

**Sultanate of Oman
Civil and Commercial Procedures Law**

Royal Decree No. 29/2002

Issuing the Civil and Commercial Procedures Law

We, Qaboos bin Said, Sultan of Oman.

**Having perused the Basic Statute of the State issued by Royal Decree No. 101/96, and in accordance
with the public interest,**

Have decreed the following:

Article 1

The provisions of the attached Civil and Commercial Procedures Law shall be implemented.

Article 2

The provisions of the attached Law shall apply to all civil and commercial lawsuits and personal status lawsuits.

Article 3

All that contradicts this Decree or is inconsistent with its provisions is hereby repealed.

Article 4

This Decree shall be published in the Official Gazette and shall be effective from the date of its publication.

Issued on: 22 Dhu al-Hijjah 1427 AH

Corresponding to: 6 March 2002 AD

**Qaboos bin Said
Sultan of Oman**

**Preliminary Part
General Provisions**

Article 1

The provisions of civil and commercial procedure laws shall apply to lawsuits that have not been adjudicated and procedures that have not been completed before the date of their implementation, except for:

- a) Provisions defining jurisdiction if the date of their implementation is after the closure of the pleading stage in the lawsuit.
- b) Provisions defining deadlines if the deadline had commenced before their implementation.
- c) Provisions regulating methods of appeal regarding judgments issued before the date of their implementation, if these provisions abolish or create one of those methods.

Article 2

Any procedure duly carried out under a prevailing law shall be deemed valid unless otherwise stipulated. Newly introduced deadlines for expiration shall only run from the date of implementation of the law that introduced them.

Article 3

Any request or defense in which the party has no existing and legitimate interest recognized by law shall not be accepted. However, a potential interest suffices if the purpose of the request is precautionary to prevent imminent harm or to secure a right whose evidence is feared to disappear when disputed.

Article 4

If the law applicable in personal status matters requires the opponent to reach a specific age to acquire capacity, he may request the postponement of the lawsuit until this age is reached, without prejudice to his right to present his defenses after the expiry of the period.

Article 5

All notifications or executions shall be carried out by the bailiffs through the court secretariat, based on a request from a party, the secretariat, or a court order. The parties or their agents shall direct the procedures and submit their papers to the bailiffs for notification or execution. Bailiffs are only responsible for their fault in performing their duties.

Article 6

If the court secretariat refuses to accept the document to be notified, it must immediately refer the matter to the judge of urgent matters. After hearing the notifying party, the judge shall order either the notification of the document, its non-notification, or any changes he deems necessary. The notifying party may appeal this order to a chamber of the Court of First Instance composed of three judges, which shall decide it finally in the deliberation room after hearing the statements of the secretariat and the notifying party.

Article 7

No notification or execution may be carried out before 7:00 AM or after 5:00 PM, or on official holidays, except in cases of necessity and with written permission from the judge of urgent matters or the execution judge, as the case may be.

Article 8

Documents notified by bailiffs must contain the following data:

- a) The date (day, month, year) and time when the notification was completed.
- b) The full name of the notifying party, his tribe or surname, profession or function, and domicile; and the full name of his representative, his tribe or surname, profession or function, capacity, and domicile.
- c) The subject of the notification.
- d) The full name of the bailiff, the court he works for, and his signature on the original and the copy.
- e) The full name of the person notified, his tribe or surname, profession or function, and domicile; if he has no known domicile at the time of notification, then his last known domicile.

f) The full name of the person to whom the copy of the notification was delivered, his capacity, and his signature or fingerprint on the original acknowledging receipt, or a record of his refusal to receive it and the reason.

Article 9

Documents required to be notified shall be delivered to the person himself or at his domicile. They may be delivered at a chosen domicile in cases specified by law. If the bailiff does not find the person to be notified at his domicile, he must deliver the document to someone who confirms being his agent, working in his service, or residing with him from among his dependents, relatives, and in-laws.

Article 10

If the bailiff does not find anyone eligible to receive the document according to the previous article, or if the person found among those mentioned therein refuses to sign the original acknowledging receipt or to receive the copy, the bailiff must indicate this on the original document and its copy, and deliver the copy on the same day to the Walis or the Sheikh or the head of the police station in whose jurisdiction the notified party's domicile is located. The bailiff must, within twenty-four hours, send a registered mail with acknowledgment of receipt to the notified party at his original or chosen domicile, informing him of the name of the administrative authority to which the copy was delivered. The notification produces its legal effects from the time the copy is delivered to the person designated by law, or from the time the notified party himself refuses to receive it or to sign the original. However, the court may order the re-notification if the copy was not delivered to the notified party personally.

Article 11

If it becomes clear to the court secretariat that the person to be notified has no known domicile, making notification by ordinary means impossible, it must record this on the original and copy of the notification and refer the matter to the court president or the competent judge to order notification by publication in a widely circulated daily newspaper. The notification takes effect from the date of publication.

Article 12

If the law requires a party to designate a chosen domicile and he fails to do so, or if his statement is incomplete or incorrect, he may be notified at the court secretariat with all documents that could validly be notified at the chosen domicile. If a party abandons his original or chosen domicile and does not inform his opponent, notification there is valid, and the copy shall, when necessary, be delivered to the administrative authority according to Article (10) of this Law.

Article 13

In matters not specifically addressed, the notification copy shall be delivered as follows:

- a) What pertains to state bodies is delivered to their heads or those acting on their behalf.
- b) What pertains to public bodies, institutions, and other public legal persons is delivered to their legal representative or his substitute.
- c) What pertains to commercial companies is delivered at the company's management center to its legal representative, his substitute, or one of the joint and several partners. If the company has no center, it is delivered to one of these persons personally or at his domicile.
- d) What pertains to other companies, associations, and other private legal persons and institutions is

delivered at their management center to whoever represents them legally by virtue of their establishment contract or bylaws, his substitute, or one of the joint and several partners. If any of these has no center, the copy is delivered to the person representing them personally or at his domicile.

e) What pertains to foreign companies that have a branch or agent in the Sultanate is delivered to the manager of this branch or the agent.

f) What pertains to members of the Armed Forces, Police, and Royal Guard is delivered to the commander of the unit to which the person to be notified belongs.

g) What pertains to prisoners is delivered to the prison director or his substitute.

h) What pertains to commercial ship captains or workers thereon is delivered to the captain.

i) What pertains to persons with a known domicile abroad is delivered to the Public Prosecution, which shall send it to the Ministry of Foreign Affairs for delivery through diplomatic channels. In this case, and subject to reciprocity, the copy may also be delivered directly to the branch of the diplomatic mission of the country where the person to be notified has his domicile, for it to deliver it to him. If the domicile of the notified party abroad is unknown, the document must contain his last known domicile in the Sultanate or abroad, and its copy is delivered to the Public Prosecution.

Article 14

The court shall impose a fine of not less than twenty Rials and not exceeding fifty Rials on the notifying party if it is proven that he deliberately mentioned an incorrect domicile for the person to be notified with the aim of preventing the notification from reaching him.

Article 15

If the law sets a deadline for appearance or for performing a procedure, calculated in days, months, or years, the day of notification or the occurrence of the event considered by law as starting the deadline is not counted. If the deadline must expire before the procedure, the procedure may only be performed after the expiry of the last day of the deadline. The deadline expires at the end of its last day if it is a circumstance within which the procedure must occur. If the deadline is set in hours, the calculation of the hour from which it starts and the hour at which it expires shall be as above. Deadlines set by month or year are calculated according to the Gregorian calendar unless the law stipulates otherwise.

Article 16

If the deadline set by law for appearance or for performing a procedure is increased by one day for every 200 kilometers distance between the place from which one must travel and the place to which one must travel, the distance deadline shall not exceed five days. The distance deadline is fifteen days for those whose domicile is in the border areas.

Article 17

The distance deadline for one whose domicile is abroad is thirty days. The president of the court or the judge of urgent matters may reduce this deadline based on the ease of transportation and reception circumstances. This order is notified with the document to be notified. This deadline does not apply to one who is notified personally while present in the Sultanate, but the provisions of the previous article shall apply to him.

Article 18

If the law stipulates a mandatory deadline for performing a procedure that requires notification, the deadline is only considered observed if the opponent is notified within it.

Article 19

If the last day of a deadline falls on an official holiday, the deadline is extended to the first working day after it.

Article 20

Nullity results from failure to observe the deadlines and procedures stipulated in procedural articles, even if it causes no harm to the opponent.

Article 21

A procedure is null if the law explicitly stipulates its nullity, or if it is tainted by a defect that prevents the purpose of the procedure from being achieved. Nullity shall not be declared despite its stipulation if it is proven that the purpose of the procedure was achieved and it caused no harm to the opponent.

Article 22

Except in cases where nullity relates to public order, nullity may only be invoked by one for whose benefit it is established. Likewise, nullity may not be invoked by the party who caused it. Nullity is remedied if the one for whose benefit it is established explicitly or implicitly waives it.

Article 23

A null procedure may be corrected even after nullity has been invoked, provided that this is done within the legally prescribed deadline for taking the procedure. If the procedure has no legally prescribed deadline, the court sets an appropriate deadline for its correction. The procedure is only considered from the date of its correction.

Article 24

If a procedure is null but contains the elements of another procedure, it is valid as the procedure whose elements are present. If a procedure is null in part, only that part is void. The nullity of a procedure does not entail the nullity of preceding or subsequent procedures if they are not based on it.

Article 25

A secretary must attend with the court panel in sessions and in all evidence-taking procedures. He is responsible for drafting the minutes and signing them with the session president; otherwise, the action is null.

Article 26

Court employees and other judicial auxiliaries may not perform any work within the scope of their functions and duties in lawsuits concerning themselves, their spouses, or their relatives or in-laws up to the fourth degree; otherwise, the action is null.

Article 27

Arabic is the language of litigation. No papers or documents are accepted unless drafted in Arabic or accompanied by their Arabic translation. In all cases, Arabic writings take precedence. The court may hear the statements of parties or witnesses who do not know Arabic through an interpreter after he takes the oath.

Article 28

The judge of urgent matters in the Court of First Instance is its president, his substitute, or a judge delegated from among its judges.

Book One **Litigation Before the Courts**

Part One **Jurisdiction**

Chapter One **International Jurisdiction of the Courts**

Article 29

Omani courts have jurisdiction to hear lawsuits filed against an Omani, even if he has no domicile or place of residence in the Sultanate. They also have jurisdiction to hear lawsuits filed against a non-Omani who has a domicile or place of residence in the Sultanate, all of the above except for real estate lawsuits related to property located outside the Sultanate.

Article 30

Omani courts have jurisdiction to hear lawsuits filed against a non-Omani who has no domicile or place of residence in the Sultanate in any of the following cases:

- a) If he has a chosen domicile in the Sultanate.
- b) If the lawsuit relates to property located in the Sultanate, or relates to an obligation that arose, was performed, or must be performed therein, or relates to a bankruptcy declared therein.
- c) If the lawsuit is an objection to a marriage contract intended to be concluded before an Omani notary.
- d) If the lawsuit relates to a request for divorce, judicial divorce, or separation filed by a wife who lost her original nationality by marriage, provided she has a domicile in the Sultanate; or if the lawsuit is filed by a wife with a domicile in the Sultanate against her husband who had a domicile therein, if the husband abandoned his wife and established his domicile abroad after the cause for divorce, judicial divorce, or separation arose, or if he was deported from the Sultanate.
- e) If the lawsuit relates to a request for maintenance for one of the relatives, the wife, or a minor, provided any of them has a domicile in the Sultanate or the minor resides therein.
- f) If the lawsuit concerns the lineage of a minor residing in the Sultanate, or concerning guardianship over his person, its restriction, or its restoration.
- g) If the lawsuit relates to a matter of personal status and the plaintiff is Omani or is a non-Omani with a domicile in the Sultanate, provided that the defendant has no known domicile abroad, or if Omani law is the applicable law in the lawsuit.
- h) If the lawsuit relates to a matter of financial guardianship, provided the minor or equivalent, or the

person requested to be placed under interdiction or judicial assistance, has a domicile or place of residence in the Sultanate, or if the absent person's last domicile or place of residence was therein.

Article 31

Omani courts have jurisdiction over inheritance matters and lawsuits related to the estate, provided it was opened in the Sultanate, or the deceased was Omani, or all or some of the estate's assets are in the Sultanate.

Article 32

Omani courts have jurisdiction to decide the lawsuit - in cases not stipulated in the previous articles - if the defendant accepts their jurisdiction explicitly or implicitly.

Article 33

In all cases where the jurisdiction of any Omani court to hear the lawsuit is established, that court is competent to decide all preliminary matters and incidental requests in that lawsuit, and it is also competent to decide every request related to it whose joint consideration is required for the proper administration of justice.

Article 34

Omani courts have jurisdiction to order interim and conservatory measures to be executed in the Sultanate, even if they are not competent for the original lawsuit.

Article 35

If the defendant does not appear and the court is not competent to hear the lawsuit according to the previous articles, it shall rule sua sponte on its lack of jurisdiction.

Chapter Two

Value-Based and Type-Based Jurisdiction

Article 36

The Court of First Instance, composed of three judges, is competent to decide lawsuits related to bankruptcy, preventive composition, company liquidation, insurance lawsuits, disputes between securities market traders, lawsuits related to intellectual property and patents, as well as quantified value lawsuits whose value exceeds seventy thousand Omani Rials.

Article 37

The Court of First Instance, composed of a single judge, is competent to decide all lawsuits not within the jurisdiction of the Court of First Instance composed of three judges. Its judgment is final in quantified value lawsuits whose value does not exceed one thousand Omani Rials.

Article 38

The plaintiff may not combine a possessory action with a claim of right in the same lawsuit; otherwise, his possessory claim lapses. The defendant may not defend against a possessory action by relying on a right. A claim of right is not admissible before the decision in the possessory action and the execution of

the judgment issued therein, unless he actually relinquishes possession to his opponent. Judgment may not be rendered in possessory actions based on proving or denying the right.

Article 39

Whenever a complaint related to a possessory dispute, whether civil or criminal, is submitted to the Public Prosecution, it must issue a reasoned interim decision enforceable immediately after hearing the statements of the complaint's parties and conducting necessary investigations. The said decision shall be issued by a member of the Public Prosecution with the rank of Chief Public Prosecutor at least. The Public Prosecution must notify this decision to the concerned parties within three days from its issuance date. In all cases, appeal against this decision is available to any concerned party before the competent judge for urgent matters by a lawsuit filed through the usual procedures within fifteen days from the day of notification of the decision. The judge shall issue an interim judgment affirming, modifying, or canceling the decision. Based on the appellant's request, he may suspend the execution of the appealed decision until the appeal is decided.

Article 40

This article was amended by Royal Decree No. 92/2005.

Article 41

This article was amended by Royal Decree No. 92/2005.

Article 42

At the seat of the Court of First Instance that has one or more chambers composed of three judges, a judge from among its judges is delegated to rule temporarily, without prejudice to the right to urgent matters that are feared to be time-barred. Outside the city district where the seat of this court is located, this jurisdiction belongs to the Court of First Instance composed of a single judge. However, this does not preclude the jurisdiction of the court of merit over these matters if they are raised before it incidentally.

Article 43

The Court of Appeal has jurisdiction to finally decide appeals raised before it against judgments issued initially by the Courts of First Instance or by the judge of urgent matters.

Chapter Three **Local Jurisdiction**

Article 44

Jurisdiction lies with the court in whose district the defendant's domicile is located, unless the law stipulates otherwise. If the defendant has no domicile in the Sultanate, jurisdiction lies with the court in whose district his place of residence is located. If there are multiple defendants, jurisdiction lies with the court in whose district the domicile of one of them is located.

Article 45

In real estate in rem lawsuits and possessory actions, jurisdiction lies with the court in whose district the property or one of its parts is located, if it is located in the districts of multiple courts. In real estate personal lawsuits, jurisdiction lies with the court in whose district the property or the defendant's domicile is located.

Article 46

Lawsuits against state bodies, public bodies, institutions, and other public legal persons are filed before the court within whose jurisdiction their main headquarters is located. They may be filed before the court within whose jurisdiction the branch of the body, institution, or other public legal person is located, for disputes related to the branch.

Article 47

Lawsuits related to estates filed before the division of the estate by a creditor or by some heirs against others fall under the jurisdiction of the court in whose district the deceased's last domicile was located.

Article 48

In disputes related to supplies, contracts, rent of dwellings, wages of workers, craftsmen, and employees, jurisdiction lies with the court of the defendant's domicile or the court where the contract was concluded or executed in its district, provided the plaintiff has a domicile therein.

Article 49

In disputes related to a claim for insurance value, jurisdiction lies with the court in whose district the beneficiary's domicile or the location of the insured property is located.

Article 50

In commercial matters, jurisdiction lies with the court in whose district the defendant's domicile or place of business is located, or the court where the agreement was concluded and executed wholly or partly in its district, or the court where the agreement must be performed in its district.

Article 51

In lawsuits related to existing companies or associations, those in liquidation, or private institutions, jurisdiction lies with the court in whose district their management center is located, whether the lawsuit is against the company, association, or institution, or by the company, association, or institution against a partner or member, or by one partner or member against another. The lawsuit may be filed before the court in whose district the branch of the company, association, or institution is located, for matters related to that branch.

Article 52

Lawsuits for declaration of bankruptcy are under the jurisdiction of the Court of First Instance, composed of three judges, in whose district the commercial establishment of the person against whom bankruptcy is sought, or his main commercial center if there are multiple establishments, is located.

Article 53

In bankruptcy matters, jurisdiction lies with the court that adjudicated the bankruptcy.

Article 54

In lawsuits containing a request for an interim measure, jurisdiction lies with the court in whose district the defendant's domicile is located, or the court in whose district the measure is requested to be carried out.

Article 55

The court hearing the original lawsuit is competent to decide incidental requests. However, the defendant in a guarantee request may invoke the lack of jurisdiction of the court if he proves that the original lawsuit was filed only with the intention of summoning him before a court other than his own.

Article 56

If the defendant has no domicile or place of residence in the Sultanate, and it is not possible to determine a competent court according to the preceding articles, jurisdiction lies with the court in whose district the plaintiff's domicile or place of residence is located. If he has no domicile or place of residence, jurisdiction lies with the court located in Muscat.

Article 57

If jurisdiction is agreed upon for a specific court, jurisdiction belongs to that court or the court in whose district the defendant's domicile is located. However, in cases where the law stipulates the jurisdiction of a court contrary to Article (44), agreement contrary to this jurisdiction is not permitted.

Chapter Four

Estimating the Value of the Lawsuit

Article 58

The value of the lawsuit is estimated as of the date of filing. The estimation includes due interest, compensation, expenses, and other valuable accessories as of that date, as well as claims for new rents after filing the lawsuit until the date of judgment. In all cases, the value of the building or fence whose removal is requested is considered. The estimation is based on the last requests of the parties.

Article 59

The following shall be observed in estimating the value of the lawsuit:

1. Lawsuits related to ownership of real estate and substantive disputes related to execution on real estate are valued at the value of the property. Lawsuits related to an easement right are valued at one-quarter of the value of the property burdened by the right. If related to a usufruct right or a building lease, they are valued at half the value of the property. In all cases, the value of the property is estimated based on documents submitted by the parties or through an expert appointed by the court for this purpose.
2. Possessory actions are valued at the value of the right over which possession is exercised.

3. If the lawsuits concern a pension, they are valued, when disputing the instrument establishing it, based on twenty years' pension if it is perpetual, and on ten years' pension if for life.
4. Lawsuits related to crops are valued according to their prices in public markets.
5. If the lawsuit requests the validity, annulment, or rescission of a contract, it is valued at the value of the subject matter of the contract. For reciprocal contracts, the lawsuit is valued at the higher value of the two considerations.
6. If the lawsuit requests the validity of a continuous contract or its annulment, the valuation is based on the total monetary consideration for the entire contract period. If it requests rescission of the contract, the valuation is based on the monetary consideration for the period stipulated in the contract. If the contract has been partially executed, the valuation is based on the remaining period. If the lawsuit relates to the termination of the contract, the valuation is based on the monetary consideration for the period up to which the dispute over termination arose.
7. If the lawsuit is between the attaching creditor and the debtor regarding the validity of a movable attachment or a claim for it, the value of the debt for which the attachment was made is estimated. If it is between a creditor and his debtor regarding a security mortgage, possessory pledge, or preferential right, it is valued based on the secured debt. If it is filed by a third party claiming entitlement to the attached funds or funds burdened with the mentioned rights, the valuation is based on the value of these funds.
8. Lawsuits for signature verification and original forgery lawsuits are valued at the value of the right evidenced by the document whose signature verification or forgery is sought to be adjudged.

Article 60

If the lawsuit contains multiple requests arising from a single legal cause, the valuation is based on their total value. If they arise from different legal causes, the valuation is based on the value of each separately. If the lawsuit contains requests considered merged with the original request, their value is estimated at the value of that request alone.

Article 61

If the lawsuit is filed by one or more persons against one or more persons by virtue of a single legal cause, the valuation is based on the value of the claim without dividing it into each one's share.

Article 62

If the claim is for a part of a right, the lawsuit is valued at the value of that part, unless the entire right is disputed, in which case the valuation is based on the value of the entire right.

Article 63

If the lawsuit requests something not quantifiable according to the preceding rules, its value is considered to exceed fifteen thousand Rials.

Part Two
Filing and Registration of the Lawsuit

Chapter One
Filing and Registration of the Lawsuit

Article 64

The lawsuit is filed with the court based on the plaintiff's request via a memorandum deposited with the court secretariat. It must contain the following data:

- a) The plaintiff's full name, his tribe or surname, profession or function, and domicile or chosen place; and the full name of his representative, his tribe or surname, profession or function, capacity, and domicile.
- b) The defendant's full name, his tribe or surname, profession or function, and domicile; if he has no known domicile, his last known domicile.
- c) The date of submitting the memorandum.
- d) The court before which the lawsuit is filed.
- e) The facts of the lawsuit, the plaintiff's requests therein, and their evidence.
- f) The signature of the plaintiff or his representative, after verifying the identity of each.

Article 65

The plaintiff or his representative, when depositing the lawsuit memorandum, must pay the full fee and provide the court secretariat with copies of this memorandum equal to the number of defendants, plus one copy for the secretariat. He must attach to the lawsuit memorandum copies of the documents supporting his claim and an explanatory brief. The defendant in all lawsuits, except urgent ones and those where the appearance period has expired, must deposit with the secretariat a brief containing his defense, along with his documents, at least three days before the session set for hearing the lawsuit. The lawsuit is considered filed and produces its effects from the date of depositing its memorandum with the court secretariat, even if the court is not competent.

Article 66

The appearance period is eight days before the Court of First Instance and ten days before the Court of Appeal, from the date of notification of the lawsuit memorandum or the appeal memorandum. In case of necessity, the first period may be reduced to twenty-four hours and the second to three days, with permission from the court president or the judge of urgent matters. A copy of the order is notified to the opponent with the lawsuit memorandum or appeal memorandum.

Article 67

The court secretariat registers the lawsuit on the day the memorandum is submitted in the special register according to the order of receipt, after verifying the presence of the plaintiff or his representative. A separate file is opened for each lawsuit. It is presented on the same day to the court president or his substitute in case of absence, or a judge delegated from among its judges, to set a session for hearing it. The date of this session is recorded on the original memorandum and its copies in the presence of the plaintiff or his representative. The secretariat must, at the latest by the next day, deliver the original memorandum and its copies to the bailiffs' office for notification and return of the

original to the secretariat. However, except in restitution lawsuits and temporary challenges, the plaintiff may, upon request, be given the original memorandum and its copies to submit to the bailiffs' office for notification and return of the original to the plaintiff, who shall return it to the secretariat.

Article 68

Bailiffs must notify the lawsuit memorandum within twenty days at most from the date of receipt, unless a session for hearing the lawsuit has been set during this period, in which case notification must be completed before the session, all while observing the appearance period. The court before which the lawsuit is filed shall fine anyone from the secretariat or bailiffs who causes a delay in notification with a fine not exceeding fifty Rials.

Article 69

Failure to observe the period prescribed in the previous article does not nullify the notification of the lawsuit memorandum. Likewise, nullity does not result from failure to observe appearance periods, without prejudice to the notified party's right to request a postponement to complete the period. The litigation is not considered constituted against the defendant until his memorandum is notified to him, unless he appears at the session.

Article 70

Upon the defendant's request, the lawsuit may be deemed as if it never was if he is not summoned to appear within three months from the date of submitting the memorandum to the court secretariat, and this is due to an act of the plaintiff.

Article 71

If the plaintiff abandons the litigation or settles with his opponent in the first session for hearing the lawsuit before pleading therein, only a quarter of the prescribed fee is due on the lawsuit.

Chapter Two Estimating Lawsuit Fees

Article 72

The fee prescribed for commercial lawsuits is estimated as follows:

- a) 2% of the lawsuit value, with a minimum of thirty Rials and a maximum of three thousand Rials.
- b) A fixed fee of three hundred Rials for bankruptcy declaration lawsuits or related requests that cannot be valued according to the rules for estimating lawsuit value stipulated in Articles (58) to (63) of this Law.
- c) If the lawsuit requests something not quantifiable, the minimum fee is due upon registration. The court secretariat must settle the fee due up to the day of judgment according to the mentioned valuation rules.

The Minister of Justice issues a regulation with valuation rules for cases not covered by the rules stipulated in the previous items.

Article 73

Without prejudice to the provisions of the Financial Law issued by Royal Decree No. 47/98, fees for civil lawsuits and personal status lawsuits are determined by a decision of the Minister of Justice.

Article 74

The Minister of Justice issues a regulation organizing legal aid for the indigent after agreement with the Ministry of Finance.

Part Three

Presence and Absence of the Parties

Chapter One

Presence and Power of Attorney for Litigation

Article 75

Without prejudice to what is stipulated in the Advocacy Law, the parties must appear on the day set for hearing the lawsuit themselves or be represented by an attorney from among the lawyers. The agent must present proof of his agency from his client and the scope of this agency. The agency may be made by a statement recorded in the session minutes.

Article 76

The issuance of a power of attorney by one of the parties makes his agent's domicile considered for the notification of documents necessary for the conduct of the lawsuit at the litigation level for which he is appointed. A party who has no agent in the city where the court is located must choose a domicile therein.

Article 77

A power of attorney for litigation grants the agent the authority to perform the acts and procedures necessary for filing the lawsuit, pursuing it, defending it, and taking conservatory measures until a judgment is issued on its subject matter at the litigation level for which he is appointed, and for notifying this judgment, without prejudice to what the law requires a special authorization for. Any restriction in the power of attorney contrary to the foregoing may not be asserted against the other party.

Article 78

Without special authorization, it is invalid to acknowledge the claimed right or waive it, to settle, to arbitrate, to accept or direct or refuse an oath, to abandon the litigation, to waive the judgment wholly or partially, or to waive a method of appeal therein, to lift an attachment, to abandon securities while the debt remains, to appeal for delay, to recuse a judge or expert, to reject an expert, to make a genuine offer or accept it, or any other disposition or procedure for which the law requires special authorization.

Article 79

If there are multiple agents, any one of them may act alone in the lawsuit unless prohibited by a provision in the power of attorney.

Article 80

An agent may not delegate another lawyer unless explicitly authorized to do so in the power of attorney.

Article 81

Anything the agent states in the session in the presence of his client is considered as stated by the client himself, unless the client denies it during the hearing of the lawsuit in the same session.

Article 82

The agent's withdrawal or dismissal does not prevent the proceedings from continuing against him unless the opponent is notified of the appointment of a replacement or the client decides to conduct the lawsuit himself. The agent may not withdraw the power of attorney at an inappropriate time.

Article 83

No judge, member of the Public Prosecution, or court employee may be an agent for the parties in appearance or pleading, whether orally, in writing, or for giving opinions, even if the lawsuit is filed before a court other than the one to which he belongs; otherwise, the action is null. They are permitted to do so when representing themselves legally, and for their spouses, ascendants, and descendants up to the second degree.

Chapter Two

Absence of the Parties

Article 84

If neither the plaintiff nor the defendant appears, the court shall rule on the lawsuit if it is ripe for judgment; otherwise, it shall postpone it. If the lawsuit remains postponed for sixty days and none of the parties requests resumption of proceedings, or if both parties fail to appear after resumption, it is considered as if it never was. The court shall rule on the lawsuit if the plaintiff or some plaintiffs are absent in the first session and the defendant is present.

Article 85

If the defendant appears in any session or deposits a defense memorandum, the litigation is considered contentious with respect to him, even if he fails to appear later. The plaintiff may not present new requests or amend the initial requests in the session where his opponent is absent. Likewise, the defendant may not request a judgment against the plaintiff for any request in the plaintiff's absence.

Article 86

If the defendant alone is absent in the first session and the lawsuit memorandum was notified to him personally, the court shall rule on the lawsuit. If it was not notified to him personally, the court must, in non-urgent lawsuits, postpone the hearing to a subsequent session where the absent party is notified. The judgment in the lawsuit is considered a contentious judgment in both cases. If there are multiple defendants, some of whom were notified personally and others not, and they are all absent, or those not notified personally are absent, the court must, in non-urgent lawsuits, postpone the hearing to a subsequent session where those not notified personally among the absentees are notified. The judgment in the lawsuit is considered contentious with respect to all defendants. In any case, the court may issue an order, stating its reasons in the session minutes, for the arrest and

bringing of the defendant by the police if he does not attend the session set for hearing the lawsuit and the court deems his personal presence necessary for deciding it, and the presence of his agent is insufficient, provided he was notified personally or re-notified at his domicile and failed to appear for two consecutive sessions.

Article 87

If the court finds upon the defendant's absence that his notification with the memorandum was invalid, it must postpone the lawsuit to a subsequent session and re-notify him with it in a valid manner.

Article 88

This article was amended by Royal Decree No. 96/2005.

Part Four Intervention of the Public Prosecution

Article 89

The Public Prosecution may file lawsuits in cases stipulated by law. In these cases, it has the same rights as the parties.

Article 90

Except for urgent lawsuits, the Public Prosecution must intervene in the following cases; otherwise, the judgment is null:

- a) Lawsuits that it may file itself.
- b) *This item is repealed by Royal Decree No. 92/2005.*
- c) Any other case where the law stipulates the obligation of its intervention.

Article 91

Except for urgent lawsuits, the Public Prosecution may intervene in the following cases:

- a) Lawsuits filed by those lacking or with diminished legal capacity, absent persons, and missing persons.
- b) Lawsuits filed concerning endowments, donations, and charitable wills.
- c) Lack of jurisdiction affecting the regularity of the judiciary's jurisdiction.
- d) Lawsuits for the recusal of judges and members of the Public Prosecution and claims against them.
- e) Preventive composition to avoid bankruptcy.
- f) Lawsuits which the Public Prosecution deems necessary to intervene in due to their connection to public order or morals.
- g) Any other case where the law permits its intervention.

Article 92

The court may, at any stage of the lawsuit, order the case file to be sent to the Public Prosecution if an issue related to public order or morals arises therein. The intervention of the Public Prosecution in this case is obligatory.

Article 93

The Public Prosecution is considered represented in the lawsuit once it submits a memorandum with its opinion therein. Its presence is not required unless the law stipulates otherwise. In all cases, the presence of the Public Prosecution is not required when the judgment is pronounced.

Article 94

In all cases where the law stipulates the obligatory intervention of the Public Prosecution, the court secretariat must notify the Public Prosecution in writing immediately upon registration of the lawsuit. If an issue requiring the Public Prosecution's intervention arises during the hearing of the lawsuit, it is notified based on a court order.

Article 95

The Public Prosecution is granted, upon its request, a period of at least seven days to submit a memorandum with its opinion. This period starts from the day the case file is sent to it, including the parties' documents and memoranda.

Article 96

The intervention of the Public Prosecution may occur at any stage of the lawsuit before the closure of the pleading stage.

Article 97

In all lawsuits where the Public Prosecution is a party, the parties may not, after the submission of the Public Prosecution's opinion and requests, request to speak or submit new memoranda. They may only submit a written statement to the court to correct the facts mentioned by the Public Prosecution.

However, the court may, in exceptional circumstances where it deems it appropriate to accept new documents or supplementary memoranda, permit their submission and the re-opening of pleadings. The Public Prosecution shall be the last to speak.

Article 98

The Public Prosecution may appeal the judgment in cases where the law obliges or permits its intervention if the judgment violates a rule of public order or if the law stipulates so.

Part Five

Session Procedures and Regulations

Chapter One

Session Procedures

Article 99

The court begins the first session by presenting a settlement to the parties. If no settlement is reached, pleading takes place in the same session. If a party presents a document in this session that he could have presented during the period stipulated in Article (66) of this Law, the court may accept it if it does not lead to a postponement of the hearing. If accepting the document leads to a postponement, the court shall fine him not less than ten Rials and not exceeding twenty Rials. However, both the plaintiff and the defendant may present a document in response to the defense or requests raised by his opponent.

Article 100

The lawsuit may not be postponed more than once for the same reason attributable to one of the parties, provided the postponement period does not exceed two weeks.

Article 101

The court shall fine any employee thereof or any party who fails to deposit documents or to perform any litigation procedure within the period set by it, with a fine not less than ten Rials and not exceeding twenty Rials. This is done by a non-appealable decision recorded in the session minutes, having the enforceability of judgments. The court may exempt the fined party from all or part of the fine if he presents an acceptable excuse. Instead of fining the plaintiff, the court may order the suspension of the lawsuit for a period not exceeding three months after hearing the defendant's statements. If the suspension period passes and the plaintiff does not request the proceeding of his lawsuit within the thirty days following its expiry, or fails to implement what the court ordered, the lawsuit may be deemed as if it never was.

Article 102

Fines are executed after the secretariat notifies the fined party of the judgment's content by registered mail with acknowledgment of receipt.

Chapter Two Session Regulations

Article 103

Court sessions are public unless the court, sua sponte or based on a party's request, decides to hold them secretly to preserve public order, morals, or family privacy.

Article 104

The statements of the parties must be heard during pleading, and they may not be interrupted unless they deviate from the lawsuit's subject matter or the requirements of defense. The defendant is the last to speak, without prejudice to the provision of Article (97) of this Law.

Article 105

The parties may request the court, at any stage of the lawsuit, to record their agreements in the session minutes, signed by them or their duly authorized agents. If they have written their agreement, the written agreement is attached to the session minutes and its content is recorded therein. The session minutes in both cases have the force of an executable instrument, and a copy is given according to the rules prescribed for delivering copies of judgments.

Article 106

The court may, sua sponte, order the deletion of offensive expressions or those contrary to public order or morals from any pleading paper or memorandum.

Article 107

Maintaining order and managing the session are the responsibility of the presiding judge, who directs questions to the parties and witnesses. Court members may direct questions they see fit after his permission. The presiding judge may expel anyone who disrupts order from the session hall. If the person does not comply, the court may immediately sentence him to imprisonment for up to twenty-four hours or a fine of up to twenty Rials; its judgment is final. If the disruption is committed by someone performing a function in the court, it may impose during the session any disciplinary penalty that the head of the unit is authorized to impose. The court may revoke the judgment issued based on the two preceding paragraphs before the session concludes.

Article 108

The court may try anyone who commits a misdemeanor against its panel or one of its members or employees during its session, and sentence him immediately to the prescribed penalty according to the penal law. The court may also try anyone who gives false testimony during the session and sentence him to the penalty prescribed for false testimony. The court's judgment in these cases is enforceable even if appealed.

Article 109

In accordance with the provisions of the Advocacy Law, the presiding judge orders the recording of a report for every crime committed during the session and the taking of necessary investigation procedures, then orders the referral of the papers to the Public Prosecution for necessary action. If the committed crime is a felony or misdemeanor, he may, if the situation requires, order the arrest of the perpetrator.

Part Six

Defenses, Joinder, Intervention, and Incidental Requests

Chapter One

Defenses

Article 110

The defense of lack of local jurisdiction, the defense of referring the lawsuit to another court due to the existence of the same dispute before it or another connected lawsuit, and any defense related to procedures not related to public order must all be raised together before any request or defense on the merits or defense of inadmissibility; otherwise, the right to raise them is lost. The appellant's right to these defenses is lost if not raised in the appeal memorandum. All grounds on which the procedural defense is based must be raised; otherwise, the right to unraised grounds is lost. The court rules on these defenses separately unless it decides to join them to the merits, in which case the court states its ruling on each separately.

Article 111

The defense of lack of court jurisdiction due to lack of judicial power, or due to the type or value of the lawsuit, and the defense of inadmissibility of the lawsuit due to *res judicata*, are decided by the court *sua sponte* and may be raised at any stage of the lawsuit.

Article 112

If the court rules that it lacks jurisdiction, it must order the referral of the lawsuit in its current state to the competent court. It may then fine the plaintiff up to one hundred Rials. It must set a session for the parties to appear before the court to which the lawsuit is referred. The secretariat must notify the absent parties thereof. The court to which the lawsuit is referred is obligated to decide it.

Article 113

If the parties agree to litigate before a court other than the one before which the lawsuit was filed, the court may order the referral of the lawsuit to the court they agreed upon.

Article 114

If the same dispute is filed before two courts, the defense of referral must be raised before the court before which the dispute was filed later, for it to decide. The defense of referring the lawsuit to the other court due to its connection with another lawsuit filed before it may be raised before either court. The court to which the lawsuit is referred is obligated to decide it.

Article 115

The nullity of lawsuit memoranda and their notification, and the nullity of summons arising from a defect in the notification, in the court's designation, or in the session date, is cured by the notified party's appearance at the session or by depositing a defense memorandum.

Article 116

The defense of inadmissibility of the lawsuit may be raised at any stage of the lawsuit. If the court finds that the defense of inadmissibility due to the defendant's lack of capacity is well-founded, it postpones the lawsuit to notify the competent party. It may fine the plaintiff up to twenty Rials. If the lawsuit is filed against a state body or a public legal person, the effect of correction retroacts to the date of filing the lawsuit, even if correction occurs after the prescribed period for filing it.

Chapter Two

Joinder and Intervention

Article 117

Subject to the provisions of Article (67), a party may join to the lawsuit anyone who could have been sued in it when it was filed, through the usual procedures for filing a lawsuit before the session day. The court may, even sua sponte, order the joinder of anyone it deems necessary to join for the interest of justice or to reveal the truth. The court sets an appearance period for whom it orders to be joined and for the party effecting the joinder.

Article 118

A party may join a guarantor to the lawsuit whenever a cause for guarantee arises, through the usual procedures for filing a lawsuit. The court must grant the party's request to postpone the hearing of the lawsuit to join a guarantor if the party notified his guarantor to appear within eight days from the date of his notification of the lawsuit, or from the arising of the cause for guarantee, or if the mentioned eight days have not expired before the session set for hearing the lawsuit. Apart from this case, postponement for joining a guarantor is discretionary for the court. The court rules on the guarantee

request and the original lawsuit by a single judgment whenever possible; otherwise, it decides the guarantee request after judgment in the original lawsuit.

Article 119

If the court orders the joinder of the guarantee request to the original lawsuit, the judgment issued against the guarantor, when necessary, is a judgment for the original plaintiff even if no requests were directed to him. The party requesting the guarantee may request his removal from the lawsuit if he is not personally obligated.

Article 120

If the court finds the guarantee request baseless, it may sentence the party claiming the guarantee to compensation resulting from the delay in deciding the original lawsuit.

Article 121

Any interested party may intervene in the lawsuit, joining one of the parties or requesting a judgment for himself on a claim connected to the lawsuit. Intervention is made through the usual procedures for filing a lawsuit before the session day, or by an oral request presented in the session in the presence of the parties and recorded in its minutes. Intervention is not accepted after the closure of the pleading stage.

Article 122

The court rules on any dispute related to the acceptance of intervention. If the court finds that the joinder or intervention request is not based on a legitimate interest, or is intended only to delay the decision in the lawsuit, it decides to reject the request. In all cases, intervention does not delay the judgment in the original lawsuit if it is ripe for judgment. The court rules on the subject of intervention requests together with the original lawsuit whenever possible; otherwise, it reserves the intervention request for judgment after its investigation.

Chapter Three Incidental Requests

Article 123

Incidental requests are presented by the plaintiff or the defendant to the court through the usual procedures for filing a lawsuit before the session day, or by an oral request presented in the session in the presence of the opponent and recorded in its minutes. Incidental requests are not accepted after the closure of the pleading stage.

Article 124

The plaintiff may present the following incidental requests:

- a) Those involving correction of the original request or amendment of its subject matter in response to circumstances that arose or became clear after filing the lawsuit.
- b) Those that are complementary to the original request, consequent upon it, or connected to it in an indivisible manner.
- c) Those involving an addition or change in the cause of the lawsuit while the subject matter of the

- original request remains unchanged.
- d) A request for a conservatory or interim order.
- e) Anything the court permits to be presented that is connected to the original request.

Article 125

The defendant may present the following incidental requests:

- a) A request for set-off and a request for compensation for harm suffered from the original lawsuit or a procedure therein.
- b) Any request that results in the plaintiff not being granted all or some of his requests, or being granted them subject to a restriction in the defendant's interest.
- c) Any request connected to the original lawsuit in an indivisible manner.
- d) Anything the court permits to be presented that is connected to the original lawsuit.

Article 126

Incidental requests shall not delay the judgment in the original lawsuit if it is ripe for decision. The court rules on incidental requests together with the original lawsuit whenever possible; otherwise, it reserves the incidental request for judgment after its investigation.

Part Seven

Impediments to the Course of Litigation: Suspension, Interruption, Lapse, Expiry, and Abandonment of Litigation

Chapter One

Suspension of Litigation

Article 127

The lawsuit may be suspended based on the parties' agreement not to proceed with it for a maximum of six months from the date of the court's approval of their agreement. This suspension has no effect on any deadline set by law for a procedure. Neither party may proceed with the lawsuit during this period without the opponent's consent. If the lawsuit is not proceeded with within ten days following the end of the period, the plaintiff is considered to have abandoned his claim, and the appellant to have abandoned his appeal.

Article 128

In all cases where the law stipulates the mandatory or permissive suspension of the lawsuit, the court may order the suspension of the lawsuit whenever it deems the judgment on its subject matter dependent on the decision of another issue on which the judgment depends. As soon as the cause for suspension ceases, any party may request the setting of a session to resume proceedings in the lawsuit.

Chapter Two

Interruption of the Course of Litigation

Article 129

The course of litigation is interrupted by operation of law by the death of a party or by the loss of a party's litigation capacity, or by the loss of capacity of the person who was conducting the litigation on

his behalf from among the representatives, unless the lawsuit was ready for judgment on the merits. However, if a party requests a period to notify the person replacing the party affected by the cause of interruption, the court must, before ruling on the interruption of the course of litigation, require him to make the notification within a period it sets for him. If he fails to do so within this period without excuse, the court rules that the course of litigation is interrupted from the date the cause occurred. Litigation is not interrupted by the death of the lawsuit's agent or by the termination of his agency due to withdrawal or dismissal. The court may grant a reasonable period to the party whose agent died or whose agency ended if he promptly appoints a new agent within fifteen days following the end of the first agency.

Article 130

The lawsuit is considered ready for judgment on the merits if the parties have presented their final statements and requests in the pleading session before the death, loss of litigation capacity, or loss of capacity.

Article 131

Interruption of litigation results in the suspension of all procedural deadlines that were running against the parties, and the nullity of all procedures that occur during the interruption.

Article 132

The lawsuit resumes its course by a summons notified to the heirs of the deceased or to the person replacing the one who lost litigation capacity or lost capacity, based on the request of the other party, or by a summons notified to this party based on his request. The lawsuit also resumes its course if the heirs of the deceased or the person replacing the one who lost litigation capacity or lost capacity attend the session set for hearing it and express their desire to proceed.

Chapter Three

Lapse and Expiry of Litigation by Time Bar

Article 133

Any interested party may, in case of failure to proceed with the lawsuit due to the plaintiff's act or omission, request a judgment of lapse of litigation if one year has passed from the last valid litigation procedure. The period for lapse of litigation does not begin to run during interruptions except from the day the party requesting the lapse notifies the heirs of his deceased opponent or the person replacing the one who lost litigation capacity or lost capacity of the existence of the lawsuit between him and his original opponent. The period prescribed for lapse of litigation runs against all persons, even those lacking or with diminished capacity, without prejudice to their right to recourse against their representatives for compensation due to their negligence in pursuing the lawsuit leading to its lapse.

Article 134

The request for a judgment of lapse of litigation is submitted to the court before which the lawsuit is pending, through the usual procedures for filing a lawsuit. Lapse of litigation may be raised as a defense if the plaintiff files his lawsuit after the expiry of the year. The request or defense must be presented against all plaintiffs or appellants; otherwise, it is inadmissible.

Article 135

A judgment of lapse of litigation results in the lapse of judgments issued therein for evidence-taking, and the nullity of all litigation procedures, including filing the lawsuit. However, it does not affect the right in the original claim, nor final judgments issued therein, nor procedures preceding those judgments or acknowledgments made by the parties. This lapse does not prevent the parties from relying on investigation procedures and expert works that were completed, unless they are null in themselves.

Article 136

If lapse of litigation is adjudged in an appeal, the appealed judgment is considered final in all cases. If lapse is adjudged in a petition for reconsideration before a judgment accepting the petition, the petition lapses. If adjudged after a judgment accepting the petition, the rules specific to appeal or first instance apply as the case may be.

Article 137

In all cases, litigation expires after two years from the last valid procedure therein. However, this rule does not apply to appeals before the Supreme Court. The expiry of litigation has the same effects as its lapse.

Chapter Four Abandonment of Litigation

Article 138

The plaintiff may abandon the litigation by notifying his opponent or by an explicit statement in a memorandum signed by him or his legal representative, with the opponent's knowledge, or by an oral statement in the session recorded in the minutes.

Article 139

Abandonment is not effective after the defendant has presented his requests except with his acceptance. However, his objection to abandonment is disregarded if he has raised a defense of lack of jurisdiction, or referral to another court, or nullity of the memorandum, or inadmissibility due to res judicata, or anything else intended to prevent the court from proceeding with the lawsuit.

Article 140

Abandonment results in the nullity of all litigation procedures, including filing the lawsuit, and obligates the abandoning party to pay costs. However, this does not affect the right on which the lawsuit was based.

Article 141

If a party waives a procedure or a pleading paper during the litigation, explicitly or implicitly, the procedure or paper is deemed as if it never was. Waiver of the judgment entails waiver of the right established by it.

Part Eight Disqualification, Recusal, and Withdrawal of Judges

Article 142

A judge is disqualified from hearing the lawsuit and is prohibited from hearing it, even if not recused by a party, in the following cases:

- a) If he is a relative or in-law of one of the parties up to the fourth degree.
- b) If he or his spouse has a pending lawsuit with one of the parties in the lawsuit or with his spouse.
- c) If he is an agent for one of the parties in his private affairs, or his guardian, curator, or presumed heir, or if he has a kinship or in-law relationship up to the fourth degree with the guardian of one of the parties, or his curator, or one of the members of the board of directors of the company involved or one of its managers, and this member or manager has a personal interest in the lawsuit.
- d) If he, his spouse, or one of his relatives or in-laws in the direct line, or someone for whom he is an agent or guardian, has an interest in the pending lawsuit.
- e) If he has given an opinion or pleaded for one of the parties in the lawsuit, or wrote about it, even before his work in the judiciary, or if he previously considered it as a judge, expert, or arbitrator, or gave testimony therein.

Article 143

The action or judgment of a judge in the cases stipulated in the previous article is null, even if done by agreement of the parties. If this nullity occurs in a judgment issued by the Supreme Court, the party may request the court to annul the judgment and re-hear the appeal before another chamber.

Article 144

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

- a) If he or his spouse has a lawsuit similar to the one he is hearing, or if a lawsuit arises for one of them with a party, or for his spouse after the pending lawsuit before the judge arises, unless this lawsuit was filed with the intent to recuse him from hearing the pending lawsuit.
- b) If his divorced wife from whom he has children, or one of his relatives or in-laws in the direct line, has a pending lawsuit before the judiciary with one of the parties in the lawsuit or with his spouse, unless this lawsuit was filed after the pending lawsuit before the judge arose with the intent to recuse him.
- c) If one of the parties is his servant, or if he has habitually shared meals or residence with one of the parties, or if he received a gift from him before or after filing the lawsuit.
- d) If there is enmity or friendship between him and one of the parties such that he cannot judge without bias.

Article 145

If a judge is disqualified from hearing the lawsuit or a reason for recusal exists against him, he must inform the court in the deliberation room or the president of the Court of First Instance - as the case may be - of the reason for recusal, to obtain permission to withdraw. All this is recorded in a special minutes preserved at the court.

Article 146

A judge may, in cases not stipulated in Articles (142) and (144), if he feels unease about hearing the lawsuit for any reason, present the matter of his withdrawal to the court in the deliberation room, or to the president of the Court of First Instance, to consider approving his withdrawal.

Article 147

A recusal request must be presented before any defense or defense on the merits; otherwise, the right thereto is lost. If the recusal is against a judge delegated for an evidence-taking procedure, the request is presented within three days from the day of his delegation if the delegation decision was issued in the presence of the recusal applicant. If issued in his absence, the three days start from the day of his notification thereof. A recusal request may be made if its reasons occur after the prescribed periods, or if the applicant proves that he was unaware of them until after those periods passed.

Article 148

A recusal request is not accepted after the closure of the pleading stage in the lawsuit, or from one who has previously requested the recusal of the same judge in the same lawsuit. Recusal requests in these two cases do not result in the suspension of the lawsuit stipulated in Article (157) of this Law. The party's right to request recusal is lost if a decision thereon is not made before the closure of the pleading stage in a previous recusal request filed in the lawsuit, provided he was notified of the session set for hearing it and the reasons for recusal existed until the closure of pleading.

Article 149

Recusal is made by a statement deposited with the secretariat of the court to which the judge requested to be recused belongs, signed by the applicant himself or his agent specifically authorized for it by a special power of attorney attached to the statement. The statement must contain the reasons for recusal and be accompanied by any supporting papers or documents. The recusal applicant must deposit two hundred Rials as security upon submitting the recusal statement. The recusal of a judge of the Courts of First Instance is considered by one of the chambers of the Court of Appeal within whose jurisdiction the Court of First Instance to which the judge belongs falls. The recusal of a judge of the Court of Appeal or the Supreme Court is considered by a chamber of the Court of Appeal or the Supreme Court, as the case may be, other than the chamber of which the requested judge is a member.

Article 150

If the recusal is against a judge sitting for the first time to hear the lawsuit in the presence of the parties, recusal may be made by a memorandum delivered to the secretariat. The recusal applicant must confirm the request with the secretariat on the same day or the next day; otherwise, the right is lost.

Article 151

The court secretariat must refer the recusal statement to its president, accompanied by a statement of previous recusal requests in the lawsuit and their outcome, all within twenty-four hours. The president must inform the judge requested to be recused of the statement immediately and send a copy to the Public Prosecution.

Article 152

The judge requested to be recused must respond in writing to the facts and reasons for recusal within four days following his notification. If the reasons are legally sufficient for recusal and the judge does not respond within the specified period, or acknowledges them in his response, the court president issues an order for his withdrawal.

Article 153

In cases not covered by the previous article, the following procedures are taken:

- a) If the requested judge is from the Courts of First Instance, the president of the Court of First Instance sends the papers to the president of the competent Court of Appeal on the second day after the expiry of the period in Article (149). The president of the court competent to consider the recusal request according to Article (149) appoints the chamber that will consider the request and sets the session for its consideration.
- b) The secretariat of the competent court notifies all parties in the original lawsuit of the session set for considering the recusal request, to present any recusal requests they may have according to the second paragraph of Article (148) of this Law.
- c) The chamber considering the recusal request investigates it in the deliberation room and then decides it within a period not exceeding two months from the date of the statement, after hearing the recusal applicant's statements, the judge's comments if necessary or upon request, and the representative of the Public Prosecution if it intervenes. The judge may not be interrogated during the investigation of the recusal request, nor may an oath be directed to him.
- d) The judgment issued on the recusal request is read with its reasons in a public session. A recusal request against a judge of the court considering the recusal request is not accepted, and its submission does not suspend the consideration of the recusal request.

In all cases, the judgment rejecting the recusal request may only be appealed together with the appeal of the judgment in the original lawsuit.

Article 154

If the judge requested to be recused is delegated from another court, the court president sends the recusal statement and its documents to the court to which he belongs to inform him thereof and obtain his response, then returns them to the first court to follow the prescribed procedures in the previous articles.

Article 155

In case of recusal requests submitted before the closure of pleading in a previous recusal request, the court president refers these requests to the chamber before which that request is pending to decide them all by a single judgment, without being bound by the provisions of Articles (152) and (154) of this Law.

Article 156

If the recusal request is rejected, or the right thereto is lost, or it is inadmissible, or a waiver is proven, the court fines the recusal applicant not less than two hundred and fifty Rials and not exceeding five hundred Rials, and confiscates the security. If the recusal is based on the reason stipulated in Article (144)(d), the fine may reach one thousand Rials. In all cases, the fine is multiplied by the number of judges requested to be recused. The recusal applicant is exempted from the fine if he withdraws the request in the first session, or if the withdrawal is due to the withdrawal, transfer, or end of service of the judge requested to be recused.

Article 157

Submitting a recusal request results in the suspension of the original lawsuit until a decision is made thereon. However, the court president may delegate a judge to replace the one whose recusal is requested.

Article 158

If the recusal request is rejected, or the right is lost, or it is inadmissible, or a waiver is proven, submitting any other recusal request does not suspend the original lawsuit. However, the court considering the recusal request may order, based on a concerned party's request, the suspension of proceedings in the original lawsuit. In this case, the provision of the previous article applies.

Article 159

The preceding rules and procedures are followed when recusing a member of the Public Prosecution if a reason stipulated in Articles (142) and (144) of this Law exists against him.

Article 160

It is not permitted to request the recusal of all judges of the court or some of them such that there remains an insufficient number to judge the original lawsuit or the recusal request.

Article 161

If the judge files a compensation lawsuit against the recusal applicant or files a complaint against him with the competent authority, he becomes disqualified from judging the lawsuit and must withdraw from hearing it.

Part Nine

Judgments

Chapter One

Issuance of Judgments

Article 162

Judgments are issued and executed in the name of His Majesty the Sultan.

Article 163

Deliberation on judgments is secret among the judges assembled. Only judges who heard the pleadings may participate in the deliberation; otherwise, the judgment is null.

Article 164

During deliberation, the court may not hear a party or his agent without the presence of his opponent, nor accept papers or documents from one party without the other party's knowledge; otherwise, the action is null.

Article 165

Judgments are issued by unanimity or majority of opinions. If a majority is not achieved and opinions are divided into more than two, the group with fewer members or the group including the youngest judge must join one of the opinions issued by the larger group, after taking opinions a second time.

Article 166

The judges who participated in the deliberation must attend the pronouncement of the judgment. If an impediment prevents one from attending that does not end his term, he must sign the draft judgment, and this is recorded on the original copy of the judgment.

Article 167

The court may, immediately after the end of the pleadings, pronounce the judgment in the session, or it may postpone its issuance to another nearby session it sets. If a second postponement of the judgment's issuance is necessary, the court declares this in the session, specifying the day set for its pronouncement and stating the reasons for postponement in the session minutes. It may not postpone the judgment's issuance after that except once. The pronouncement of the postponement decision is considered notification to the parties of the new date.

Article 168

The court may reopen the pleading stage after setting a session for pronouncing the judgment, by a reasoned decision declared by the court in the session and recorded in its minutes. This is only for new reasons stated in the session minutes. In this case, the court secretariat must notify the parties of the date of the set session.

Article 169

The judge pronounces the judgment by reading its operative part or both its operative part and reasons. The pronouncement must be public; otherwise, the judgment is null.

Article 170

If the judgment is pronounced immediately after the end of the pleadings, its draft must be deposited within ten days from the pronouncement date. If the judgment's issuance is postponed to a session other than the pleading session, the draft reasons are deposited upon pronouncement. In all cases, the draft must be signed by the president and members upon pronouncement of the judgment; otherwise, it is null. The draft must contain the reasons on which the judgment is based; otherwise, it is null.

Article 171

The draft judgment containing its operative part and reasons is preserved in the file after pronouncement. No copy is given from it, but the parties may inspect it until the original copy of the judgment is completed.

Article 172

The judgment must state the court that issued it, the date and place of issuance, whether it is issued in a civil, commercial, or other matter, the names of the judges who heard the pleadings, participated in the judgment, and attended its pronouncement, the member of the Public Prosecution who expressed his opinion in the case if any, the names of the parties, their tribes or surnames, capacities, each one's

domicile, and their presence or absence. The judgment must also contain a summary of the lawsuit's facts, then the parties' requests, a brief summary of their substantive defenses and arguments, the opinion of the Public Prosecution if any, then the reasons for the judgment and its operative part. Deficiency in the judgment's factual reasons, and deficiency or error leading to ignorance of the parties and their capacities or the judges who participated in its issuance, results in the nullity of the judgment.

Article 173

The session president and the secretary sign the original copy of the judgment containing the lawsuit's facts, reasons, and operative part within ten days from depositing the draft; otherwise, the cause of delay is liable for damages.

Article 174

An official copy of the original judgment may be given to those who request it from the parties or their agents. It is not given to others except with permission from the court president, after payment of the prescribed fee.

Article 175

The copy of the judgment used for execution is stamped with the court's seal and signed by the secretary, who may endorse it with the executable formula. It is only delivered to the party with an interest in executing the judgment and for whom execution is permissible.

Article 176

If the court secretariat refuses to give the first executable copy, the requester may submit a petition with his complaint to the judge of urgent matters of the court that issued the judgment, or the president of the chamber that issued the judgment if it was issued by the Court of Appeal or the Supreme Court, for him to issue his order according to the procedures prescribed in the chapter on Orders on Petitions.

Article 177

A second executable copy may not be delivered to the same party except in case of loss of the first copy. The court that issued the judgment decides disputes related to delivering the second executable copy upon loss of the first, based on a memorandum notified from one party to his opponent. A second executable copy may be delivered without need for a lawsuit if the copy requester presents written consent from his opponent, the judgment debtor.

Chapter Two Correction and Interpretation of Judgments

Article 178

The court corrects material clerical or calculation errors that occur in its judgment by a decision issued sua sponte or based on a party's request without pleading. The secretary applies the correction to the original copy of the judgment and signs it with the session president.

Article 179

If the correction is made in the absence of the parties or based on one party's request in the absence of the other after delivering a copy of the judgment to them, the absent party is notified through the court secretariat or the party requesting the correction to appear with the copy delivered to him to record the correction thereon. The executable copy of the judgment is invalid for execution regarding what contradicts the correction.

Article 180

The decision issued for correction may be appealed if the court exceeds its right stipulated in Article (178), through the permissible methods of appeal against the judgment subject to correction. However, the decision rejecting correction may not be appealed independently.

Article 181

The parties may request the court that issued the judgment to interpret any ambiguity or obscurity in its operative part. The request is submitted through the usual procedures for filing a lawsuit. The judgment issued for interpretation complements the interpreted judgment and is subject to the same rules regarding appeal as the original judgment.

Article 182

If the court omits judgment on some substantive requests, the concerned party may notify his opponent to appear before it to consider these requests and judge them.

Chapter Three Lawsuit Costs

Article 183

When issuing the judgment that ends the litigation before it, the court must rule sua sponte on the lawsuit costs and award them against the losing party. If there are multiple losing parties, the costs may be divided among them equally or in proportion to each one's interest in the lawsuit as estimated by the court. They are not jointly liable for costs unless they are jointly liable for the original obligation adjudged.

Article 184

The court may obligate the winning party to pay all or part of the costs if the right was acknowledged by the losing party, or if the winning party caused the incurrence of useless costs, or left his opponent ignorant of decisive documents in his possession or their content.

Article 185

If each party fails in some requests, the court may rule that each party bears the costs he paid, or divide the costs between them as estimated by the court in its judgment. It may also award all costs against one of them.

Article 186

Costs of intervention are awarded against the intervener if he has independent requests and his intervention is rejected or his requests are denied.

Article 187

The court may, based on a party's request, award compensation to a party against his opponent for expenses arising from any lawsuit or defense intended for malice. The court may also fine a party who takes a procedure or raises a request, defense, or argument intending to harm his opponent, with a fine not less than ten Rials and not exceeding fifty Rials.

Article 188

Lawsuit costs are estimated in the judgment whenever possible. Otherwise, they are estimated by the president of the court that issued the judgment, by an order on a petition submitted by the judgment creditor. This order is notified to the judgment debtor. This order is not subject to the lapse stipulated in Article (194) of this Law.

Article 189

Any party may appeal the order mentioned in the previous article. The appeal is made before the bailiff upon notification of the estimation order, or by a statement deposited with the secretariat of the court that issued the judgment, within ten days from the date of notification of the order. The bailiff or secretariat, as the case may be, sets the day for hearing the appeal before the court in the deliberation room, and notifies the parties thereof at least three days before the set day.

Part Ten

Orders on Petitions

Article 190

In cases where the law stipulates that a party may seek an order, he must submit a petition with his request to the judge of urgent matters or to the president of the panel hearing the lawsuit. This petition must be in two identical copies, containing the facts of the request and its evidence, and specifying a chosen domicile for the applicant in the city where the court is located. Supporting documents are attached.

Article 191

The panel president or judge of urgent matters, as the case may be, must issue his order in writing on one of the two petition copies by the next day at the latest. The reasons for the order need not be stated unless it contradicts a previous order, in which case the reasons necessitating the new order must be stated; otherwise, it is null.

Article 192

The court secretariat must deliver to the applicant the second copy of the petition with a copy of the order recorded thereon by the next day after issuance at the latest. The original petition on which the order was issued is kept with the secretariat in a special register.

Article 193

Concerned parties have the right to appeal the order to the court through the usual procedures for filing a lawsuit, unless the law stipulates otherwise. The appeal may also be raised incidentally to the original lawsuit at any stage. The appeal must be reasoned; otherwise, it is null. Appealing the order does not

suspend its execution unless the court orders a suspension based on the appellant's request. In all cases, the judgment affirms, modifies, or cancels the order. The judgment is appealable according to the prescribed rules.

Article 194

The order issued on a petition lapses if not submitted for execution within thirty days from its issuance date. Lapse of the order does not prevent obtaining a new order.

Part Eleven Payment Orders

Article 195

As an exception to the general rules for filing lawsuits initially, the provisions in the following articles are followed if the creditor's right is evidenced in writing, due for immediate performance, and all he claims is a debt of a specified amount of money or a specified movable by description, type, or quantity. These provisions are followed if the right holder is a creditor under a commercial instrument and his recourse is limited to the drawer, endorser, acceptor, or contingent guarantor of one of them. If he wishes to recourse against others, he must follow the general rules for filing a lawsuit.

Article 196

If the creditor files his lawsuit through the ordinary route despite the availability of conditions for obtaining a payment order, this does not prevent the court from hearing the lawsuit.

Article 197

The creditor must require the debtor to pay within a period of at least eight days, then obtain a payment order from the judge of the Court of First Instance within whose jurisdiction the debtor's domicile falls, or the chamber president thereof, as the case may be. A registered letter with acknowledgment of receipt suffices for the requirement to pay. A protest for non-payment substitutes for this requirement. The right mentioned in the requirement to pay may not be less than what is claimed in the petition for the payment order.

Article 198

The payment order is issued based on a petition submitted by the creditor or his agent, accompanied by the debt instrument and proof of the requirement to pay. This instrument remains with the secretariat until the objection period expires. The petition must be in two identical copies and contain the data of the lawsuit memorandum stipulated in Article (64) of this Law. The order must be issued on one of the two petition copies within three days at most from its submission, stating the amount due of principal and interest, or what is ordered to be delivered if a movable, as the case may be, and costs. The petition is considered to produce the effects of filing the lawsuit from the date of its submission, even if the court is not competent. The creditor's request for a payment order is not accepted unless the petition is accompanied by proof of payment of the prescribed fee.

Article 199

If the judge or chamber president, as the case may be, finds that not all the applicant's requests should be granted, he must refrain from issuing the order and refer the request to the competent court, setting a session for its hearing. The court secretariat must notify the debtor to appear at the set session. Refusing to include the order with immediate enforceability is not considered a refusal of some requests under this article. The notification of the session must contain the data of the lawsuit memorandum stipulated in Article (64). Neither party may appeal the referral decision, even after the judgment on the merits is issued.

Article 200

The debtor is notified with the petition and the order issued against him for payment, personally or at his original domicile or workplace. The petition and the order issued thereon are deemed as if they never were if not notified to the debtor within six months from the order's issuance date.

Article 201

The debtor may appeal the order within fifteen days from its notification date. The appeal is made before the competent court through the usual procedures for filing a lawsuit. It must be reasoned; otherwise, it is null. The appellant is considered as the plaintiff, and the rules and procedures followed before the court of first instance are observed when considering the appeal. If the appellant fails to appear at the first session for hearing the appeal, the court rules sua sponte that the appeal is deemed as if it never was. The payment order may be appealed according to the rules and procedures prescribed for appealing judgments. The appeal period for the order starts from the date of expiry of the appeal period against it or the judgment deeming it as if it never was. The right to appeal the order is lost if it is directly appealed.

Part Twelve

Methods of Appealing Judgments

Chapter One

General Provisions

Article 202

Judgments may only be appealed by the judgment debtor. It is not permitted from one who accepted the judgment or in whose favor all requests were granted, unless the law stipulates otherwise. The appellant is not prejudiced by his appeal.

Article 203

Judgments issued during the course of the lawsuit that do not end the litigation may not be appealed until after the judgment ending the entire litigation is issued, except for interim and urgent judgments, judgments suspending the lawsuit, judgments enforceable by compulsion, and judgments of lack of jurisdiction and referral to the competent court. In the last case, the court to which the lawsuit is referred must suspend it until the appeal is decided.

Article 204

The appeal period for a judgment starts from the day following its issuance date, unless the law stipulates otherwise. This period starts from the day following the notification date of the judgment to

the judgment debtor who was absent from all sessions set for hearing the lawsuit and did not submit a defense memorandum. Likewise, if the judgment debtor was absent and did not submit a memorandum in all sessions following the resumption of the lawsuit after its suspension for any reason. The period starts from the day following the judgment's notification date if a cause for interruption of litigation occurs and the judgment is issued without summoning the person replacing the party who died, lost litigation capacity, or lost capacity. The judgment is notified to the judgment debtor personally or at his original domicile, and the period runs against the notified person.

Article 205

The appeal is notified to the opponent personally or at his original domicile. It may be notified at the chosen domicile mentioned in the judgment notification paper. If the appellee is the plaintiff and he did not state his original domicile in the lawsuit opening memorandum, the appeal may be notified to him at the chosen domicile stated in this memorandum.

Article 206

Failure to observe the appeal periods for judgments results in the loss of the right to appeal. The court rules on the lapse sua sponte.

Article 207

The appeal period is suspended by the death of the judgment debtor, loss of his litigation capacity, or loss of capacity of the person conducting the litigation on his behalf. The suspension ceases only after notifying the judgment to the heirs at the last domicile of their deceased, or notifying it to the person replacing the one who lost litigation capacity or lost capacity.

Article 208

If the judgment creditor dies during the appeal period, his opponent may file the appeal and notify it to his heirs collectively without naming them or stating their capacities, at the last domicile of their deceased. Afterwards, the appeal must be re-notified to all heirs by name and capacity, personally or at each one's domicile, before the session set for hearing the appeal or within the period set by the court for that. If the judgment creditor loses litigation capacity during the appeal period or the capacity of the person conducting the litigation on his behalf is lost, the appeal may be filed and notified to the person who lost capacity or the person whose capacity was lost. Afterwards, the appeal must be re-notified to the person replacing the party personally or at his domicile before the session set for hearing the appeal or within the period set by the court for that.

Article 209

Except for appeals filed by the Public Prosecution, only the appellant benefits from the appeal, and it is only effective against the appellee. However, if the judgment is issued on a non-divisible subject matter, or on a joint obligation, or in a lawsuit where the law requires summoning specific persons, any judgment debtor against whom the appeal period has expired or who accepted the judgment may join the appeal filed by one of his co-debtors during its consideration, adhering to his requests. If he does not, the court orders the appellant to summon him in the appeal. If the appeal is filed against one of the judgment creditors within the period, the others must be summoned even after the period has expired for them. The guarantor and the party requesting guarantee benefit from the appeal filed by either of

them in the judgment issued in the original lawsuit if their defense therein is united. If the appeal is filed against either of them within the period, the other may be summoned even after the period has expired for him.

Article 210

Documents may not be returned to the parties who submitted them until after the appeal periods have expired, or the filed appeal has been decided. Until then, a copy of these documents may be given to those who request them from concerned parties. If it is necessary to deliver the original documents, this is done by order of the judge or chamber president, as the case may be, with a copy retained certified by either after stamping it with the court's seal.

Chapter Two Appeal

Article 211

Parties may, in cases not excepted by law, appeal judgments of first-degree courts issued in their initial jurisdiction. They may also appeal judgments issued in urgent matters regardless of the court that issued them. Agreement may be made, even before filing the lawsuit, for the judgment of the court of first instance to be final.

Article 212

Judgments issued by first-degree courts in a final capacity may be appealed due to violation of rules of jurisdiction related to public order, or the occurrence of nullity in the judgment or in procedures affecting the judgment. The appellant in these cases must deposit fifty Rials with the court treasury as security when submitting the appeal memorandum. One deposit suffices in case of multiple appellants if they file their appeal with a single memorandum, even if the appeal reasons differ. The court secretariat does not accept the appeal memorandum if not accompanied by proof of this deposit. The security is confiscated if the appeal is ruled inadmissible due to the absence of its cause.

Article 213

All judgments issued within the final value limit may be appealed if the judgment is issued contrary to a previous judgment that has not acquired the authority of *res judicata*. In this case, the previous judgment is considered appealed by operation of law if it was not final when the appeal was filed.

Article 214

The appeal period is thirty days unless the law stipulates otherwise. The period is fifteen days in urgent matters, regardless of the court that issued the judgment. The appeal period is fifty days for the Public Prosecutor or his substitute.

Article 215

If the judgment is based on fraud by a party, or on a forged document or false testimony, or due to non-disclosure of a decisive document withheld by a party, the appeal period for the judgment only starts from the day the fraud appeared, or the day the forger acknowledged the forgery or it was adjudged, or the day the false witness was sentenced, or the day the withheld document appeared.

Article 216

The value of the lawsuit concerning the appeal threshold is estimated according to the provisions of Articles (58) to (63). Undisputed requests and amounts offered virtually are not counted in this estimation. If the defendant presents an incidental request, the appeal threshold is estimated based on the higher value of the original or incidental request. However, if the subject of the incidental request is compensation for filing the original lawsuit or for the manner of proceeding therein, the value of the original request alone is considered. The estimation is made according to the rules stipulated in the two previous paragraphs, based on the last requests of the parties before the first-degree court.

Article 217

For all judgments issued before the decision on the merits of the lawsuit that are appealable according to Article (202), the value of the lawsuit is considered in estimating their appeal threshold.

Article 218

Appealing the judgment ending the litigation necessarily entails appealing all judgments previously issued in the lawsuit unless explicitly accepted, subject to Article (223) of this Law. Appealing the judgment on the contingent request necessarily entails appealing the judgment on the original request. In this case, the judgment creditor in the original request must be summoned even after the appeal period has expired for him.

Article 219

The appeal is filed by a memorandum deposited with the secretariat of the court to which it is filed, according to the prescribed procedures for filing a lawsuit. The memorandum must state the appealed judgment, its date, the reasons for the appeal, and the requests, if any. The appellant must submit copies of the appeal memorandum equal to the number of appellees and attach the documents supporting his appeal. The appellant must pay the prescribed fee when submitting the appeal memorandum.

Article 220

The court secretariat opens a file for each appeal, giving it a serial number and registering it in a special register according to the order of receipt. This file includes all memoranda exchanged between the parties, session minutes, and all documents and papers related to the appeal.

Article 221

The appeal file is presented to the court president or his substitute in case of absence, or a judge delegated from among its judges, to set the date of the session for hearing the appeal, observing the appearance periods stipulated in Article (67) of this Law. The secretariat notifies the appeal memorandum endorsed with the set session to the appellee and notifies the appellant of the session date.

Article 222

The secretariat of the court to which the appeal is filed must request the joining of the first-instance lawsuit file on the day following the filing date. The secretariat of the court that issued the judgment

must send the lawsuit file within ten days at most from the request date. This period is reduced to three days for urgent lawsuits. The court fines anyone negligent in requesting the file joining or sending it within the period with a fine not less than ten Rials and not exceeding fifty Rials, by a non-appealable judgment.

Article 223

The appeal transfers the lawsuit in the state it was in before the appealed judgment was issued, only regarding what is appealed.

Article 224

The Court of Appeal considers the case based on evidence, defenses, and new arguments presented to it, as well as what was presented to the court of first instance.

Article 225

New requests are not accepted in the appeal, and the court rejects them sua sponte. However, rents and other accessories that became due after presenting the final requests before the court that issued the appealed judgment may be added to the original request, as well as any increase in compensation after presenting these requests. Also, the cause may be changed or added to while the subject matter of the original request remains unchanged.

Article 226

Joinder of someone who was not a party in the lawsuit in which the appealed judgment was issued is not permitted in the appeal, unless the law stipulates otherwise. Intervention is only permitted by one requesting to join one of the parties.

Article 227

The appellee may, until the closure of the pleading stage, file a cross-appeal through the usual procedures or by a memorandum containing his appeal reasons. If the cross-appeal is filed after the appeal period has expired or after accepting the judgment before filing the original appeal, it is considered an ancillary appeal following the original appeal and ceases if the original appeal ceases.

Article 228

If the appealed judgment is on the merits and the court hearing the appeal finds there is nullity in the judgment or in procedures affecting the judgment, it rules to annul it and judges the lawsuit. If it was issued for lack of jurisdiction or accepting a preliminary defense resulting in preventing the proceeding of the lawsuit, and the court hearing the appeal annuls the judgment and rules on the court's jurisdiction or rejects the preliminary defense and decides to hear the lawsuit, it must refer the case to the court of first instance to judge it on the merits.

Article 229

The court rules in all cases to accept the abandonment of the appeal if the appellant waives his right to appeal or if the appeal period had expired at the time of abandonment.

Article 230

The rules prescribed before the court of first instance apply to the appeal, whether regarding procedures or judgments, unless the law stipulates otherwise.

Article 231

The court ruling on the appeal affirms, annuls, or modifies the appealed judgment in favor of the appellant. If the court annuls the judgment on the original request, it must refer the case to the court that issued it to decide the contingent requests.

Chapter Three **Petition for Reconsideration**

Article 232

Parties may petition for reconsideration of judgments issued in a final capacity in the following cases:

- a) If fraud occurred by a party that could influence the judgment.
- b) If the judgment was based on documents whose forgery was acknowledged or adjudged after its issuance, or based on witness testimony that was adjudged to be false after its issuance.
- c) If the petitioner obtained after the judgment's issuance decisive documents in the lawsuit that his opponent had prevented him from presenting.
- d) If the judgment decided on something not requested by the parties or more than what they requested.
- e) If the judgment was issued against a natural or legal person who was not correctly represented in the lawsuit.
- f) If the judgment issued in the lawsuit is used as evidence against him and he was not joined or did not intervene in it, provided he proves fraud, collusion, or gross negligence by his representative.
- g) If the operative part of the judgment is self-contradictory.

Article 233

The petition period is thirty days. It does not begin in the cases stipulated in items (a), (b), and (c) of the previous article until the day the fraud appeared, or the day the perpetrator acknowledged the forgery or it was adjudged, or the day the false witness was sentenced, or the day the withheld document appeared. The period begins in the case stipulated in item (e) from the day the judgment is notified to the judgment debtor or his correct representative. It begins in the case stipulated in item (f) from the day the fraud, collusion, or gross negligence appeared.

Article 234

The petition is filed before the court that issued the judgment by a memorandum deposited with the court secretariat according to the procedures and rules prescribed for filing a lawsuit. Its memorandum must state the judgment petitioned against, its date, and the reasons for the petition; otherwise, it is null. The petitioner in the cases stipulated in items (e) and (f) of Article (232) must deposit security according to Article (212) of this Law. The court considering the petition may be composed of the same judges who issued the judgment.

Article 235

Filing the petition does not suspend the execution of the judgment. However, the court considering the petition may order the suspension of the judgment's execution if requested and if it is feared that execution would cause serious, irreparable harm. The court may, when ordering suspension, require providing security or order what it deems sufficient to safeguard the right of the petitioned party.

Article 236

The court first decides on the admissibility of the petition. If it admits it, it sets a session for pleading on the merits without need for new notification. However, it may rule on the admissibility of the petition and the merits by a single judgment if the parties have presented their requests on the merits before it. The court only reconsiders the requests addressed by the petition.

Article 237

If the petition is rejected in the cases stipulated in items (a), (b), (c), (d), and (g) of Article (232), the petitioner is fined not less than ten Rials and not exceeding twenty-five Rials. If the petition is rejected in the cases stipulated in items (e) and (f), the court rules to confiscate all or part of the security. In all cases, compensation may be awarded if justified.

Article 238

The judgment issued rejecting the petition or the petition itself, or the judgment issued on the merits after its admission, may not be appealed by petition for reconsideration.

Chapter Four Appeal before the Supreme Court

Article 239

Parties may appeal before the Supreme Court against judgments issued by the Courts of Appeal in the following cases:

- a) If the appealed judgment is based on a violation of the law or error in its application or interpretation.
- b) If there is nullity in the judgment or in procedures affecting the judgment.

Article 240

Parties may appeal before the Supreme Court any final judgment, regardless of the court that issued it, if it decided a dispute contrary to another judgment previously issued between the same parties and which acquired the authority of res judicata.

Article 241

The Public Prosecutor may appeal before the Supreme Court for the benefit of the law against final judgments, regardless of the court that issued them, if the judgment is based on a violation of the law or error in its application or interpretation, in the following cases:

- a) Judgments that the law does not permit parties to appeal.
- b) Judgments for which the parties missed the appeal period or waived appeal.

This appeal is filed by a memorandum signed by the Public Prosecutor. The court considers the appeal in the deliberation room without summoning the parties. The parties do not benefit from this appeal.

Article 242

The appeal period before the Supreme Court is forty days, starting according to Article (202) of this Law. This period does not apply to the appeal filed by the Public Prosecutor for the benefit of the law according to the previous article.

Article 243

Without prejudice to Article (241), the appeal is filed by a memorandum deposited with the secretariat of the Supreme Court, signed by a lawyer admitted before it. The memorandum must specifically contain the data related to the parties' names, tribes or surnames, capacities, each one's domicile, a statement of the appealed judgment and its date, a statement of the reasons for the appeal, and the appellant's requests. If the appeal is not made in this manner, it is null, and the court rules on its nullity *sua sponte*. A reason for appeal not mentioned in the memorandum may not be invoked. However, reasons based on public order may be invoked at any time and are taken by the court *sua sponte*. If the appellant raises a reason for appeal related to a judgment preceding the appealed judgment in the same lawsuit, the appeal is considered to include the preceding judgment unless it was explicitly accepted.

Article 244

The appellant must deposit with the court secretariat upon submitting the memorandum copies thereof equal to the number of appellees, a copy for the secretariat, the document of the lawyer's authorization to practice in the appeal, and an explanatory memorandum of his appeal reasons. He must attach the documents supporting the appeal unless they are in the file of the lawsuit in which the appealed judgment was issued. If they were submitted in another appeal, it suffices for the appellant to present evidence thereof. The court may take what it deems necessary to inspect these documents.

Article 245

Appealing before the Supreme Court does not suspend the execution of the appealed judgment. However, the court may order the temporary suspension of the judgment's execution if requested in the appeal memorandum and it is feared that execution would cause serious, irreparable harm. The court president sets a session for hearing this request based on a petition from the appellant. The parties are notified of this petition and the appeal memorandum, and it is communicated to the Public Prosecution at the court. The court may, when ordering suspension, require providing security or order what it deems sufficient to safeguard the rights of the appellee. The order suspending execution applies to execution procedures taken by the judgment creditor based on the appealed judgment from the date of the suspension request. If the request is rejected, the appellant bears its costs. If the court orders suspension, it must set a session for hearing the appeal before it within a period not exceeding two months and refer the appeal file to the Public Prosecution at it to deposit its opinion memorandum within the period set for it.

Article 246

A fixed fee of twenty-five Rials is imposed on appeals before the Supreme Court, and a fixed fee of ten Rials on requests to suspend judgment execution before it. The court secretariat does not accept the appeal memorandum if not accompanied by proof of payment of the due fee. Appeals submitted by the Public Prosecutor are exempt from this fee, as are appeals submitted by ministries, government bodies, and the like.

Article 247

The appellant must deposit twenty-five Rials with the Supreme Court treasury as security, refundable if his appeal is accepted. One deposit suffices in case of multiple appellants if they file their appeal with a single memorandum, even if the appeal reasons differ. The secretariat does not accept the appeal memorandum if not accompanied by proof of this deposit. Those exempt from paying the fee are exempt from providing security.

Article 248

The secretariat of the Supreme Court registers the appeal on the day its memorandum is submitted in the special register for that. It must, by the next day at the latest, request the file of the lawsuit in which the appealed judgment was issued. The secretariat of the court that issued the judgment must send the file within seven days at most from the request date.

The appeal is presented to the court in the deliberation room before notifying its memorandum to the parties. If it finds the appeal inadmissible due to lapse, nullity of its procedures, or being based on reasons not mentioned in Articles (239) and (240) of this Law, it orders its non-admission by a decision recorded in the session minutes with a brief reference to the reason.

If it finds the appeal worthy of consideration, it orders the completion of procedures for its consideration. In this case, it may exclude from the appeal reasons those not acceptable before the Supreme Court and limit consideration to the remaining reasons, with a brief reference to the reason for exclusion. In this case, the court secretariat delivers the appeal memorandum to the bailiffs' office, which must notify it within thirty days from the date of delivery. Failure to observe this period does not nullify the notification.

Article 249

The Supreme Court fines any employee of the secretariat or bailiffs who fails to perform any procedure prescribed in the previous article within the set periods, with a fine not less than ten Rials and not exceeding twenty Rials.

Article 250

If the appellee wishes to present a defense, he must deposit with the Supreme Court secretariat within fifteen days from his notification date of the appeal memorandum a defense memorandum accompanied by the document of his lawyer's authorization and the documents he wishes to submit. If the appellee presents a defense, the appellant may also, within fifteen days from the expiry of the mentioned period, deposit with the court secretariat a memorandum accompanied by the documents he wishes to submit supporting his response. In case of multiple appellees, each may, when necessary, deposit within the last fifteen days a memorandum responding to the memorandum submitted by the appellant. If the appellant exercises his right to respond, the appellees may deposit within another fifteen days a memorandum with their observations on this response.

Article 251

The appellees may, before the expiry of the period stipulated in the first paragraph of the previous article, join to the appeal any party in the lawsuit in which the appealed judgment was issued who was not summoned in the appeal. The joinder is made by notifying him of the appeal. The joined party may

deposit with the court secretariat within fifteen days from his notification date a defense memorandum accompanied by the documents he wishes to submit. In this case, the response periods stipulated in the second, third, and fourth paragraphs of the previous article only run after the expiry of the mentioned fifteen days.

Article 252

Any party in the lawsuit in which the appealed judgment was issued who was not summoned in the appeal may intervene to request the rejection of the appeal. The intervention is made by depositing a defense memorandum with the court secretariat within fifteen days from the date he learned of the appeal, accompanied by supporting documents.

Article 253

Memoranda and attached documents deposited by a party must be in original and copies equal to the number of his opponents, and signed by his lawyer admitted before the Supreme Court.

Article 254

The court secretariat may not, for any reason, accept memoranda or papers after the expiry of their set periods. It must record a report stating the date of submission, the name and capacity of the submitter, and the reason for non-acceptance.

Article 255

This article was amended by Royal Decree No. 92/2005.

Article 256

The court secretariat notifies the lawyers of the parties who have deposited their memoranda of the session date at least fifteen days before its convening by registered mail with acknowledgment of receipt. The case is listed on the session schedule, which is posted at the court secretariat at least fifteen days before the session and remains posted throughout that period.

Article 257

The court rules on the appeal without pleading after the reporting judge reads a report summarizing the appeal reasons and the responses thereto, and outlining the disputed points contested by the parties without expressing an opinion on them. If the court deems oral pleading necessary, it may hear the parties' lawyers and the Public Prosecution. In this case, parties are not allowed to appear personally before the court without a lawyer admitted before it accompanying them. Parties in whose name no memoranda were deposited have no right to appoint a lawyer for them in the session. Except for reasons based on public order, parties may not raise oral reasons in the session other than those previously stated in the papers.

Article 258

The court may exceptionally permit the parties' lawyers and the Public Prosecution to deposit supplementary memoranda if it finds after reviewing the case that it is indispensable. The case is then adjourned to another session, and the periods for depositing those memoranda are set.

Article 259

If the Supreme Court accepts the appeal, it annuls the appealed judgment wholly or in part and rules on costs.

Article 260

If the appealed judgment is annulled for violating jurisdiction rules, the court only decides the jurisdiction issue and, when necessary, designates the competent court before which the lawsuit must be filed with new procedures. If the judgment is annulled for other reasons, it refers the case to the court that issued the appealed judgment to judge it anew based on the parties' request without new fees. In this case, the court to which the case is referred must follow the Supreme Court's ruling on the legal issue it decided. The panel of the court to which the case is referred must not include any judge who participated in issuing the annulled judgment. However, if the court rules to annul the appealed judgment and the subject matter is ripe for decision, or if the appeal is for the second time and the court finds the appealed judgment should be annulled, it must decide the subject matter.

Article 261

If the Supreme Court rules the appeal inadmissible, or rejects it, or finds it not permissible to consider, it fines its filer with costs in addition to confiscating all or part of the security. If it finds the appeal was intended for malice, it may award compensation to the appellee.

Article 262

Annulment of the judgment results in the cancellation of all judgments, regardless of the issuing authority, and subsequent acts following the annulled judgment if that judgment was their basis. If the judgment is annulled only in part, it remains enforceable regarding the other parts unless they are consequent on the annulled part.

Article 263

Judgments of the Supreme Court may not be appealed by any method of appeal.

Article 264

The rules and procedures related to session regulations and the rules specific to judgments apply to appeal cases before the Supreme Court, insofar as they do not contradict the provisions of this chapter.

Part Thirteen

Tender and Deposit

Article 265

A debtor wishing to discharge his obligation may make a genuine tender to the creditor at his domicile of what he is obligated to pay, whether money, documents, or movables. The tender is made by notifying the creditor by registered letter with acknowledgment of receipt. If he refuses to accept it or does not respond within fifteen days, the debtor submits a request to the court in whose district the creditor's place of residence is located. The creditor is notified via the bailiffs, and a report is drafted containing a statement of the thing tendered, the conditions of the tender, and its acceptance or

refusal. The tender may be made orally in the session before the court without procedures if the person to whom it is directed is present.

Article 266

The following conditions are required for the validity of the tender:

- a) It must be directed to someone with capacity to receive or his representative.
- b) It must be made by a person capable of performing the payment.
- c) The tender must include the due amounts, funds, accessories, and costs.
- d) The condition related to the obligation must be fulfilled.
- e) The debtor must make the tender to the creditor himself or at his domicile.

Article 267

If the tender is money or other transferable and depositable things, and the person to whom it is directed refuses it, the court orders its immediate deposit in the court treasury. If the tender is refused and the tendered item is not depositable in the court treasury, the court orders, based on the tenderer's request, its deposit in a place he designates, if the thing is easily movable without hardship. If it is intended to remain where it is or is not easily movable without hardship, it orders it placed under guard. If the tendered item is perishable, or its deposit or guarding involves exorbitant expenses, the debtor may request the court to order its sale by public auction and deposit the price in the court treasury. If it has a known market price or is commonly traded, it may not be sold by public auction unless sale at the known price is impossible. The tenderer may request a judgment on the validity of the tender.

Article 268

The validity of the tender is not adjudged unless the tendered item and accessories due up to the day of deposit are deposited. The court rules with the validity of the tender on the discharge of the debtor's obligation from the date of tender.

Article 269

The debtor may withdraw a tender not accepted by his creditor and recover what he deposited after ten days from the date of notifying his creditor of the tender and deposit.

Article 270

Withdrawal of the tender and recovery of the deposited item are not permitted after the creditor accepts this tender or after a final judgment is issued on its validity and finality.

Article 271

The creditor may accept a tender he previously refused and receive what was deposited to his credit, provided the debtor has not withdrawn his tender.

Part Fourteen

Procedures Related to Personal Status Matters

Chapter One

General Provisions

Article 272

The provisions prescribed in this Law are followed in personal status matters, with due regard to the provisions stipulated in this Part. The signature of a lawyer on the memoranda of these lawsuits filed before the Court of First Instance is not required.

Article 273

The Court of First Instance, composed of a single judge, in whose district the defendant's domicile is located, has jurisdiction to hear all personal status matters. If he has no domicile or place of residence in the Sultanate, the court in whose district the plaintiff's domicile or place of residence is located has jurisdiction. Its judgment is appealable unless the law stipulates otherwise.

As an exception to the previous paragraph, the Sharia Circuit of the Supreme Court has exclusive jurisdiction to decide cases of preventing marriage (Adhl) filed before it according to the procedures and rules stipulated in this Law followed before first-degree courts.

A woman may complain against the judgment rejecting her aforementioned claim to His Majesty the Sultan through a petition to the Diwan of the Royal Court within thirty days from the day following the judgment's issuance date.

Article 274

The competent judge sets the session for hearing the lawsuit and designates the persons to be invited.

The secretariat prepares the summons according to the method determined by the judge. The paper must contain a summary of the request. Everyone invited to appear to hear his statements or give testimony must attend on the set date. If he fails to attend, he may be fined up to ten Rials. He may be summoned again, and the costs of this summons are borne by him. If he fails to attend again, he may be fined up to twenty Rials, and the court may issue an order for his arrest. If the fined person attends and presents an acceptable excuse for his absence, the court may exempt him from the fine.

Article 275

If the person requested to hear his statements or give testimony attends but refuses to answer without legal justification, he may be fined up to twenty Rials.

Article 276

This article was amended by Royal Decree No. 92/2005.

Article 277

The appeal period for judgments and decisions issued in personal status matters is fifteen days from the day following the judgment's or decision's issuance date.

Article 278

The appeal is filed by a memorandum deposited with the secretariat of the court to which it is filed. It may be deposited with the secretariat of the court that issued the judgment or decision appealed against, which must send the memorandum to the competent court within a week of its submission. The session is set and concerned persons are invited according to custom.

Article 279

The period for petitioning for reconsideration of judgments and decisions issued in personal status matters is ten days, starting according to custom. It is filed by a memorandum deposited with the secretariat of the court that issued the judgment or decision. The court decides it according to custom.

Article 280

Costs of procedures and experts' fees are borne by the party whose request is rejected. In matters of financial guardianship and estate liquidation, the court may charge them wholly or partly to the minor or equivalent, the estate, or the public treasury.

Article 281

Orders for interim or conservatory measures are enforceable in all cases.

Article 282

Immediate enforceability without security is mandatory by law for every judgment issued for maintenance, custody remuneration, breastfeeding, handing over a child, or visitation. Challenging the execution of a maintenance judgment does not suspend execution procedures. Judgments issued concerning guardianship over the person, its suspension, or restriction may be given immediate enforceability without security.

Article 283

The secretariat of the court that issued a judgment or decision in any personal status matter must place the executable formula on it if it is enforceable. Execution is carried out by the bailiffs or the administrative authority. The judgment or decision is executed by the methods prescribed in Book Two of this Law if it requires attachment and sale of funds.

Chapter Two

Marital Relations, Child Custody, Care, and Maintenance

Article 284

Lawsuits for divorce, judicial divorce, separation, maintenance or remuneration and the like, whether for the wife, children, or relatives, custody of a minor and his care, visitation, his placement and relocation, and lawsuits for dowry and the like, are filed with the court in whose district the defendant's or the plaintiff's domicile is located. During the lawsuit, the court may issue immediately enforceable interim judgments regarding visitation or awarding temporary maintenance or modifying any maintenance it may have awarded. These judgments may not be appealed until the final judgment in the lawsuit is issued.

Article 285

The court in divorce and judicial divorce lawsuits must make an effort to reconcile the spouses before ruling on either, observing what personal status law prescribes in this regard.

Article 286

If the income of the defendant against whom maintenance or the like is sought is seriously disputed, and the lawsuit papers are insufficient to determine it, the court must request the Public Prosecution to

conduct investigations enabling it to reach this determination. Without prejudice to the provisions concerning bank account secrecy, any government or non-government entity must inform the Public Prosecution of any accounts in its possession that are useful in determining the income of the person from whom maintenance is sought. Information revealed by these investigations may not be used outside the matter for which they were conducted. The Public Prosecution must conclude the investigation and send it with a memorandum of the results reached within a period not exceeding thirty days from the date the court's request reaches it.

Article 287

Whenever a dispute concerning the custody of a minor of custodial age is presented to the court, or temporary custody is requested, the court may, after appropriate investigation, issue a reasoned decision to deliver the minor to the person with whom his interest lies. This decision is immediately enforceable until a judgment on the merits is issued.

Article 288

Judgments and decisions for the inclusion, care, and handing over of a minor may be executed by compulsion. The execution procedures stipulated by law are followed. In all cases, execution procedures and entry into dwellings must be carried out as ordered by the execution judge. Execution may be repeated based on the executable instrument whenever the situation requires.

Article 289

The judgment for visitation is executed in one of the places specified by a decision of the Minister of Justice, unless the custodian and the person in whose favor the judgment was issued agree on another place. In all cases, the place must provide what satisfies the minor's psychological stability. The Minister of Justice may issue a decision on the procedures for executing judgments and decisions for handing over, including, or visitation of a minor, and who is tasked therewith.

Chapter Three Guardianship over the Person

Article 290

The court in whose district the guardian's domicile or place of residence is located, if he has no known domicile, has jurisdiction to rule on the establishment, suspension, restriction, or removal of guardianship. The court may commission the Public Prosecution or whom it deems fit to investigate what is attributed to the guardian and inquire into the condition of the ward's family and the conduct of his known relatives, providing it with a report on the investigation's outcome.

Article 291

After reviewing the report stipulated in the previous article, the court may order the temporary handing over of the ward to a trustworthy person, or decide to temporarily prevent the guardian from exercising all or some of his rights, and generally take any interim measures it deems in the ward's interest.

Article 292

The court in guardianship over the person lawsuits must present a settlement to the parties and fine anyone who fails to attend the reconciliation session despite knowledge thereof without an acceptable excuse.

Article 293

The ward's relatives who have a prior right to guardianship may present their observations at any stage of the lawsuit, even before the Court of Appeal.

Article 294

If the court rules on the establishment, suspension, or restriction of guardianship, it entrusts it, or the exercise of the rights of which the guardian was deprived, to the next in line to the judgment debtor according to the order of priority under personal status law or the law of the ward's country, as the case may be. If he refuses or lacks the conditions of suitability, the court may entrust it to any other person known for good reputation and suitable for raising the ward.

Article 295

Those who meet the conditions of guardianship and against whom no judgment has been issued may object to the person of the guardian appointed by the decision to hand over the ward, by a request submitted to the court that issued the judgment within three months from its issuance date.

Article 296

The court that rules on the establishment or removal of guardianship, as the case may be, has jurisdiction to decide the remuneration and costs for managing the ward's affairs.

Article 297

A request for the restoration of guardianship over the person that was previously rejected is not accepted until after one year from the date of the final rejection judgment.

Article 298

The ward, if discerning, and the Public Prosecution have the right to appeal judgments issued in matters of removal of guardianship, its suspension, restriction, or removal.

Chapter Four Guardianship over Property

Article 299

The local jurisdiction of the court in the following matters of guardianship over property is determined as follows:

- a) In matters of guardianship, at the domicile of the guardian or the minor or equivalent. In matters of trusteeship, at the last domicile of the deceased, the minor, or equivalent.
- b) In matters of interdiction or judicial assistance, at the domicile of the person requested to be interdicted or assisted judicially.
- c) In matters of absence, at the last domicile of the absent person.

If none of these has a domicile in the Sultanate, jurisdiction lies with the court in whose district the

applicant's domicile is located, or where the property of the person to be protected exists. If the domicile of the minor or equivalent, the interdicted person, or the judicially assisted person changes, the court may, sua sponte or based on a concerned party's request, refer the case to the court in whose district the new domicile is located.

The court that ordered the establishment or suspension of guardianship is competent to appoint a successor to the guardian - whether a guardian or a trustee - unless it deems it in the interest to refer the matter to the court in whose district the minor's or equivalent's domicile is located.

Article 300

The competent court undertakes the care of the interests of minors and equivalents, the supervision of their funds, and the oversight of their management according to the law. The court may delegate whom it deems fit to take the necessary measures. It may be assisted by assistants who are appointed by a decision issued by the Minister of Justice. These assistants are considered judicial investigation officers for the tasks assigned to them during their duties. The court may estimate a temporary allowance from the funds of the maintenance recipient until judgment is issued to determine it.

Article 301

The court must transfer any cash amounts resulting from the investment of the minor's or equivalent's real estate funds to the General Directorate for the Management and Investment of Orphans' and Minors' Funds at the Ministry of Justice. The maintenance allowance granted by the court to the minor or equivalent is disbursed from the funds deposited with this Directorate.

Article 302

If an adult dies, or if among the heirs there is a minor or equivalent, his relatives residing with him in a common household or the eldest adult heir must notify the Sheikh or the Wali within twenty-four hours of the death. The Wali must notify the court in whose district the deceased's last domicile was located within twenty-four hours from the time of his notification or knowledge.

Article 303

The relatives who were residing with the deceased in a common household or the eldest adult heir must notify the Sheikh or the Wali within twenty-four hours of the death of a minor or equivalent, or a fetus, or the death of the guardian, trustee, curator, or agent for an absent person. The Wali must notify the court in whose district the deceased's last domicile was located within twenty-four hours from the time of his notification of the event or his knowledge thereof. The same rule applies in case of loss of capacity or absence.

Article 304

Treating physicians, hospital directors, and health center managers must report cases of loss of capacity arising from mental illness as soon as confirmed. The report is made to the court in whose district the incapacitated person's domicile is located. If he has no known domicile, the report is made to the court in whose district the physician, hospital, or health center is located. The same rule applies to specialists in the administrative authorities if they become aware during their work of a case of loss of capacity.

Article 305

The trustee for a fetus must notify the court in whose district the pregnant woman's domicile is located of the expiry of the pregnancy period or its termination, whether live or stillborn.

Article 306

As soon as a report is received according to the previous articles, the court must take the necessary measures to preserve the rights of the fetus, minor, or equivalent. It shall temporarily inventory his cash and real estate funds, rights, and obligations in a minutes signed by concerned persons. The court may order necessary interim or conservatory measures to preserve these funds, order their sequestration, and order the transfer of cash, financial papers, documents, jewels, and other items at risk to a bank treasury or a safe place. The court may authorize the estate trustee or the executor of the will, if any, or its manager if exists, or any trustworthy person, to spend on the deceased's funeral, support those entitled to maintenance, and manage urgent matters.

Article 307

A fine of not less than fifty Rials and not exceeding one hundred Rials is imposed for violating the provisions of Articles (302), (303), and (304). If the failure to report is intended to harm the minor or equivalent or other concerned parties, the penalty is imprisonment for up to six months and a fine of not less than one hundred Rials and not exceeding two hundred Rials, or one of these two penalties. Anyone who conceals property belonging to a minor or equivalent with intent to harm is punished with imprisonment from six months to three years.

Article 308

Requests for interdiction, judicial assistance, continuation of guardianship or trusteeship, their removal, restriction, or suspension, the granting of permission to the minor or interdicted person, proving absence, restricting the agent's authority for the absent person, preventing interdiction, establishing or restricting the guardian's disposal authority are raised by concerned parties. The request must contain the data of the lawsuit memorandum stipulated in Article (64) and be accompanied by supporting documents. The court may refer it to the Public Prosecution to express its opinion thereon in writing within a period it sets. It may also delegate the Public Prosecution or whom it deems fit to directly conduct any investigation procedure it orders.

Article 309

The court secretariat registers the requests stipulated in the previous article on the day and hour of each submission in a special register. This registration substitutes for recording and produces its effect from the date made if the request is granted. The secretariat cancels the registration if the request is finally rejected. The Minister of Justice issues a decision on registration and cancellation procedures.

Article 310

If the court finds that a request for interdiction, establishment of guardianship, its restriction, suspension, or proving absence requires investigation procedures taking time during which the loss of a right or property is feared, it orders necessary conservatory measures or prohibits the respondent from disposing of all or some funds, restricts his management authority, or appoints a temporary manager to administer those funds.

Article 311

The court secretariat notifies the trustee, curator, agent for the absent person, judicially assisted person, or temporary manager of the decision appointing him if issued in his absence. Anyone refusing the appointment must notify the secretariat by registered mail within a week from the date he learns of the decision; otherwise, he is responsible for the assigned tasks from the date of knowledge. The secretariat refers the matter to the court to urgently appoint a replacement. The court that appointed any of these is competent to follow up on his work, account for him, and dismiss him.

Article 312

After the court issues a decision appointing a representative, the secretariat inventories the funds of the minor or equivalent, the interdicted person, in a minutes prepared in two copies. All concerned persons and the minor who has reached fifteen years of age are invited to attend the inventory if the court deems his presence necessary. The court may seek the assistance of experts in inventorying, appraising, and estimating debts. Real estate funds are delivered to the representative after the inventory, while cash funds are delivered to the General Directorate for the Management and Investment of Orphans' and Minors' Funds at the Ministry of Justice.

Article 313

The inventory minutes must be presented to the court for certification after verifying the accuracy of its data. The court decides on continuing joint ownership or leaving it, on operating commercial and industrial establishments or professional offices or liquidating them, and means of paying debts and decisions implemented for that. The court may seek expert assistance in this regard. The court must also estimate the permanent maintenance necessary for the minor or equivalent or the interdicted person, and take necessary measures for proper fund management and preservation. If the court finds for any reason that it should sell the real estate funds of the minor or equivalent, the sale must be for cash. In this case, it must transfer the sale price to the General Directorate for the Management and Investment of Orphans' and Minors' Funds at the Ministry of Justice, unless the court sees a benefit in purchasing other property.

Article 314

The court may, even *sua sponte*, reverse any decision it issued according to the first and second paragraphs of the previous article or any interim or conservatory measure if it becomes aware of reasons for doing so. The court's reversal of a previously issued decision does not affect the rights of bona fide third parties.

Article 315

If the court appoints a liquidator for the estate before certifying the inventory minutes, the liquidator inventories the entire estate and prepares a detailed minutes of its assets and liabilities, signed by him, the concerned representative, and any present adult heirs. If the liquidator is appointed after certifying the inventory minutes, the representative for the minor or equivalent delivers the latter's share in the estate to the liquidator in a minutes signed by him, the liquidator, and any present adult heirs, unless the liquidator sees fit to leave all or part of the funds with the representative for their preservation and temporary management until liquidation is completed. This is recorded on both copies of the inventory

minutes and signed by the aforementioned persons. After liquidation, the real estate funds due from the estate are delivered to the representative for the minor or equivalent, observing the procedures stipulated in this Law.

Article 316

The representative for the minor or equivalent and the temporary manager must deposit with the court secretariat an account of his management accompanied by supporting documents within the legally prescribed period and whenever the court requests it within the period set for that. If the period expires and the account is not submitted, the court may fine him up to two hundred Rials. If he repeats this, he may be fined up to four hundred Rials, without prejudice to other legal penalties. If the representative or temporary manager submits the account and presents an excuse for the delay accepted by the court, it may exempt him from all or part of the fine. The court may temporarily order the deposit of amounts not disputed to be due from him, without this constituting approval of the account. The court decides on the validity of the submitted account. Its final decision must include an order obligating the submitter to pay the remaining amount due from him and deposit it in the court treasury within a period it sets.

Article 317

A request for the restoration of guardianship over property, lifting of interdiction or judicial assistance, removal of trusteeship or guardianship, or re-granting permission to the minor or interdicted person is not accepted until after one year from the date of the final decision rejecting the previous request.

Article 318

Concerned parties may inspect the registers, minutes, and papers stipulated in the previous articles. Any person may inspect the registers. In both cases, copies or certificates of the recorded content are given to them with the court's permission.

Article 319

Expenses for inventorying funds, sequestration, inventory, and management have a preferential right in the rank of judicial expenses.

Article 320

The rules specific to judgments apply to the issuance of decisions in matters of guardianship over property.

Article 321

The court must deposit with the secretariat the reasons for final decisions issued in matters of interdiction, judicial assistance, guardianship, absence, accounts, permission to dispose, dismissal of the trustee, and decisions issued according to Article (310) within a week from their pronouncement date. For other decisions issued in matters of guardianship over property, the court may state the reasons for these decisions or suffice with signing the session minutes containing the operative part.

Article 322

Decisions issued in matters of guardianship over property are enforceable even if appealed, except those issued in the following matters:

- a) Accounts.
 - b) Lifting interdiction and ending judicial assistance.
 - c) Removal of guardianship.
 - d) Re-granting permission to the minor or interdicted person to dispose or manage.
 - e) Proof of majority after a decision continuing trusteeship or guardianship.
 - f) Permission for the representative of the minor or equivalent to dispose.
- The court before which the appeal is pending may order temporary suspension of execution until the appeal is decided.

Chapter Five

Legal Certifications and Estates

Article 323

The court in whose district the deceased's last domicile was located has jurisdiction to certify death, determine the heirs and their capacities (adult, minor, or equivalent), inventory the estate, and liquidate it.

Article 324

The certification of death and inheritance is based on a request submitted to the court by the applicant for certification - whether an heir or a legatee - containing the date of death, the deceased's last domicile, the names of the heirs and legatees, and their domiciles. The court shall request the competent Wali or the consul of the country to which the deceased belonged to verify the accuracy of the data in the request. If it finds those verifications insufficient, it conducts the investigation itself. Thereafter, the court orders the invitation of the applicant and the other heirs and legatees within a period it sets, notifying them by the method it determines. If they all attend, or some attend and those present acknowledge truthfully, or do not respond at all, the court certifies the inheritance based on the testimony of those deemed reliable and the correspondence and wills submitted to it, and issues a legal certification thereof. If those present or notified deny, the applicant must file his claim through the ordinary routes. The inheritance certification issued by the court is evidence of death and inheritance until a judgment is issued annulling it.

Article 325

The court, based on a request from an heir or legatee, undertakes the inventory of the estate's funds, both cash and real estate, the proof of debts due to or from the deceased, wills if any, and other matters related to the estate. For this purpose, the court may address the competent authorities, including banks, the Ministry of Housing, Electricity, and Water, and other courts in whose district any of the deceased's property is located, to complete the estate inventory procedures. It may form a committee to undertake the inventory and prepare an estate inventory form for the deceased's cash and real estate funds, signed by the committee members. If some estate funds fall under the jurisdiction of another court, the court considering the inventory request may address it to conduct the inventory. That court must conduct the inventory and send the completed inventory form to the requesting court. The competent court must verify by all means the accuracy of the data in the inventory form before certifying it.

Article 326

The competent court shall take appropriate measures to preserve the estate funds, including appointing a manager for it and notifying the Real Estate Registry Secretariat at the Ministry of Housing, Electricity, and Water to prevent disposal of real estate and funds in accounts. If the funds are at risk of damage, loss, or would burden the heirs with exorbitant expenses, the court may order their sale, with the sale price deposited in the court treasury for distribution to the heirs according to their legal shares.

Article 327

The competent court prepares a minutes for each estate, recording all procedures taken therein, noting the debts, wills, estate division and its details, paid debts, executed wills, sold funds, and other necessary details related to the estate. If real estate funds devolve to the heirs as a result of estate division, the court must notify the Real Estate Registry Secretariat at the Ministry of Housing, Electricity, and Water.

Article 328

If the estate contains funds needing management, the court may appoint someone to manage them until liquidation is completed, unless the heirs, if adults, agree on a specific person. The manager of those funds must remit the funds either to the deceased's account or to the court until the estate is finally liquidated.

Part Fifteen

Claims against Judges and Members of the Public Prosecution

Article 329

Claims may be brought against judges and members of the Public Prosecution in the following cases:

- a) If the judge or member of the Public Prosecution commits fraud, deceit, or gross professional error in his work.
- b) In other cases where the law holds the judge liable and sentences him to compensation.

Article 330

The claim is filed by a statement deposited with the secretariat of the Court of Appeal within whose jurisdiction the judge or member of the Public Prosecution works, if the defendant is a judge in the Courts of First Instance or holds the position of Chief Public Prosecutor or below. It is filed by a statement deposited with the secretariat of the Supreme Court if the defendant is a judge in the Courts of Appeal or an Assistant to the Public Prosecutor. The statement must be signed by the plaintiff or his specially authorized agent, contain the grounds of the claim and its evidence, and have supporting documents attached. The plaintiff must deposit one hundred Rials as security upon submitting the statement.

Article 331

The claim is presented for consideration of its admissibility to a chamber of the Court of Appeal or a chamber of the Supreme Court, as the case may be, by order of the court president after notifying the judge or member of the Public Prosecution with a copy of the claim statement. It is considered in the deliberation room in the first session held by the chamber after the eight days following notification.

The court secretariat notifies the plaintiff and defendant of the session.

Article 332

If the claim is ruled inadmissible or rejected, the plaintiff is sentenced to confiscation of the security and compensation if justified. If the claim is ruled valid, the judge or member of the Public Prosecution is sentenced to compensation if justified, and costs, and his act is annulled. However, the court may not rule to annul the judgment issued in favor of an opponent other than the plaintiff in the claim without notifying him to present his statements. In this case, the court may issue a new judgment in the original lawsuit if it finds it ripe for decision, after hearing the parties' statements.

Article 333

Judgments issued by the Supreme Court in the claim may not be appealed by any method. Judgments issued by the Court of Appeal in the claim may only be appealed before the Supreme Court within the periods and by the same procedures for appeal before it.

Book Two

Execution

Part One

General Provisions

Chapter One

Execution Judge

Article 334

Execution is carried out under the supervision of an execution judge delegated at the seat of each Court of First Instance from among its judges. He is assisted by a sufficient number of bailiffs. The procedures applicable before the court are followed before him unless the law stipulates otherwise.

Article 335

The execution judge has exclusive jurisdiction to decide all substantive and interim execution disputes, regardless of their value. He considers interim execution disputes in his capacity as a judge for urgent matters.

Article 336

Jurisdiction for execution on funds held by the debtor lies with the execution court in whose district the funds are located. For attachment of the debtor's funds held by a third party, jurisdiction lies with the court of the domicile of the garnishee. Jurisdiction for execution on real estate lies with the court in whose district the real estate is located. If the funds subject to execution are located in the jurisdiction of more than one Court of First Instance, jurisdiction for execution belongs to the execution judge of the court chosen by the execution creditor from among them.

Article 337

If execution relates to an interim procedure or notification and the place of execution is in the district of another court, the competent execution judge commissions the execution judge of the requested

district to carry it out. If execution involves, after its commencement:

- a) Movables located in the district of another court.
- b) Funds held by a third party whose domicile is in the district of another court.
- c) Real estate located in the district of another court or multiple court districts.
- d) An obligation to deliver a specific thing, if the judgment debtor's domicile is in the district of another court.

Then the competent execution judge must refer the matter to the execution judge in any of the mentioned districts to deliver that thing or sell those movables or real estate. If multiple attachments are made through execution judges in different court districts, the execution judge who made the first attachment in his district is competent to distribute the sale proceeds among the creditors.

Article 338

The commission or referral from the competent execution judge to the execution judge requested to take the procedure in his district is made, accompanied by all legal documents required for its execution.

The execution judge commissioned or referred to must take the necessary decisions to execute the commission or referral and decide the execution challenges presented to him. He must also inform the competent execution judge of what has been done and refer to him any items received or funds resulting from the sale of attached property. If the commissioned or referred execution judge finds legal reasons preventing execution, or if execution is impossible for any other reason, he must notify the competent execution judge thereof.

Article 339

Judgments of the execution judge in substantive disputes are appealed to the Court of First Instance composed of three judges if the dispute value exceeds one thousand Rials and does not exceed three thousand Rials, and to the Court of Appeal if it exceeds that. His judgments in interim disputes are appealed to the Court of First Instance composed of three judges. The appeal period is fifteen days from the judgment's issuance date if it is contentious, and from its notification date if issued in the appellant's absence. The appeal suspends execution procedures until the court decides the dispute.

Article 340

Execution is based on a request submitted to the secretariat of the court that issued the judgment or the court in whose district execution is carried out according to Article (336). The executable copy of the judgment, order, or instrument required for execution is attached. The request must state:

- a) The execution creditor's full name, tribe or surname, profession or function, and domicile or place of residence.
- b) The execution debtor's full name, tribe or surname, profession or function, and domicile or place of residence.
- c) Adequate description of the property to be executed upon, its location, and the holder's name if any.

If the execution creditor cannot identify the execution debtor's funds, he may request the execution judge to address the competent authorities. The execution judge must address those authorities, which are obligated to provide all requested data regarding the execution debtor's funds.

Article 341

A special register is maintained at the court for execution requests. A file is created for each request, containing all related papers. The file is presented to the execution judge after each procedure, and his judgments, decisions, and orders are recorded therein.

Article 342

Execution is carried out by the execution bailiffs, who are obligated to execute based on the request of the concerned party who delivers the executable instrument to them. If a bailiff refuses to perform any execution procedure, the concerned party may refer the matter to the execution judge. If resistance or assault occurs against the execution bailiff, hindering execution, he must take all legal means and request police assistance.

Chapter Two Executable Instrument

Article 343

Compulsory execution is only permissible based on an executable instrument requiring a right whose existence is certain, amount specified, and performance due.

Executable instruments are:

- a) Judgments and orders.
- b) Authenticated instruments and settlement minutes approved by the courts.
- c) Other papers to which the law gives this quality.

Execution is not permitted in non-excepted cases unless based on a copy of the executable instrument bearing the following execution formula:

"All authorities and bodies tasked with execution shall proceed therewith upon request. The Royal Oman Police shall assist in its execution, using force if necessary."

Article 344

In urgent matters or cases where delay is harmful, the court that issued the judgment may order, based on the concerned party's request, the execution of the judgment based on its draft without notification and without placing the execution formula thereon. In this case, the draft is delivered to the execution bailiff, who returns it after execution is completed.

Chapter Three Immediate Enforceability

Article 345

Judgments may not be executed compulsorily as long as appeal against them is permissible, unless immediate enforceability is stipulated by law or adjudged. However, conservatory measures may be taken based thereon.

Article 346

Immediate enforceability is mandatory by law in the following cases:

- a) Judgments issued in urgent matters, regardless of the court that issued them.
- b) Orders issued on petitions.

Immediate enforceability is without security unless the judgment or order stipulates providing security.

Article 347

The court may, based on a concerned party's request, grant its judgment immediate enforceability with or without security in the following cases:

- a) Judgments issued in commercial matters.
- b) If the judgment debtor acknowledged the arising of the obligation.
- c) If the judgment was issued to enforce a previous judgment with res judicata authority or having immediate enforceability without security, or was based on an official instrument not challenged for forgery or an unofficial instrument not denied, provided the judgment debtor was a party in the previous judgment or a party to the instrument.
- d) If the judgment was issued in favor of the execution creditor in a dispute related to execution.
- e) If the judgment was issued for the payment of wages or compensation arising from an employment relationship.
- f) If the judgment was issued in a possessory action or for the eviction of a real estate tenant whose contract ended or was rescinded, or for the eviction of a real estate occupant without title, provided the plaintiff's right is not disputed or is evidenced by an official instrument.
- g) In any other case if delay in execution would cause serious harm to the judgment creditor's interest, provided this is stated in the judgment clearly.

Article 348

Appeal against the judgment granting immediate enforceability may be made before the Court of Appeal through the usual procedures for filing a lawsuit. The appearance period is three days. This appeal may be made in the session during the consideration of the appeal against the judgment. The appeal is decided separately from the merits.

Article 349

In all cases, the court to which the appeal or the appeal against enforceability is filed may order, based on a concerned party's request, the suspension of immediate enforceability if serious harm from execution is feared and the appeal reasons against the judgment or order are likely to succeed. The court may, when ordering suspension, require providing security or order what it deems sufficient to safeguard the judgment creditor's right.

Article 350

In cases where the judgment or order may only be executed with security, the obligor may choose between providing a solvent guarantor, depositing sufficient cash or financial papers in the court treasury, agreeing to deposit the execution proceeds in the court treasury, or delivering the thing ordered to be delivered in the judgment or order to a trustworthy custodian.

Article 351

The obligor declares his choice either by a separate paper via the execution bailiff or within the notification of the executable instrument or the demand for payment. In all cases, the declaration of choice must specify a chosen domicile in the Sultanate for the execution creditor if he has no domicile or workplace therein, for notifying him papers related to the dispute over the security. The concerned party may, within three days of notification of the choice, file a complaint with the execution judge

disputing the guarantor's solvency or the custodian's trustworthiness or the sufficiency of the deposit. The decision on the complaint is final. If the complaint is not filed within the period or is filed and rejected, the execution judge takes the guarantor's undertaking for the security or the custodian's acceptance of custody. The minutes containing the guarantor's undertaking or the custodian's acceptance constitutes an executable instrument against him for the obligations arising from the undertaking or acceptance.

Chapter Four

Execution of Foreign Judgments and Orders

Article 352

Judgments and orders issued in a foreign country may be ordered executed in the Sultanate of Oman under the same conditions prescribed by that country's law for the execution of judgments and orders issued in the Sultanate. The order for execution is requested before the Court of First Instance composed of three judges in whose district execution is desired, through the usual procedures for filing a lawsuit. Execution may not be ordered except after verifying the following:

- a) That the judgment or order was issued by a competent judicial authority according to the rules of international judicial jurisdiction prescribed in the law of the country where it was issued, that it has become final according to that law, and that it was not based on fraud.
- b) That the parties in the lawsuit in which the foreign judgment was issued were summoned to appear and were correctly represented.
- c) That the judgment or order does not contain a request based on the violation of a law in force in the Sultanate.
- d) That it does not conflict with a judgment or order previously issued by a court in the Sultanate, and does not contain anything violating public order or morals.
- e) That the country where the judgment to be executed was issued accepts the execution of Omani court judgments in its territory.

Article 353

The provision of the previous article applies to arbitral awards issued in a foreign country. The arbitral award must be issued on a matter capable of arbitration under Omani law and enforceable in the country where it was issued.

Article 354

Authenticated instruments and settlement minutes approved by courts in a foreign country may be ordered enforced in the Sultanate of Oman under the same conditions prescribed by that country's law for the enforcement of their counterparts issued in the Sultanate. The order mentioned in the previous paragraph is requested by a petition submitted to the competent Court of First Instance composed of three judges. Enforcement may not be ordered except after verifying the availability of the conditions required for the enforceability of the instrument or minutes according to the law of the country where it was signed or approved, and its freedom from anything violating public order or morals in the Sultanate.

Article 355

The rules stipulated in the previous articles do not affect the provisions of treaties between the Sultanate of Oman and other countries in this regard.

Chapter Five

Execution Procedures

Article (397)

Without prejudice to the provision of Article (366)(b), upon the request of the judgment creditor, execution may be carried out on immovable properties owned by the judgment debtor. The procedures begin by notifying the judgment debtor with a warning containing the following data:

- 1- The judgment being enforced.
- 2- The amount of the debt required to be paid.
- 3- Requiring the judgment debtor to pay the debt within one month, otherwise the property will be sold compulsorily.
- 4- Description of the property, including its location, area, boundaries, and any other data useful for identifying it, according to what is recorded in the official registers prepared for that purpose.

The creditor may obtain, by petition, an order from the execution judge authorizing the execution process server to enter the property to obtain the necessary data for its description and identification of its components. This order may not be challenged. The warning must be registered at the Ministry of Housing, Electricity, and Water. This registration results in the property being considered attached. The execution process server must obtain an official statement from the real estate register at the Ministry of Housing, Electricity, and Water listing the holders of registered rights and the domicile of each.

Article (398)

The property's fruits and revenues for the period following the registration of the warning belong to it. The judgment debtor residing in the property may remain residing there without rent until the sale is completed. If the property is not rented, the debtor is considered its custodian.

Article (399)

Within seven days of registering the warning, the execution process server must notify each of the debtor, the possessor, and the guarantor with a copy of the warning, endorsed with a note indicating its registration and specifying the place, day, and hour of the sale. Also, within the same period, the execution process server must notify the holders of the registered rights mentioned in Article (397) with a copy of the warning. These holders become parties to the procedures as attaching creditors upon their notification. Notification, in case of death of any of them, is made to their heirs collectively at the domicile recorded in the register if no more than six months have passed since the death.

Article (400)

Any disposition by the debtor, possessor, or guarantor over the property after the warning registration is not effective against the attaching creditors, nor is any subsequent mortgage or privilege created on the property effective against them, even if they are ordinary creditors, or against the winning bidder, if the disposition, mortgage, or privilege was registered after the warning registration according to Article (397) of this law. If the property is rented, the rent due for the period following the warning registration is considered attached in the hands of the tenant as soon as he is ordered by the attaching creditor or

any creditor holding an enforceable instrument not to pay it to the debtor. If the tenant pays the rent before this order, his payment is valid and the judgment debtor, as custodian, is liable for it. If the lease contract was registered before the tenant was ordered to pay, the contract remains valid against the attaching creditor and the holders of rights registered before the warning registration.

Article (401)

The sale of the attached real estate takes place at the court premises. The execution judge may order it to be held at the property itself or another place. The secretariat announces the sale before the set date by a period not exceeding thirty days and not less than fifteen days. The announcement includes a description of the property, its location, area, boundaries, sale conditions, sale day and place, the name of the execution claimant, and the base price. The court secretariat may seek the assistance of whoever it deems experienced to estimate the base price.

Article (402)

Notices are posted on the door of the property in question and on the notice board at the court. The secretariat publishes the sale announcement in the period specified in the previous article at least once in a daily newspaper. The execution process server deposits a copy of the announcement and the newspaper in which it was published. The execution claimant, the debtor, and any interested party may obtain an order from the execution judge to publish other announcements about the sale in newspapers due to the importance, nature of the property, or other circumstances. Requesting additional publication shall not delay the sale under any circumstances. The order issued in this regard may not be challenged.

Article (403)

On the specified day, the execution process server conducts the auction. It begins by calling for the base price and expenses. If no buyer comes forward, the sale is adjourned with a reduction of one-tenth of the base price, repeatedly as needed. If one or more buyers come forward at the time of sale, the offer of the highest bidder is accepted. The offer which is not exceeded within five minutes of the call is considered the winning bid.

Article (404)

The person whose offer is accepted must immediately deposit the full price and expenses into the court treasury or deliver it to the execution process server if the sale takes place outside the court premises. If he does not deposit or deliver the full amount, he must pay at least one-third of the price and the expenses; otherwise, the auction is repeated at his risk in the same session. If the full price is not paid, the sale is adjourned to a subsequent session scheduled within a period not exceeding one month from the first session. If the person whose offer was accepted pays the remainder in the subsequent session, the sale is finalized to him, unless in this session someone comes forward accepting to purchase with an increase of not less than one-tenth of the price, accompanied by payment of the full price. In this case, the auction is repeated in the same session based on this price. If no one comes forward with a ten percent increase and the person whose offer was accepted has not paid the remainder, the auction must be repeated immediately at his risk. In this session, any offer not accompanied by its full value is not considered. The defaulting bidder is liable for the shortfall and has no right to the increase.

Article (405)

The secretariat presents the execution papers to the execution judge to rule on finalizing the sale to the person whose offer was accepted. The ruling finalizing the sale includes a statement of the procedures followed in setting the sale date and its announcement, and a copy of the sale session report. The ruling also includes an order to the debtor or possessor to deliver the property and its title deed to the person in whose favor the sale is finalized.

Article (406)

The ruling finalizing the sale may only be appealed for a defect in the auction procedures or in the form of the ruling. The appeal is raised through the usual procedures within the seven days following the date of its pronouncement.

Article (407)

The court secretariat, on behalf of the concerned parties, notifies the Ministry of Housing, Electricity, and Water of the final ruling finalizing the sale within ten days of its issuance. This ruling constitutes a title of ownership for the winning bidder after its registration with the Ministry of Housing, Electricity, and Water. The registration of the ruling results in the cleansing of the property from privileges and mortgage rights whose holders were notified according to Article (399) of this law.

Article (408)

A third party may request the nullification of the execution procedures along with a claim of ownership over the attached property or part of it, by a lawsuit filed through the usual procedures before the competent court, in which the attaching creditor, the creditors mentioned in Article (399), and the debtor or possessor or guarantor are sued. The court rules in the first session to suspend the sale procedures if the lawsuit petition contains a precise statement of the evidence of ownership or the possession facts on which the lawsuit is based, and the supporting documents are attached. However, if the specified sale day arrives before the court rules to suspend, the plaintiff may request the execution judge to suspend the sale, at least three days before the session set for the sale. The rulings issued according to the two previous paragraphs to suspend or proceed with the sale are not subject to challenge by any means.

Article (409)

If the ownership lawsuit pertains only to a part of the attached properties, the sale is not suspended for the remainder, unless the court decides otherwise based on the request of a concerned party. However, the execution judge may order the suspension of the sale for all properties if strong reasons necessitate it.

Article (410)

If the sold property is adjudged to belong to a third party, the winning bidder may recover the price and compensation from the creditors or debtors if justified. The sale conditions may not include exemption from refunding the price.

Part Three
Distribution of Execution Proceeds

Article (411)

Whenever attachment is made on money in the debtor's possession, or the attached property is sold, or the garnishee deposits what is in his debt into the court treasury in an attachment of the debtor's credits with third parties, the execution proceeds are distributed among the attaching creditors and those considered parties to the procedures, without any other procedure, even if the proceeds are insufficient to satisfy their rights in full.

Article (412)

If the execution proceeds are sufficient to satisfy all the rights of the attaching creditors and those considered parties to the procedures, each creditor collects his debt after presenting his writ of execution. If one of them does not hold a writ of execution and the lawsuit for the right and the validity of the attachment is still pending, an amount corresponding to the debt for which attachment was made is allocated for this creditor and kept in the court treasury to his account, pending the final adjudication of the lawsuit.

Article (413)

If the execution proceeds are insufficient to satisfy all the rights of the attaching creditors and those considered parties to the procedures, the execution judge sets a session for an amicable settlement based on a provisional distribution list deposited by the court secretariat, stating the execution proceeds subject to distribution, identifying the debts having priority according to their ranks under the law, and distributing the remainder among the ordinary creditors. The distribution procedures begin by the execution judge preparing - upon the request of an interested party - a provisional distribution list deposited with the court secretariat. The execution judge, upon depositing the list, must notify the debtor, the possessor, the attaching creditors, and those considered parties to the procedures to attend a session he sets to reach an amicable settlement. If the concerned parties attend and reach an agreement on distribution by amicable settlement, the execution judge records their agreement in a report signed by him, the competent official, and the attendees; this report has the force of an enforceable instrument. Once the settlement is completed as stipulated in the previous paragraph, the execution judge prepares within the following five days the final distribution list showing what each creditor is entitled to in principal and expenses. If the concerned parties fail to attend the session set for the amicable settlement, the provisional list is considered final. If an amicable settlement is not reached due to objections by some concerned parties, the judge orders their objections to be recorded in the report and considers them immediately, issuing a decision not subject to challenge. The execution judge deposits the final distribution list with the court secretariat, showing what each creditor is entitled to in principal and expenses. In all cases, the execution judge orders the delivery of payment orders to the court treasury and the cancellation of registrations, whether related to debts included in the list or debts not covered by the distribution.

Article (414)

The bankruptcy of the debtor against whom attachment was made after preparing the provisional distribution list does not result in the suspension of the distribution procedures, even if the date of cessation of payments is set to a date prior to the commencement of distribution.

Part Four: Execution in Kind

Article (415)

In the case of execution by delivery of a movable or immovable, the execution process server must go to the place where the item is located to deliver it to the claimant. He must state in his report the items subject to delivery,

the writ of execution, and the date of its notification. If the delivery pertains to an immovable occupied by a possessor, the execution process server warns him to recognize the new possessor after completing the property delivery procedure. If the items to be delivered are under attachment, the execution process server may not deliver them to the claimant, and he must inform the attaching creditor. The execution judge issues the necessary orders to preserve the rights of the concerned parties, based on the request of the interested party or the execution process server.

Article (416)

The execution process server informs the occupants to vacate the property on the day and time set for the execution of the vacate order, at least three days before the specified date. At the appointed time, he places the claimant in possession of the property. If the property contains movables not required to be delivered to the vacate claimant, and their owner does not remove them immediately, the execution process server must entrust their custody in the same place to the claimant or move them to another place if the claimant does not agree to custody. If those movables are under attachment or custody, the execution process server must inform the creditor who imposed the attachment or custody upon his request. In both cases, the execution process server refers the matter to the execution judge to take whatever he deems necessary to preserve the rights of the concerned parties. The execution process server prepares a report stating the writ of execution, the date of its notification, a description of the property subject to vacate, the movables not required to be delivered to the claimant, and the measures taken regarding them.

Article (417)

Anyone requesting compulsory execution for an obligation to do or refrain from doing an act must submit a request to the execution judge to determine the method by which this execution is to be carried out. The writ of execution and its notification are attached to the request. The execution judge, after notifying the other party to hear his statements, issues his order determining the method of execution and appointing the execution process server who will carry it out and the persons tasked with completing the work or removal.

Part Five

Imprisonment of the Judgment Debtor and Prevention of the Debtor from Travel

Chapter One

Imprisonment of the Judgment Debtor

Article (418)

If the judgment debtor refuses to implement a judicial order or an enforceable judgment, the court that issued the order and the execution judge may issue an order for his imprisonment for a period not exceeding two months, which may be renewed for other periods. If he has a stable residence, the total imprisonment period may not exceed six consecutive months.

It is permissible to order the renewal of his imprisonment after the lapse of ninety days from his release if his refusal to execute continues.

Concerned parties may challenge this decision by a petition submitted to the competent Court of Appeal. It may also be submitted to the court that issued it, which in this case must refer the challenge to the competent Court of Appeal to decide upon it in the deliberation chamber within seven days of its submission or referral. Its decision is final.

The challenge does not result in the suspension of the decision's execution unless the competent Court of Appeal orders its suspension.

Article (419)

Before issuing an imprisonment order, the court may conduct a brief investigation if the documents supporting the request are not sufficient. The court must hear the statements of the judgment debtor whenever it orders the renewal of his imprisonment or if the judgment debtor requests it.

Article (420)

[Note: This article states it was added by Sultani Decree No. 70/92. It doesn't contain a substantive provision itself, likely indicating the decree introduced these imprisonment articles.]

Article (421)

If the judgment debtor is a private juridical person, the imprisonment order is issued against the person whose personal refusal led to the non-implementation of the judgment or order.

Article (422)

Imprisonment is carried out in prison, separate from those detained or sentenced for crimes. The prison administration provides him with available means to communicate with the outside so he can arrange his affairs to pay the debt or reach a settlement with the judgment creditors.

Article (423)

The execution of the imprisonment order does not lead to the extinction of the right for which imprisonment was decreed, nor does it prevent the compulsory execution for its collection by the legally prescribed methods.

Article (424)

It is prohibited to issue an order for the imprisonment of the judgment debtor in the following cases:

- a) If he has not reached eighteen years of age or has exceeded seventy years of age.
- b) If he has a child under twelve years of age and his spouse is deceased or imprisoned for any reason.
- c) If he is the spouse of the judgment creditor or one of his ascendants.
- d) If he provides a bank guarantee or a solvent guarantor acceptable to the court for paying the debt at

the specified deadlines, or discloses properties he owns in the Sultanate that are subject to execution and sufficient to satisfy the debt.

Article (425)

The court orders the cancellation of the issued imprisonment order against the judgment debtor in the following cases:

- a) If the judgment creditor agrees in writing to cancel the order.
- b) If the debt adjudged against him is paid, or if his obligation for which the imprisonment order was issued is extinguished for any reason.
- c) If he provides a solvent guarantor or security accepted by the judgment creditor.
- d) If sufficient evidence proves the insolvency of the judgment debtor.

The release of the judgment debtor after proving his insolvency does not prevent issuing an imprisonment order based on the request of the judgment creditor if the court is convinced that he has become able to pay what was adjudged against him.

Article (426)

In all cases, the court may, instead of ordering the imprisonment of the judgment debtor, obligate the guarantor or surety to pay what was adjudged by the judgment, through the methods and procedures prescribed for the execution of judgments.

Chapter Two

Prevention of the Debtor from Travel

Article (427)

The court, at any stage of the lawsuit, upon the plaintiff's request, may order the prevention of the defendant from traveling outside the Sultanate if new reasons arise that raise fear of his flight, and the claimed right is known, due for payment, not conditional, and its value is not less than five hundred Rials, unless it is a legal alimony. For the order to be issued, the plaintiff must provide a guarantee acceptable to the court.

This guarantee covers any loss or damage incurred by the defendant due to the travel ban if it is proven that the plaintiff is not right in his claim. Before issuing the order, the court may conduct a brief investigation if the documents supporting the request are not sufficient. In case of issuing the travel ban order, it may order the deposit of the defendant's passport in the court treasury and circulate the travel ban order to all outlets of the Sultanate.

Article (428)

The travel ban order remains in effect until the debtor's obligation to his creditor who obtained it is extinguished. The court orders its cancellation in the following cases:

- a) If any condition necessary for the travel ban order ceases to exist.
- b) If the creditor agrees in writing to cancel the order.
- c) If the debtor provides a sufficient bank guarantee or a solvent guarantor acceptable to the court.
- d) If the debtor deposits with the court treasury a sum of money equal to the debt, designated for satisfying the right of the creditor at whose request the order was issued. This amount is considered attached by operation of law for the benefit of the creditor.

e) If the judgment creditor does not begin execution of the judgment issued in his favor within thirty days from the date it becomes legally executable.