immediately or require that his adversary take an oath. If he fails to appear for no excuse he shall be considered to have refused to take the oath.

Article 110:

If the person requested to take an oath has an excuse that prevents his appearance, the judge shall proceed to where he is to administer the oath, or the court shall assign one of its judges or assistant judges to do so. If a person to be sworn resides outside the area of the court's jurisdiction, the court may deputize the court of his place of residence to administer the oath. In either case minutes of the oath shall be drawn up and signed by the oath taker, the deputized judge or representative, the clerk, and the adversaries present.

Article 111:

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

Chapter IV Inspection

Article 112:

The court on its own or at the request of a litigant may decide to inspect a disputed item either by bringing it to the court, if feasible, or by proceeding to where it is or assigning the task to one of its members, provided that the decision to that effect states the time of inspection. It may deputize the court

with jurisdiction over the disputed item to perform the inspection, in which case the deputized judge shall be notified of the deputizing decision, which decision shall contain all the information pertaining to the litigants, the inspection place, and such other information as is necessary to clarify aspects of the case.

Article 113:

The court, the assigned or deputized judge shall invite the litigants, at least twenty-four hours prior to the scheduled time, except travel time, by means of a memorandum sent through the court administration that gives the place and day and hour of the meeting.

The court may, if need be, take the inspected item under custody pending the announcement of the judgment or until any other time.

Article 114:

The court, the judge assigned or deputized for inspection may appoint one or more experts for assistance in the inspection. The court, the assigned or deputized judge may hear the testimony of any witness they desire at the place of dispute.

Article 115:

Minutes of the inspection result shall be drawn up and signed by the inspector, the clerk, and whatever experts, witnesses, and litigants were present which shall be entered into the case file.

Article 116:

Any person who has an interest in documenting the material conditions of an event that may become the subject of a dispute before the bench in the future may bring a summary case to the court of local venue, requesting an inspection in the presence of those concerned and documenting the conditions. Inspection and documentation of the condition shall be completed as per the provisions of the preceding articles.

**Chapter V
Testimony**

Article 117:

A litigant who requests, during proceedings, proof by the testimony of witnesses shall set forth in writing or orally during the hearing the events he wishes to prove. If the court determines that such events are admissible under the provisions of Article 97, it shall decide to hear the witnesses and shall schedule a hearing for that purpose and ask the litigant to bring them then.

Article 118:

If a witness has an excuse that prevents his appearance to testify, the judge shall proceed to where he is to hear it or the court shall assign one of its judges to do so. If the witness resides outside the area of the court's jurisdiction, the court shall deputize the court of his place of residence to hear his testimony.

Article 119:

The testimony of each witness shall be heard individually in the presence of the litigants but not in the presence of the other witnesses whose testimony had not been heard, though their failure to attend does not preclude hearing it. A witness shall state his full name, age, occupation, place of residence and whether he is related to the litigants by kinship, service, etc., if applicable, and his identity shall be verified.

Article 120:

Testimony shall be given orally. The use of written notes during testimony is permitted only with the judge's consent provided that the nature of the case justifies it. A litigant against whom the testimony is made may indicate to the court whatever prejudices the testimony by impeaching the witness or the testimony.

Article 121:

The judge on his own or at the request of a litigant may ask the witness whatever questions he determines are conducive to determining the truth. The judge shall accede to the request of the litigant in this regard unless the question is immaterial.

Article 122:

If an adversary requests time to bring witnesses absent from the judicial hearing, he shall be granted the shortest time that is adequate in the opinion of the court. If he does not bring them to the scheduled hearing or brought persons whose testimony was incompetent, he shall be given another grace period along with a warning that he would be considered in default if he does not bring them. If he does not bring them to the third hearing, or brings persons whose testimony is incompetent, the court may decide the dispute. If he has an excuse for not bringing his witnesses, such as their absence or his ignorance of their place of residence, he shall have the right to bring a case when they are available.

Article 123:

The testimony of a witness and the answers he gives to questions addressed to him shall be written in the record in the first person without change. It shall then be read to him and he may enter any amendment thereto he wishes. The amendment shall be entered after the text of the testimony and signed by both him and the judge.

**Chapter VI
Expertise**

Article 124:

The court may decide, when necessary, to assign one or more experts. It shall in such a decision specify the task of the expert, the time for depositing his report and the time for the litigation hearing based on the report, and shall also specify, when necessary, the advance paid to the account of the expert's expenses and fees and the litigant who shall deposit that sum and the time by which he shall make the deposit. It may also appoint an expert to give his opinion orally in a hearing, in which case the opinion shall be entered into the record.

Article 125:

If a litigant does not deposit the sum he is required to deposit within the time limit set by the court, the other litigant may make that deposit without prejudice to his right to have recourse to his adversary if a judgment is made in his favor. If neither litigant deposits the sum and resolving the case is dependent on determination by experts, the court may suspend the case until the sum is deposited.

Article 126:

If the litigants agree on a particular expert, the court may accept their agreement; otherwise, it may select an expert who enjoys its confidence.

Article 127:

Within the three days following depositing the sum, the court shall call the expert and explain to him his task as per the wording of the assignment decision. He shall then receive a copy thereof to fulfill it. The expert may review the papers in the case file but he may not copy anything without the court's permission.

Article 128:

If the expert is not attached to the court he may, within three days of receiving his assignment decision, ask the court to relieve him of the task to which he is assigned. The court may relieve him and assign another expert. It may, in accordance with Shari'ah rules, make an expert, who has failed to perform his task, pay the costs he had caused to be expended uselessly.

Article 129:

Experts may be disqualified for the same reasons that permit the disqualification of judges. The court that appointed the expert shall make an unappealable ruling on the motion to disqualify. A motion to disqualify an expert made by the litigant who has selected him shall be denied unless the reason for disqualification occurred after selection.

Article 130:

The expert shall specify a date for starting his work no later than ten days from the date of receiving his assignment decision, and shall notify the litigants of the place and time of meeting in a timely manner. The expert shall commence his work even in the absence of the litigants if they had been duly invited.

Article 131:

The expert shall prepare minutes of his task that record his work in detail and the attendance, statements, and remarks of the litigants as well as statements of persons whose hearing was dictated by circumstances, and have it signed by them. The expert shall enclose with his minutes a signed report of the result of his work, his opinion, and the grounds on which that opinion was based. If there is more than one expert, and they disagree, they shall present a single report in which they mention their individual opinions and the grounds therefor.

Article 132:

The expert shall deposit with the court administration his report and related minutes of work and papers he received. He shall inform the litigants of the deposit by registered mail within the twenty-four hours that follow such a deposit.

Article 133:

The court may, if it finds a need, summon the expert to a hearing it schedules to discuss his report. The court may return the report to the expert to correct

what it considers errors and deficiencies in his work, and it may entrust this task to another expert or experts.

Article 134:

The experts' opinion is not binding on the court, which merely uses it as a guide.

Article 135:

The expenses and fees of experts shall be determined in accordance with rules issued by the Minister of Justice.

Article 136:

An experts' committee shall be formed by a decision of the Minister of Justice. The implementation regulations shall specify the competence of this committee and the manner of discharging its duties.

Article 137:

The Minister of Justice may appoint employees to work full time with courts in certain expert work.

Chapter VII

Writing

Article 138:

A document used for evidence shall be either on official paper or ordinary paper. An official paper is a paper on which a public officer or a person assigned to public service records what he has done or what he has received from those concerned, in conformity with legal conditions and within his authority and jurisdiction.

An ordinary paper is a paper signed, stamped, or thumb printed by the person issuing it.

Article 139:

It shall be up to the court to determine whether any crossing out, erasure, insert, or other material defects in a document compromise its value as evidence.

If in the opinion of the court the authenticity of a document is suspect, it may ask the officer who issued it or the person who wrote it for a clarification of the truth of the matter.

Article 140:

No challenge to official documents shall be allowed except by claiming forgery, unless what is set forth therein is contrary to the Shari'ah.

Article 141:

If the person to whom the contents of a paper are ascribed denies his handwriting, signature, thumbprint, or stamp, or such is denied by his successor or deputy while the paper is material to the dispute and the facts and documents of the case are not sufficient to convince the court of the validity of the handwriting or signature, the court may conduct a comparison to be made under its supervision by one or more experts to be named in the comparison decision.

Article 142:

The handwriting, signature, thumbprint, or stamp denied shall be compared with the established handwriting, signature, thumbprint, or stamp of the persons to whom the paper is ascribed.

Article 143:

The disputed document shall be signed by the judge and the clerk indicating that they had examined it. Minutes shall be entered into the record setting forth the condition and description of the document in sufficient detail, and the minutes shall be signed by the judge, the clerk, and the litigants.

Article 144:

The litigants shall appear at the time scheduled by the judge to present the documents for comparison that are in their possession with a view to selecting what is suitable for this purpose. If the litigant assigned the burden of proof fails to appear for no excuse, a decision forfeiting his right to proof may be made. If his adversary fails to appear, the papers presented for comparison may be considered valid.

Article 145:

The judge and the clerk shall affix their signatures on the comparison documents before starting the comparison, and the record shall so indicate.

Article 146:

If the original of an official document exists, the written or photocopy thereof which a public officer issues within his competence and certifies as a true copy of the original shall have the force of the original official document to the extent that he determines it to be true to the original. A certified copy shall be considered a true copy of the original unless a litigant disputes the matter, in which instance the copy shall be matched against the original. No copy shall be admissible in court if it is not certified to be a true copy of the original.

Article 147:

A person who has an ordinary document may sue the person whom the document indicates he has a right against so that he may acknowledge the document, even though the obligation set forth therein is not due at the time of the litigation. This shall be by means of a lawsuit that follows normal procedure. If the defendant appears and acknowledges, the court shall record his acknowledgement, but if he denies, the court shall order verification under the procedures detailed above.

Article 148:

When necessary, the court may, on its own or at the request of a litigant, decide to introduce documents or papers from government agencies of the Kingdom if the litigants are unable to do so.

Article 149:

A claim of forgery may be made at any stage of the case by means of a petition to the court administration setting forth all the places of forgery claimed and the verification procedures required for proof. A person charged with forgery may stop the verification process at any stage by a waiver of the challenged paper, in which case the court may, if the claimant of forgery so requests for a legitimate interest, order the paper seized or filed.

Article 150:

A claimant of forgery shall deliver to the court administration the challenged paper if in his possession or the copy communicated to him. If the paper is in the possession of the adversary, the judge, having reviewed the petition, may ask him to deliver it forthwith to the court administration. If said adversary declines to deliver the paper and the court is unable to find it, it shall be considered non-existent. This, however, shall not preclude taking any action in respect of the paper, if possible, at a later date.

Article 151:

If the claim of forgery is material to the case while the facts and documents of the case are insufficient to convince the court whether the document is genuine or forged, and the court determines that the investigation requested by the challenger in his report would be material, the court shall order such investigation.

Article 152:

If forgery of a document is established, the court shall send the document and copy of the minutes relating thereto to the agency concerned for the necessary penal procedures.

Article 153:

Even if no claim of forgery is made before it, the court may disallow any document that, from its condition or from the circumstances of the case, appears to the court to be forged or suspect. The court also may discount a document whose authenticity it suspects. The court shall in such cases set forth in the judgment the circumstances and presumptions that led to such an inference.

Article 154:

To get a judgment of its forgery, a person who fears the use of a forged paper against him may sue the person who has the paper and the person who may benefit therefrom. This shall be by means of a lawsuit filed under the usual procedures. In investigating this case the court shall observe the above-mentioned rules and procedures.

**Chapter VIII
Circumstantial Evidence**

Article 155:

A judge may draw one or more presumptions from the facts of the case or from questioning litigants or witnesses as grounds for his judgment, or to complement incomplete evidence that was established to him, so that by both he becomes convinced of the establishment of right to a judgment.

Article 156:

Each litigant may prove what negates the presumption inferred by the judge, in which case the presumption loses its value for proof.

Article 157:

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

PART TEN
JUDGMENT
Chapter I
Rendering Judgment

Article 158:

Once proceedings are completed the court shall adjudge the case forthwith or postpone rendering judgment to a hearing which it shall schedule soon and inform the litigants of the closing of proceedings and of the time for pronouncing judgment.

Article 159:

If there are several judges the deliberation of the judgment shall be in secret. Except as provided in Article 161, only judges who have heard the arguments may participate in the deliberations.

Article 160:

During deliberations the court may hear clarifications from a litigant only in the presence of the other litigant.

Article 161:

If several judges considered the case, judgment shall be by unanimous or majority opinion and the minority shall enter its opinion in advance in the record. If no majority is obtained or if opinions diverge into more than two, the Minister of Justice shall designate a judge to support one of the opinions so that a majority is obtained for judgment.

Article 162:

After proceedings are closed and a judgment is rendered in the case the judgment shall be entered into the proceedings record preceded by the grounds on which it was based, and signed by the judge or judges who participated in the consideration of the case.

Article 163:

The judgment shall be pronounced by reading its wording in an open hearing, or by reading its wording and grounds. The judges who participated in the deliberation shall be present when the judgment is read. If something prevents a judge from attending he may be absent if he had signed the judgment entered into the record.

Article 164:

After the judgment the court shall issue a decree containing a summary of the case, responses, valid defenses, verbatim testimony of witnesses along with attestation of their characters, oaths, names of judges who participated in the judgment, the name of the court which considered the case, and the grounds, number and date of the judgment, omitting redundant and repetitious sentences that have no bearing on the judgment.

Article 165:

After pronouncing the judgment the court shall apprise litigants of the prescribed methods and deadlines for objection. Guardians, trustees, overseers [of pious endowments], public treasury administrators and officials, and representatives of government agencies shall also be apprised the moment judgment is rendered against those they represent, or for less than they requested, that the judgment must be appealed and that the court will forward the case to the Appellate Court.

Article 166:

If a judge's jurisdiction over a case lapses before a judgment is rendered, his successor may continue with the case from the point where the proceedings of

his predecessor ended. He shall read to the litigants what is already in the record, which he shall honor if it had been signed by the previous judge under the signatures of the litigants and witnesses.

Article 167:

Notice of the judgment which governs execution shall be stamped with the stamp of the court after the execution formula is added, and shall be delivered only to the litigant who has an interest in its execution. Nevertheless, copies of the judgment minus the execution formula may be given to any interested party.

**Chapter II
Correction and Interpretation
of Judgments**

Article 168:

The court by a decision it issues at the request of a litigant or on its own accord shall correct whatever purely writing or mathematical errors may have occurred in the judgment deed. Such correction shall, after the decision is entered into the case record, be made on the judgment's original and signed by the judge or judges of the court that rendered it.

Article 169:

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

Article 170:

If the wording of the judgment is vague or confusing, the litigants may request an interpretation from the court that rendered the judgment. Such request shall be made through ordinary methods.

Article 171:

The interpretative judgment shall be added to the original of the judgment and signed by the judge or judges of the court that rendered the judgment. The interpretation shall be considered as complementary to the original judgment and shall be subject to the methods of objection which are applicable to the original judgment.

Article 172:

If a court neglects to decide on requests related to subject matter, the party concerned may request the court to ask his adversary to appear before it,

following normal procedures, for consideration of the request and a ruling thereon.

PART ELEVEN
METHODS OF OBJECTING TO JUDGMENTS
Chapter I
General Provisions

Article 173:

Methods of objection to judgments are appeal and petition to reconsider.

Article 174:

Only the party against whom judgment is rendered may object to it. A person who has accepted the judgment or was awarded all his requests may not object unless the laws provide otherwise.

Article 175:

No objection may be made to rulings issued before the case is decided and with which the litigation does not end wholly or partially except in conjunction with the objection to the judgment on the merits. Objection before judgment on the on merits may be permitted against a decision to suspend the case and against temporary and summary rulings.

Article 176:

The time limit for objecting to a judgment shall begin from the date the notification of the judgment is delivered to the person who lost the case and his signing the record, or from the date prescribed for his receiving the notification if he was not present. The time limit of objecting to a default judgment shall start from the date it is communicated to the person who lost the case or to his attorney-in-fact.

Article 177:

The time limit for objecting shall be suspended with the death or loss of competence of the objector or with the loss of capacity of the one on whose behalf the proceeding was conducted. The suspension shall continue until the judgement is communicated to the heirs or their representative, or the contingency ends.

Chapter II
Appeals

Article 178:

The time period for filing an appeal shall be thirty days. If a litigant does not file an appeal during this period he loses his right to appeal. The court shall write minutes thereof in the case record, and make a marginal note on the deed or register thereof, that the judgment had acquired the character of finality.

Article 179:

All judgments are appealable except for judgments in petty cases as defined by the Supreme Judicial Council in a decision made by its general panel at the recommendation of the Minister of Justice. However, if the party against whom judgment is rendered is an endowment administrator, guardian, trustee, official of the public treasury, or the representative of a government agency or suchlike, or he was absent, the court must forward the judgment to the Appellate Court for review regardless of the subject matter of the judgment. Exceptions are:

- A. A judgment against the public treasury made by a competent judge to execute an earlier final judgment.
- B. A judgment regarding a sum of money which a person had deposited in favor of another person or his heirs, unless the depositor or his representative objects thereto.

Article 180:

The objection brief, containing the judgment objected to and its date, the grounds for objection, the requests of the objector, and reasons in support of the objection, shall be presented to the administration of the court that made the judgment.

Article 181:

After the judge who issued the judgment appealed against reviews the objection brief, he may, without any litigation, reconsider the judgment on the basis of the aspects on which the objection was based. He may affirm or amend the judgment as seems proper to him. If he affirms the judgment, he shall forward the same along with copy of the case record and all papers to the Appellate Court. If he amends it, the amended judgment shall be notified to the litigants, and normal procedures shall prevail in such a case.

Article 182:

If a litigant asks to review the objection brief of his adversary, the Appellate Court may enable him to do so if it deems it proper, and prescribe a deadline for his response.

Article 183:

The Appellate Court shall decide on the objection on the basis of the file papers. Litigants may appear before it only if the court so decides or pursuant to applicable laws.

Article 184:

Without prejudice to the provisions of Article 180, the Appellate Court may permit litigants to present new data in support of the grounds for objection set forth in the brief. It may take whatever measures are helpful for deciding the case.

Article 185:

If the Appellate Court determines that the consequences of the text of the judgment are consistent with its Shari'ah premises, it shall affirm the judgment and draw the attention of the judge to whatever comments it may have.

Article 186:

If the judgment is objected to on the grounds of lack of jurisdiction, the Appellate Court shall confine itself to the issue of jurisdiction.

Article 187:

If the Appellate Court has comments on the judgment, it shall prepare and send to the judge a decision to that effect. If the judge is not convinced by the arguments of the Appellate Court, he shall respond with his views after entering the same in the record book. If he is convinced, he shall report these views to the litigants, listen to their statements, and enter the same in the record. He shall then render his judgment. Such a judgment shall be appealable if it amends the earlier judgment.

Article 188:

The Appellate Court shall affirm the judgment if it is convinced by the judge's response to its comments. If it is not convinced, and the judge maintained his opinion, it may reverse the judgment in whole or in part depending on the circumstances, giving the grounds therefor, and refer the case to another judge.

Nevertheless, if the subject matter as it stands is ripe for judgment, and the circumstances of the case require expeditious action, the court may adjudge the case. If the judgment is reversed for the second time, the Appellate Court must adjudge the case. Any time the court adjudges a case, the judgment must be in the presence of the litigants and their arguments must be heard. Its judgment shall be final when taken unanimously or by a majority vote.

Article 189:

If it is impossible to send the comments to the judge who rendered the judgment due to death or otherwise, the Appellate Court shall send its comments to the successor judge, or reverse the judgment, giving the grounds therefor.

Article 190:

Reversing a judgment shall entail revocation of all subsequent decisions and procedures if said judgment formed their basis.

Article 191:

If only part of the judgment is reversed, the other parts remain effective unless division is not possible.

**Chapter III
Petition to Reconsider**

Article 192:

Any litigant may petition for reconsideration of final judgments in the following circumstances:

- A. If the judgment was based on papers that were subsequently found to be a forgery or on a testimony that was subsequently ruled perjury by the competent agency.
- B. If after the judgment the petitioner obtained conclusive papers for the case that he was unable to produce before the judgment.

- C. If an act of fraud was committed by the adversary which would have a bearing on the judgment.
- D. If the judgment awards what the litigants did not ask, or more than they had asked.
- E. If the text of the judgment is inconsistent.
- F. If judgment is a default judgment.
- G. If the judgment is against a person not properly represented in the case.

Article 193:

The time limit for a petition to reconsider shall be thirty days from the day on which the petitioner is established to have learned of forgery of the papers, the testimony was adjudged to have been perjurious, the document listed under Article 193 Paragraph B appeared, or fraud was discovered. The time limit for situations listed under Paragraphs D, E, F and G of the preceding Article begin from the time the judgment was communicated.

Article 194:

The petition to reconsider shall be presented by filing the petition memorandum with the Appellate Court. The declaration must detail the judgment subject of the petition to reconsider and the grounds for the petition. If convinced, the Appellate Court shall make a decision to that effect and send the petition to the competent court for consideration.

Article 195:

Neither a decision rejecting the petition nor a judgment on the merits of the case after the acceptance thereof may be challenged by means of a petition to reconsider.

**PART TWELVE
ATTACHMENT AND EXECUTION**

**Chapter I
General Provisions**

Article 196:

Execution shall be in accordance with the copy of the judgment carrying the execution formula. The execution formula is “All government departments and agencies concerned are hereby requested to execute this judgment by all available legal means even if it may require the use of coercive force by the police.”

Article 197:

Final judgments to which the execution formula is added are:

- A. Judgments excepted by a decision of the Supreme Judicial Council as provided for under Article 179.
- B. Judgments rendered or affirmed by the Appellate Court.
- C. Judgments where the deadline for objection passed.

Article 198:

A judgment may not be executed coercively before it acquires finality, unless expeditious execution was ordered in the judgment.

Article 199:

A judgment incorporating a provision for expeditious execution, with or without bond at the discretion of the judge, shall be made in the following circumstances:

- A. Judgments in expeditious matters.
- B. If the judgment is for support, nursing or housing expenses, visitation of a minor, delivering a minor to a nurse-maid or a woman to her *mahram* (male chaperon), or separating spouses.
- C. If the judgment is for the payment of wages to a servant, craftsman, workman, wet-nurse, or nurse-maid.

Article 200:

If the court receiving an objection finds that the grounds for objection may call for its reversal, it may order a stay of the expeditious execution if great harm is feared therefrom.

Article 201:

If execution complications arise, the complications, after preventive measures are taken if required, shall be reported to the court that rendered the judgment for expeditious action.

Chapter II
Attachment of Debtor's Receivables with
Third Parties

Article 202:

Any creditor in possession of an enforceable judgment regarding a debt due and payable may request the attachment of debts, albeit deferred or contingent, which third parties owe to the debtor, as well as his movable property in the possession of third parties.

Article 203:

The attachment request shall be by means of a notice, communicated by the court to the garnishee, containing a copy of the judgment under which attachment is sought, the sum for which it is attached, and forbidding that garnishee to pay what he owes to the judgment debtor.

Article 204:

The garnishee must declare to the court administration the amount he owes within ten days of his notification of attachment. The declaration must give the amount and cause of the debt, and reasons why it became due and payable if that was the case, and all attachments to which he was subject. If the attached property is movable, he shall include a detailed description thereof and shall deposit with the court his declaration's supporting documents or copies thereof. The court shall deliver to the judgment creditor an official certified copy of such declaration.

Article 205:

The garnishee shall within ten days of the date of his declaration, and after the debt becomes due and payable or is established for fulfillment of contingency, pay to the court the sum he acknowledged or that part thereof that satisfies the rights of the judgment creditor.

Article 206:

If the garnishee declines to declare the amount he owes, makes a false declaration, or conceals documents that he ought to have deposited in support of the declaration, he may be adjudged to pay the judgment creditor the sum attached within the limits of the debt or movable property established to be owed to the debtor.

Article 207:

If the garnishee makes a truthful declaration of what he owes but declines to deposit as required under Article 206, the judgment creditor may request execution on that person's property. If the attachment is on movable property, it shall be sold under the procedures prescribed for selling the movable property of the debtor with no need for a new attachment.

Chapter III Protective Attachment

Article 208:

A creditor may request the placement of the movables of the debtor under protective attachment if debtor has no fixed place of residence in the Kingdom, or if creditor fears for acceptable reasons that debtor's property would vanish or be smuggled out.

Article 209:

A landlord may request the placement of movables or crops in the leased property under protective attachment as a guarantee for rent that is due and payable.

Article 210:

A person claiming ownership of movables in the possession of another may request the placement of such movables under protective attachment, if there is clear evidence that supports his claim.

Article 211:

A creditor of a due and payable debt may, even though he does not possess an enforceable judgment, request the placement under protective attachment of debts, albeit deferred or contingent, owed by third parties to the debtor as well of debtor's movables in the possession of third parties. A garnishee has ten days from the date of his notification of attachment to declare the debts he owes as provided for under Article 204, and shall make the deposit at the court treasury as provided for under Article 205 within ten days of his notification of a valid attachment judgment.

Article 212:

Protective attachment in the circumstances set forth in the preceding four articles may be placed only by the order of the court with jurisdiction over the place of residence of the judgment debtor. Before issuing its order the court may conduct the necessary investigation if it finds insufficient the documents supporting the request for attachment.

Article 213:

If a case claiming a right is filed with the competent court, the case for attachment shall be brought before the same court for decision.

Article 214:

The judgment debtor and the garnishee shall be notified of the attachment order within a maximum of ten days of its issuance, or else the attachment shall be considered void. The seeker of attachment shall within the said ten days bring to the competent court a case for the establishment of right and validity of attachment or else the attachment shall be considered void.

Article 215:

An applicant for attachment shall present to the court a written notarized declaration from a payment and performance bondsman guaranteeing all the

rights of the judgment debtor and indemnifying him against any damages if it transpires that the seeker of attachment was not entitled to the request.

Article 216:

Protective attachment of movables shall follow the same procedures, except for sale, as the executory attachment of movables with debtors.

Chapter IV
Enforcement against Property of the
Judgment Debtor

Article 217:

Execution on the property of the judgment debtor shall be enforced if he does not deliver the sum awarded. This shall be done by attaching, of his movable and immovable property, what is sufficient for executing the judgment, and, if need be, selling some in a public auction by the court's order pursuant to the provisions of this chapter. The judge shall, prior to sale, determine what movable and immovable property needs to be left to the judgment debtor.

Article 218:

Execution shall be carried out by the administrative agencies assigned the task.

Article 219:

The executing officer may break doors or pick locks to effect attachment only in the presence of a court representative who should sign the minutes.

Article 220:

Attachment of the judgment debtor's movables shall be by minutes that individually list and describe items attached and give their estimated value. If the property attached includes adornments or jewelry, they must be evaluated and described through a specialized expert.

Article 221:

Immediately after closing the attachment minutes the attaching officer shall post, on the door of the place containing the attached items and on the bulletin board set up at the court with jurisdiction over the judgment debtor, a statement signed by him giving a general description of the items attached. This shall be recorded in minutes appended to the attachment minutes. Items become attached by their mere mention in the attachment minutes.

Article 222:

The attaching officer shall require the judgment debtor to present a guarantee from a payment and performance bondsman that he would not dispose of the attached items in his possession. If he fails to present a bondsman, the court may place the attached items in custody pending execution. Disposal by the attached person of items attached shall be valid only with the permission of the competent court.

Article 223:

Sale by public auction shall be held at the prescribed time and place after it is sufficiently advertised. The execution officer shall stop the sale if it produces a sum sufficient to cover the debt for which the attachment was made, or if the judgment debtor brings the sum payable or a payment and performance bondsman for a maximum period of ten days.

Article 224:

The sale may be held only if the judgment debtor is notified and given a ten-day grace period from the notice date. Nevertheless, if the attached items are perishable or goods subject to price fluctuations, the court may order the sale on an hourly basis pursuant to a petition from a party concerned.

Article 225:

Attachment of the real estate of the debtor shall be by minutes that give the location, boundaries, area, ownership deed and estimated sale price of the attached property. The agency that issued the ownership deed shall be notified by copy of the minutes so that it may note on the register document that the property is attached for an adjudged debt payment.

Article 226:

The court administration shall announce the sale of the real estate not more than thirty days or less than fifteen days before the day it is to be held. This shall be done by posting announcements on the real estate's door, on the court's bulletin board and by publication in one or more large circulation newspapers in the real estate's area.

Article 227:

The execution officer shall hold an auction on the day scheduled for the sale. The auction shall begin during the sale session by calling for bids and the award shall go to the highest bidder. A bid to which no counter-bid is made for fifteen minutes shall be considered to have ended the auction. If the highest bid does not reach the estimated price, however, a new estimate shall be made and the auction reopened until the highest bid reaches the estimated price.

Article 228:

The attached real estate winning bidder shall upon the termination of the sale session deposit one tenth of the bid price and expenses, and shall deposit the balance of the price with the court treasury within a maximum of ten days from the date of the award. Alternatively, he may present a cashier's check from an accredited bank.

Article 229:

If the winning bidder fails to pay the price before the deadline, the sale shall be repeated at his liability. The auction shall be held anew and the award shall be made in accordance with the preceding provisions. The defaulting buyer shall be charged auction expenses and the difference in the sale price if it is less, but shall receive credit if the difference is more.

Chapter V
Detention of Debtors

Article 230:

If the judgment debtor refuses execution of the judgment against him for a reason other than insolvency, and it was impossible to execute on his property, the judgment creditor may request the detention of the judgment debtor by filing a petition with the competent administrative governor. The governor shall order the detention of the refusing debtor for a maximum of ten days. If the judgment debtor persists in refusing execution after that time period, he shall be referred to the court having jurisdiction over his place of residence to consider whether to continue his detention or to release him according to the prescriptions of the Shari'ah.

Article 231:

If refusal of execution of judgment is by reason of insolvency, the judgment debtor shall be referred to the court that had issued the judgment for the determination of whether or not he is insolvent.

Article 232:

A person sentenced to detention shall be released if he pays what was adjudged against him or brings a payment and performance bondsman. In all instances, his release shall not preclude the execution of the judgment by means of attaching his property through regular procedures when it becomes apparent that he has property.

**PART THIRTEEN
SUMMARY PROCEEDING**

Article 233:

A court that has jurisdiction over consideration of the subject shall decide on a temporary basis urgent matters related to the same dispute that the passage of time may affect. Such decision shall not affect the subject matter of the case, regardless of whether the request for temporary action was made directly or in connection with the original case.

Article 234:

Summary cases include the following:

- A. Cases of inspection to establish the condition.
- B. Cases of an injunction against interference with possession and of its recovery.
- C. Cases of an injunction against travel.
- D. Cases of enjoining charity works.
- E. Cases of custodianship.
- F. Cases dealing with a worker's daily wage.
- G. Other cases that are given the character of urgency by law.

Article 235:

The time limit for attendance in summary cases shall be twenty-four hours. This time limit may be reduced in compelling circumstances by court order.

Article 236:

A claimant of a right against another may bring to the competent court during consideration of the case or immediately before it a summary case to prevent his adversary from travel. The judge shall issue an injunction against travel if there are reasons to believe that travel by the defendant is anticipated and that it would jeopardize the right of the plaintiff or delay performance. The claimant shall present security, as determined by the judge, to compensate the defendant in case the plaintiff is found to be unjustified in his claim. A judgment in this matter indemnifying the defendant for the estimated damages resulting from delaying his travel shall be appended to the judgment in the matter.

Article 237:

A person having an apparent right may bring to the court having jurisdiction over the subject a summary case for injunction against interference with possession or for recovery of possession. The judge shall issue an injunction against disturbing possession or for recovery of possession if he is convinced it is justified. Such an injunction shall have no effect on the original right, nor may it serve as evidence therefor. A person disputing the original right may go to court as provided for hereunder.

Article 238:

A person harmed by work wrongfully done may bring to the court having jurisdiction over the subject matter a summary case to halt the new work. The judge shall issue an injunction if he is convinced it is justified. Such an injunction shall have no effect on the original right, nor may it serve as evidence therefor. A person disputing the same may go to court as provided for hereunder.

Article 239:

A case requesting custodianship of disputed movables or real estate where the right thereto is not established shall be brought to the court having jurisdiction over the subject matter. The judge may order placement under custody if the party having an interest in the movables or real estate presents reasonable cause that an imminent danger is feared should the property remain in the hands of its possessor. The custodian shall undertake to hold and manage the property and return it along with the proceeds derived therefrom to the person whose right thereto is established.

Article 240:

The appointment of a custodian shall be by agreement of all parties concerned. The judge shall make the appointment if they do not agree. The judgment for custodianship shall specify the obligations and the rights and powers of the custodian. If the judgment is silent on the matter, the provisions hereof shall apply.

Article 241:

The custodian shall safeguard the property entrusted to his custody and shall manage what requires management thereof. He shall exercise the normally accepted care. He may not directly or indirectly substitute one of the parties concerned in the discharge of his functions in whole or in part without the concurrence of the remaining parties.

Article 242:

A custodian may, other than in matters of management, act only with the concurrence of all parties concerned or by authorization from the judge.

Article 243:

A custodian may collect the wages specified in the decision, unless he waives them.

Article 244:

The custodian shall keep orderly books of account. The judge shall require him, when necessary, to use books carrying the stamp of the court. He shall, at intervals specified by the judge, or annually at least, give the parties concerned an accounting, duly supported by documents, of his receipts and expenditures. If the custodian is appointed by the court he shall additionally deposit a copy of such an accounting with the court's administrative office.

Article 245:

Custodianship shall end by agreement of all the parties concerned or by a judgment of the judge. The custodian shall then proceed or return what was placed under his custody to the person chosen by the parties concerned or appointed by the judge.

PART FOURTEEN
Chapter I
Registration of Endowments and Declarations

Article 246:

A judge may register a pious endowment only after ownership by the endower is established and it is ascertained that it is free from whatever may prevent registration.

Article 247:

A person requesting the registration of an endowment shall present to the competent court an application to that effect enclosing an official document attesting to his ownership of the property in question.

Article 248:

The status of endowments that have no registration deeds shall be established in accordance with the rules and procedures for establishing ownership.

Article 249:

Without prejudice to the rules governing ownership of real estate by non-Saudis, registration as endowment of real estate in the Kingdom owned by a foreigner is permitted only under the following conditions:

- A. The endowment shall comply with the requirements of the Shari'ah.
- B. The endowment shall be for a charitable cause in perpetuity.
- C. The endowment shall be for Saudi individuals or charitable agencies in the Kingdom.
- D. The administrator of the endowment shall be a Saudi.
- E. The endowment deed shall prescribe that the Supreme Endowments Council shall have supervision over the endowment.
- F. The endowment shall be subject to the Endowments Law in the Kingdom.

Article 250:

If circumstances require the transfer of an endowment, the administrator of the endowment, whether a private administrator or the Endowment Department, may perform the transfer transaction only after obtaining the permission of the Shari'ah judge in the town where the endowment is located, and establishing the legal justification for the transfer, provided that the proceeds are immediately placed into something similar in kind. All that shall be completed after the approval of the Appellate Court.

Chapter II. Establishment of Title

Article 251:

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

Article 252:

Without prejudice to the rules of ownership of real estate by non-Saudis, any person claiming ownership of real estate, whether a land or a building, shall have the right to request a deed establishing title from the court under whose jurisdiction that real estate lies.

Article 253:

A request for an establishment of title deed shall be in the form of a petition detailing the type, location, area, and boundaries of the real estate, and the ownership document, if any.

Article 254:

Before proceeding with recording the declaration and initiating the relevant evidentiary procedures thereof, the court shall write to the municipality, the Ministry of Islamic Affairs, Endowments, and Call and Guidance, and the Ministry of Finance and National Economy - and with respect to property outside cities and villages to the National Guard, the Ministry of Defense and Aviation, the Antiquities Department of the Ministry of Education, the Ministry of Agriculture and Water, the Ministry of Petroleum and Mineral Resources, and the Ministry of Communications- or the branches of such ministries and departments or what serves in their stead, and other agencies which orders prescribe should be contacted, inquiring whether they have any objection to the declaration. The court shall also request publication of the establishment of title application in a newspaper published in the area of the real estate. If no such newspaper is published, the court shall request publication by the newspaper having the largest circulation there, plus posting copies of the announcement on the bulletin board at the door of the court and the amirate, or the province or the precinct.

Article 255:

In addition to what is set forth in the preceding article, the court shall, if requested to establish title to unowned land, write to the Royal Authority concerning the matter.

Article 256:

If sixty days elapse after notifying the official agencies concerned or after publication, as prescribed under the preceding two articles, without any objection, the procedures for establishing title shall be completed unless there is a Shari'ah or a legal impediment.

Article 257:

The court must ascertain the accuracy of the real estate's area, perimeters, and boundaries and the judge or his designee shall make a site inspection with

an engineer if necessary. Once legal title is established, the ownership deed shall be issued.

Article 258:

If there is a dispute before a court over real estate that has no registered deed, the court, in the process of hearing the case, shall carry out the establishment of title procedures as prescribed under the preceding articles.

Article 259:

No title deed may be issued for the land and buildings of Mina and other places of religious rites. Should litigation arise regarding any such matter, whether over ownership or usufruct of the real estate, and a party produced a document, the court shall forward a copy of the litigation record and the document produced to the Appellate Court, without issuing a deed embodying the result of the litigation.

Chapter III
Establishing Death and Determination of
Successors

Article 260:

An applicant for establishing death and determination of successors shall submit a declaration to that effect to the competent court. The declaration shall include the name of the deceased and the date and time of death and place of residence of the deceased, and witnesses to the death or death certificate in areas where medical centers exist. As to determination of successors, it shall include a document establishing the names, capacity, nature of relationship to the testator, and witnesses for deaths occurring after this Law has come into force.

Article 261:

The court, when need be, may request the declarant to publish the application for the establishment of death and determination of successors in a newspaper published in the area of the deceased, and, if no such newspaper is published, in the newspaper having the largest circulation there. The court may also request the competent administrative governor of the region to investigate the applicant's request for establishing death and determination of successors. The answers must be signed by the applicant and certified by the administrative agency which conducted the investigation.

Article 262:

The judge shall investigate the matter personally if he finds the results of the investigation insufficient. Once procedures are completed, he shall issue a

death deed if death is established and a specific determination of successors giving the name, capacity, and date of birth of the heirs as per the tenets of the Shari'ah.

Article 263:

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

CONCLUDING PROVISIONS

Article 264:

The Minister of Justice shall issue the Implementing Regulations of this Law.

Article 265:

This Law shall supersede the Organization of Administrative Functions in the Shari'ah Court System, sanctioned by Royal Approval No. 109, dated 24 Muharram 1371 [14 October 1952], as well as Articles (52, 66, 82, 83, 85) and (84 regarding civil cases) and 85 of the Law for Centralizing Responsibilities in the Shari'ah Court System, sanctioned by Royal Approval No. 109, dated 24 Muharram 1372 [14 October 1952], and whatever provisions that are inconsistent therewith.

Article 266:

This Law shall be published in the official gazette and shall take effect one year after the date of publication.