



AN OVERVIEW OF CIVIL CASES

What is a civil case?

Civil cases involve the private financial rights of individuals and organizations (government, companies and institution). These cases either require the enforcement of a certain obligation, regardless of its source (contract, individual will, unlawful enrichment, illicit acts, laws, etc.) or proof of lapse of this obligation (through fulfillment, release, the impossibility of enforcement, or limitations).

Examples of civil cases:

- contracts, including their enforcement, cancellation or termination
- claim of ownership actions, transfer of property through sale, donation, inheritance, pre-emption and acquisition
- property of movables and transfer of property
- intellectual property disputes
- mortgage and acquisition

Which courts are competent to hear civil cases?

All civil disputes are heard by the Reconciliation and Settlement Committee. In case an amicable solution is not reached, the committee will give its approval to refer the case to trial.

Urgent matters, cases involving minors, inheritance, personal status and government disputes are exempt from appearing before the Reconciliation and Settlement Committee.

How to file a lawsuit?

The plaintiff (person filing a suit) should first deposit his or her request, including a statement claim as well as full details about parties, at the court registrar's office, which will then transfer the case to the Reconciliation and Settlement Committee. The following documents must be attached to the request:

- A copy for the plaintiff's identification.
- The supporting documents and evidence for the claim.

In case an amicable settlement is not reached, the Reconciliation and Settlement Committee will give its approval to refer the case to trial. The plaintiff should submit his statement claim and supporting documents to the registrar and pay the necessary court fees. The registrar will then fix the hearing date and notify the defendant.

Jurisdiction

Minor and major circuits of the Court of First Instance are competent to hear civil cases, depending on their type and value. Major circuits hear cases whose amount exceeds AED 100,000. In addition to certain types of cases such as those related to the enforcement of a foreign judgment. Minor circuits specialize in cases whose amounts are less than AED 100,000 as well as certain types of cases, including partition of joint real property and settlement of succession.

The trial

The parties are subpoenaed to plead their case before the court. If the judgment issued by the court in the presence of both parties is not satisfactory, it can be appealed within 30 days from the judgment date when the amount exceeds AED 20,000. otherwise the judgment shall be final and may not be appealed.

If the judgment issued by the Court of Appeal in the presence of both parties is not satisfactory, it can be appealed within 60 days from the date of the judgment or the next day after its legal notification.

Judgments in cases with a value of less than AED 100,000 may not be appealed before the Court of Cassation. The time limits for the appeal before the Court of Cassation in civil matters is 30 days.

Enforcement of non criminal judgments

Once a civil judgment is issued accompanied with an order for urgent enforcement, or becomes final after the period allowed for appeal expires, the party who won the case has the right to submit a request to the enforcement section to take all steps necessary to implement the judgment. The copy of the judgment, stamped for enforcement, should be attached with the request.

Any judgment issued by the enforcement court may be appealed before the Court of Appeal within seven days from the date the judgment was issued.

How much are the court fees?

Court fees for civil cases will be calculated as per follows:

- 4% for the first AED 100,000
- 5% for any amount more than AED 100,000; however, the total court fees amount will not exceed a total of AED 30,000

Upon enforcement, a third of the court fee should be paid.

To learn more, please visit our website at www.adjd.gov.ae
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