

# Filing Civil and Commercial Lawsuits Before Dubai Courts: Overview

by Zouhdi Yakan, with Fouad Magdy, Michel Semaan (with additional contributions from Hamdy Hassan), Shaikha Almehrzi Advocates & Legal Consultants—LAW HOUSE

Status: Law stated as of 01 Aug 2025 | Jurisdiction: United Arab Emirates

This document is published by Practical Law and can be found at: [content.next.westlaw.com/w-047-0124](https://content.next.westlaw.com/w-047-0124)  
Request a free trial and demonstration at: [tr.com/practicallaw-home](https://tr.com/practicallaw-home)

This Note discusses the process for submitting a civil and commercial lawsuit in the Emirate of Dubai in the United Arab Emirates (UAE). It outlines the steps involved in registering a lawsuit with the Dubai Courts, beginning from the initiation of proceedings to the final judgment issued by the Court of First Instance.

The United Arab Emirates (UAE) is a federation of seven emirates, where the Constitution permits each emirate to retain authority over matters not expressly reserved to the federal government. This constitutional flexibility has given rise to a unique legal landscape where both civil law and common law courts operate, comprising both civil law and common law. As a result, the UAE hosts three co-existing court systems:

- The federal court system followed by the Emirates of Ajman, Fujairah, and Umm Al Quwain.
- The independent emirate-level court system followed by the Emirates of Abu Dhabi, Dubai, Sharjah, and Ras Al Khaimah.
- The financial free zones court system.

The federal courts and the independent emirate-level courts follow a civil law system, while the financial freezones, such as the Dubai International Financial Centre (DIFC) and the Abu Dhabi Global Market (ADGM), operate under a common law system with independent judicial frameworks. Each has its own court system (ADGM Courts and DIFC Courts) that adjudicates civil and commercial matters. For more information on the structure of the federal, independent (emirate-level) and financial free zone courts, see [Practice Note, Court Structure: Flowchart \(UAE\)](#).

A party seeking to commence a civil or commercial lawsuit in the Emirate of Dubai within the UAE must

be aware of a range of specific requirements that are required to initiate proceedings within Dubai. For example, they must participate in mandatory dispute resolution with the Centre for Amicable Settlement of Disputes (CASD) before filing a claim in court.

The Note discusses the process of litigating a claim in a civil or commercial case in mainland Dubai Courts, including electronic case registration, specialised court divisions, and expert appointments. It also addresses the availability of remote hearings, electronic notifications, and fast-track procedures, such as payment orders and cheque enforcement, which Dubai has enacted to expedite resolution of disputes.

In this Note, the term “Dubai Courts” refer to the mainland courts operating within the Emirate of Dubai and excludes DIFC Courts.

## Dubai Court Structure

The independent emirate-level court system followed by the Emirate of Dubai consists of:

- Courts of First Instance (CFI).
- Courts of Appeal.
- Court of Cassation.

This Note primarily focuses on proceedings before the CFI while also providing an overview of the appeal process before the Court of Appeal and the Court of Cassation.

### Court of First Instance

The CFI has jurisdiction to hear all claims, disputes, and proceedings of first instance, except for those excluded under a special provision (Article 24, [UAE Federal Decree-Law No. 42 of 2022 Promulgating the Civil Procedure Code \(CPC\)](#)).

Under the [UAE Federal Decree-Law No. 50 of 2022 Concerning Promulgating the Commercial Transactions Law](#), commercial courts have jurisdiction over commercial matters involving commercial contracts and commitments, banking processes, commercial papers, and bankruptcy and reconciliation issues.

### Commercial Courts

Under Article 33, CPC, commercial courts have jurisdiction over disputes where one of the parties is an entity or the subject matter is of a commercial nature. Jurisdiction is vested in:

- The court within the territorial jurisdiction of the defendant's domicile.
- The court within the territorial jurisdiction where the agreement is to be executed or performed in whole or in part.
- The court within the territorial jurisdiction where the agreement must be performed.

### Civil Courts

Civil courts hear civil claims involving natural persons and legal entities, such as government departments, companies, and institutions. These disputes usually relate to validity, implementation, cancellation, or termination of contracts, to intellectual property, or to land and mortgages, under [Federal Law No. 5 of 1985 Concerning the Issuance of the Civil Transactions Law of the UAE](#), as amended.

For general information on the UAE court system, see [Official Portal of the UAE Government: The System of Courts](#).

### Divisions of Courts of First Instance

The Courts of First Instance are divided into two circuits, a Major Circuit, also known as the Court of Major Jurisdiction, and Minor Circuits, also known as the Magistrates' Court. Under Articles 3 and 4 of Decision No. 16 of 2024 Concerning the Formation and Jurisdiction of First Instance Court Divisions, each circuit has specialised jurisdiction. Each

circuit's jurisdiction is subject to the jurisdictional rules governing the division of authority between federal and local courts within the UAE, as well as the territorial jurisdiction of judicial bodies in Dubai and the allocation of competence among the courts of first instance. The circuits have jurisdiction as follows in civil and commercial cases:

- **Magistrates' Court (Minor Circuits).** The Minor Circuits have jurisdiction to hear and adjudicate the following types of claims and applications:
  - civil, commercial, labour, and real estate claims not exceeding AED1 million in value;
  - matters relating to personal status;
  - petitions, disputes, and proceedings concerning bankruptcy;
  - counterclaims related to original claims falling within the jurisdiction of these circuits, regardless of their value;
  - applications, disputes, and claims arising from enforcement procedures; and
  - any other claims and applications for which the applicable legislation in Dubai grants jurisdiction to these circuits.
- **Court of Major Jurisdiction (Major Circuits).** The Major Circuits have jurisdiction to hear and adjudicate the following types of claims and applications:
  - civil, commercial, labour, and real estate claims exceeding AED1 million in value, in addition to claims that are not quantifiable;
  - administrative disputes, regardless of the claim amount;
  - counterclaims arising from or related to original claims within the jurisdiction of these circuits, regardless of their value;
  - claims that do not fall within the remit of the Minor Circuits of the civil courts of first instance; and
  - any other claims for which jurisdiction is expressly assigned to these circuits under applicable Dubai law.

### Court of Appeal

The Court of Appeal is the intermediate appellate court for challenging CFI judgments.

For more information on the key features of the Court of Appeal, see [Practice Note, Court Structure: Flowchart \(UAE\): Table: Dubai \(Emirate Level\) Court Structure](#).

### Court of Cassation

The Court of Cassation is the highest appellate court for cases originating from the lower courts.

For more information on the key features of the Court of Cassation, see [Practice Note, Court Structure: Flowchart \(UAE\): Table: Dubai \(Emirate Level\) Court Structure](#).

### Centre for Amicable Settlement of Disputes

Dubai has placed particular emphasis on amicable dispute resolution as a pre-litigation procedure by establishing the Centre for Amicable Settlement of Disputes (CASD) and clearly defining its functions and jurisdiction. Laws governing the CASD include:

- [Law No. 16 of 2009 Establishing the Centre for Amicable Settlement of Disputes](#).
- [Law No. 18 of 2021 Regulating Conciliation in the Emirate of Dubai](#), as amended by Law No. 9 of 2025 Amending Certain Provisions of Law No. 18 of 2021 (Conciliation Law).
- [Resolution No. 4 of 2025, on the Jurisdiction of the Centre for Amicable Settlement of Disputes \(Resolution No. 4 of 2025\)](#) (in Arabic), repealing and replacing Resolution No. 8 of 2022 Determining the Disputes Falling within the Jurisdiction of the Centre for Amicable Settlement of Disputes.

[Federal Law No. 40 of 2023 on Mediation and Conciliation in Civil and Commercial Disputes](#) (Federal Law No. 40 of 2023), which came into effect on 29 December 2023 and repealed Federal Law No. 6 of 2021 on Mediation in Civil and Commercial Disputes, regulates both judicial and non-judicial mediation. Articles 27 to 38 specifically address conciliation.

### Jurisdiction of the CASD

Article 5(A) of the Conciliation Law determines the disputes that must be referred to conciliation. These are:

- Disputes specified by the relevant resolution of the President of the Courts of Dubai, irrespective of their value or nature.

- Personal status disputes.
- Disputes that the disputants agree to have heard by the CASD.
- Claims referred to the CASD by the courts hearing them based on an agreement between the litigants at any stage of litigation.

Also, under Article 1 of Resolution No. 4 of 2025, the CASD has jurisdiction to consider and determine certain types of disputes, taking into consideration the provisions of Article 5 of the Conciliation Law referenced above. In these cases, the parties **must** engage in dispute resolution before the CASD before filing a lawsuit in court. They relate to:

- Disputes relating to the subdivision of property co-owned in undivided shares (division of common money), except for estate-related disputes of common money.
- Disputes involving claims not exceeding AED500,000, excluding substantive disputes where one of the parties is a private financial institution governed by UAE Federal Decree-Law No. 14 of 2018.
- Applications for the ratification of amicable settlements and agreements, regardless of the value of the relevant claims.
- Disputes where the parties agree to refer the matter to CASD.
- Applications for the appointment of experts before initiating judicial proceedings.
- Disputes where:
  - one of the parties is a UAE national and over the age of 60; and
  - the claim amount does not exceed AED1 million.
- Disputes where one of the parties is a person of determination (that is, an individual with a disability) or a female who benefits from the monetary social benefits as decided by [Law No. 7 of 2012 on Financial Social Benefits in the Emirate of Dubai](#) (that is, a woman who is eligible to receive financial support from the government under specific social welfare programs). Law No. 7 of 2012 establishes the framework and eligibility criteria for providing monetary social benefits to vulnerable groups, including women in need, aiming to improve their social and economic well-being.

At the Dubai emirate level, the Conciliation Law governs conciliation procedures before the CASD, operating under the auspices of the Dubai Courts.

## Filing Civil and Commercial Lawsuits Before Dubai Courts: Overview

While Federal Law No. 40 of 2023 provides a unified framework for mediation and conciliation nationwide, the Conciliation Law is applicable to CASD-specific proceedings, if it does not conflict with overriding provisions of federal legislation.

There are certain types of disputes specified under Article 5(B) of the Conciliation Law that cannot be referred to conciliation. The disputes explicitly excluded from conciliation are:

- Disputes where the government of Dubai is a party.
- Orders, interim measures, and expedited claims, including orders and interim measures related to alimony, custody and guardianship.
- Inheritance, wills, and related issues, subject to the inheritance court's jurisdiction to offer conciliation to the parties of an inheritance case under Decree No. 25 of 2023.
- Disputes where conciliation is not possible, such as proof of marriage or divorce claims.
- Disputes and issues that are outside the jurisdiction of the Dubai Courts and fall within the jurisdiction of other authorities, centres, or committees.
- Disputes and issues excluded from conciliation under applicable legislation in the Emirate of Dubai.

### Types of Claims or Services Before the CASD

In practice, the Dubai Courts System (or Platform) categorises four types of claims or services that an applicant can bring or rely on respect to the CASD. The applicant must choose from:

- **Value-Specific Dispute Case.** This is a dispute where the claim value is a clearly defined monetary amount.
- **Expert Appointment.** This is a case where the determination of the claim value or the extent of damages is necessary for seeking compensation or establishing the non-performance of contractual obligations. These cases are initiated by a request for expert appointment and conclude with the submission of the expert report.
- **Subdivision of Property Co-owned in Undivided Shares (Common Property Partition Dispute Filing).** This is a case regarding the division of jointly owned assets (common ownership disputes), aimed at partitioning the co-owned property and determining each individual's share.

- **Approval of Reconciliation Agreement Case.**

This is a case where the parties to a dispute have reached a settlement, which must be documented in a written reconciliation agreement and endorsed with an enforcement stamp.

(See Electronic Filing of Claims or Lawsuits Before the Dubai Courts.)

### Electronic Filing of Claims or Lawsuits Before the Dubai Courts

The filing of lawsuits before Dubai Courts (including dispute resolution claims before the CASD) is carried out electronically through the official [Dubai Courts website](#) and Dubai Courts Platform. This website uses [UAE Pass](#), a national digital identity for citizens, residents, and visitors in UAE, enabling them to access many online services across various sectors, in addition to providing features such as signing and verifying documents digitally. Access is available for both individuals and licensed law firms.

### Filing a Case Before the CASD

On the Dubai Courts Platform, plaintiff can select the relevant type of dispute based on the subject matter of the claim (see Electronic Filing of Claims or Lawsuits Before the Dubai Courts) and submit an online form with:

- The details of the parties to the dispute. If the plaintiff or defendant is a natural person, the plaintiff enters the person's Emirates ID number into the designated section. Then, the system automatically retrieves the individual's data linked to the ID. If the plaintiff or defendant is a legal entity, the plaintiff must manually enter the entity's details as they appear on the entity's commercial license.
- The statement of claim. The plaintiff must add in relevant details of the claim into the designated fields along with the relief sought.
- All relevant documents such as:
  - supporting documents for the financial claim or the disputed right, translated into Arabic if originally in a foreign language;
  - identification documents (for individuals) and commercial licenses (for entities, if applicable); and

## Filing Civil and Commercial Lawsuits Before Dubai Courts: Overview

- power of attorney issued by the plaintiff to its law firm, if the case is filed by legal representation. See Legal Representation.

To submit the form, a One-Time Password (OTP) is sent to the plaintiff or their legal representative on their registered mobile phone and email. Entering this OTP constitutes an electronic signature under Article 8 of [UAE Federal Decree-Law No. 46 of 2021 on Electronic Transactions and Trust Services](#) and Article 8 of [Dubai Law No. 9 of 2022 Regulating the Provision of Digital Services in the Emirate of Dubai](#).

### Legal Representation

A litigant can file a lawsuit without legal representation under Article 52 of the CPC. This provision also allows litigants to be represented before a court by an attorney, a relative (in-law up to the fourth degree), or an attorney-in fact from the litigant's employees, if the litigant is an entity. If the litigant is represented by an attorney-in-fact, the authorised legal representative of the entity must issue a notarised power of attorney.

### Review of the Online Form

After the form is submitted online, the competent department within the CASD conducts a review. Normally, this review and verification process is completed within five working days. However, the duration can vary, sometimes taking more or even less time, depending on the specific circumstances of the case.

The department may request amendments or additional documents. If it does, the form is returned to the plaintiff for revision. Failure to complete the required modifications within five working days from the date the online form is returned to the plaintiff results in automatic cancellation of the filing, requiring the plaintiff to submit it again.

If the competent department accepts the application, the plaintiff is notified by email or phone to settle the court fee within three working days.

Once the plaintiff completes the payment, the case is referred to a conciliator under Article (6)(a) of the Conciliation Law. The Conciliator is defined under the definitions section as the person who oversees conciliation between parties to a dispute under the Conciliation Law. The Conciliator can be:

- An employee of the CASD who is appointed as a conciliator.

- A Private Conciliator (that is, the Conciliator working for a company or establishment authorized by the CASD to settle disputes through conciliation).
- An employee of a governmental authority.
- A counsellor in the family guidance reform committee.

Under Article 6(a), a dispute registered in the Dubai Courts System and brought before the CASD for amicable settlement is considered by a Conciliator under the supervision of the CFI judge (also known as the Competent Judge), who is tasked with judicial supervision of conciliation and adjudicating disputes that are referred to them under the Conciliation Law.

### Fees Before the CASD

Under Article 30 of the Conciliation Law, a fee of AED250 is payable on registration of the dispute before the CASD in the Dubai Court System. If the disputants reach an agreement through conciliation, the Conciliator adopts the conciliation agreement, and an executory formula is assigned to the agreement, no additional fees are due. If the disputants do not agree to conciliation and the dispute is presented to the competent judge or referred to the competent court, additional fees apply [Law No. 21 of 2015 Concerning Judicial Fees of the Dubai Courts](#), as amended by Dubai Law No. 2 of 2019 and Dubai Law No. 7 of 2020 (Dubai Judicial Fees Law), and other applicable Dubai laws.

However, in practice, the fees are AED270 as the court fee (AED250 Court fee and AED20 governmental fees) and AED115.5 as the notification fee, totalling AED385.5.

Occasionally, CASD requires payment of the full amount equivalent to the CFI fees upfront. In these cases, when the lawsuit is referred to the CFI, the fees already paid are deducted, and the plaintiff is only required to pay AED111.5 as the notification fee.

If the fee is paid on time, the dispute is deemed procedurally valid, and a hearing date is scheduled. The defendant is summoned using the address provided in the statement of claim or using short message service (SMS), recorded phone call, or email.

After registration of dispute with CASD, payment of the fees, and referral of the dispute to the Conciliator, the plaintiff then must pay the fees set out for the CFI (See Table: Court Fees).



If the disputants fail to reach an agreement through conciliation, and on transfer and registration of the dispute with the competent court, the plaintiff must pay the total fee amount for the dispute after deduction of the fees paid to the CASD.

However, if the parties reach a settlement through conciliation at the CASD level, 50% of the fee paid by the party are returned (Article 7, Dubai Judicial Fees Law).

### Case Hearing Before the CASD

The case is heard on the scheduled date remotely through the Dubai Courts portal. The defendant is usually granted an additional hearing to submit their defence.

There is no specific time set by law for the defendant to respond. However, in practice, the defendant is usually granted around one week to submit their response, with a possible extension of an additional week.

The initial hearing is conducted by the Conciliator, who handles the matter under the supervision and review of the Competent Judge.

In addition to granting the defendant time to respond, the Conciliator may seek to clarify the parties' positions, ensure proper notification has been completed, and confirm whether the case should proceed to the competent court or be resolved at this preliminary stage.

At any time, under Article 6(e) of the Conciliation Law, if the disputants reach a settlement (referred to as "conciliation" under the Conciliation Law), it must be recorded in the form of a conciliation agreement signed by the disputants and approved by the Conciliator.

Under Article 27(b) of the Conciliation Law, the Conciliator must verify that the conciliation agreement complies with the conditions set out in Article 27(a) before approving it and affixing the executory formula. Once the executory formula is affixed, the conciliation agreement carries the force of a writ of execution.

Additionally, Article 27(c) of the Conciliation Law states that a party to a dispute cannot file a grievance against the Conciliator's decision to approve the conciliation agreement, except if that party has been a victim of fraud or misrepresentation. In

that case, the grievance must be filed within five working days from the day of approval of the conciliation agreement, and the Competent Judge must adjudicate the grievance within five business days from the date the grievance is presented. The Competent Judge's decision is final.

If the Conciliator refuses to approve the conciliation agreement, any of the disputing parties can file a grievance within five business days from the date of the refusal. The Competent Judge must adjudicate the grievance within five business days from the date the grievance is presented. The Competent Judge's decision is final.

After the defendant's response, the case file is referred to the Competent Judge, who takes one of two actions:

- Issue a reasoned decision resolving the dispute. If the value of the dispute does not exceed AED50,000 (the maximum amount of claim within the CFI's jurisdiction), then under Article 28(e) of the Conciliation Law, either party can file a grievance within 15 days from the day after the day the decision is rendered in the presence of the disputants or 15 days from the day after the date the disputant is served with the decision.
- Refer the dispute to the competent court, in which case the dispute is formally registered before the CFI.

## Litigation Before the CFI

### Case Management Office

The Dubai Courts have established a Case Management Office (CMO) under Articles 45, 46, and 48 of the CPC. It is composed of a presiding officer or an adequate number of court staff, including a case manager, under the supervision of the head of the competent court or one or more designated judges.

The CMO is responsible for the preliminary handling and administration of the case before its referral to the competent judicial division. Its functions include:

- Case registration.
- Service of process.
- Exchange of memoranda and supporting documents between the parties.
- Handling and coordination of expert reports.

### Filing a Lawsuit

Similar to the procedure before the CASD, on the Dubai Courts System, a plaintiff can select the relevant type of dispute based on the subject matter of the claim and submit it to the CMO along with:

- The parties' details. If the plaintiff or defendant is a natural person, the plaintiff must enter the person's UAE ID number in the system, which retrieves associated personal details (such as phone number, email, and nationality) from the Federal Authority for Identity, Citizenship, Customs, and Port Security. If the party is an entity, the plaintiff must enter its details from its commercial license.
- The statement of claim along with the:
  - court before which the case is instituted;
  - date of filing the statement of claim with the CMO; and
  - subject of the case, relief sought, and relevant grounds.

(Article 44(2), CPC.)

- The following documents to support the claim:
  - documents supporting the financial claim or disputed right, translated into Arabic if originally drafted in another language;
  - personal identification documents (for persons) or commercial licenses (for entities); and
  - a Power of Attorney issued by the plaintiff in favour of the law firm, if the case is filed through legal representation. See Legal Representation.

After the documents are submitted, the system sends an OTP to the mobile phone and email of the plaintiff or their legal representative. Entering this OTP is deemed a valid electronic signature. (Article 8 of [UAE Federal Decree-Law No. 46 of 2021 on Electronic Transactions and Trust Services](#) and Article 8 of [Dubai Law No. 9 of 2022 Regulating the Provision of Digital Services in the Emirate of Dubai](#).)

### Review of the Online Form

Similar to the procedure before the CASD, after the form is submitted online, it is referred internally to the competent department within the Dubai Courts for review. In practice, this review and verification process is generally completed within five working days. However, the duration can vary, sometimes taking

more or even less time, depending on the specific circumstances of each case.

The department may request amendments or additional documents, in which case the form is returned to the plaintiff for revision. Failure to complete the required modifications within five working days from the date the online form is returned to the plaintiff results in automatic cancellation of the filing, requiring the plaintiff to submit it again.

Once the competent department accepts the application, the plaintiff is notified by email or phone to pay the court fees within three working days. For the applicable fees, see Table: Court Fees. The case is deemed registered and effective from the date of filing of the statement of claim if the legal fee is paid not later than three business days from the date of the day following the notice for payment. Otherwise, the case registration is deemed null and void. (Article 47(1), CPC.)

### Court Summons

A civil action becomes procedurally effective on registration of the case and payment of the applicable court fees within the legally prescribed period. The CMO then schedules a hearing before the court. The statement of claim must be served in an electronic or paper format within ten business days of the date it is delivered to the process server.

If a hearing is scheduled for the case and falls within this time limit, the statement of claim must be served before the hearing. (Article 49(2), CPC.)

At the litigant's request, or based on an order from the competent court or a decision of the CMO or the supervising judge, as applicable (Article 6.1, CPC), the defendant is summoned using the methods of notification prescribed in the CPC:

- **Personal service at the address specified in the statement of claim.** The process server attempts service at the place of residence (or domicile) of the defendant or at the place of work of the defendant, as indicated in the statement of claim. Service is deemed valid if delivered to the defendant in person or to any cohabiting individual (spouse, relative, in-law, or domestic worker) or if delivered to the defendant's boss, any person in charge of the management of the defendant, or any of defendant's colleagues. If any of these individuals refuse service, there is no person on whom the notice can be legally served, or the place

of residence is closed, the process server posts the notice on the outer door of the intended recipient's place of residence, or the notice is published on the official website of the court.

- **Service by modern technological means.** In light of the UAE's digital transformation, particularly in Dubai, the law permits service through SMS, recorded phone call, email, fax, or any other recognised technological means.
- **Service by publication.** If the defendant's address is unknown or unclear, or if contact details are unavailable, the matter is referred to the CMO (see Case Management Office), the competent judge, or the chief justice of the court to inquire from at least one relevant entity, such as the Federal Authority for Identity and Citizenship. The notice is then served on the intended person either by posting on the court's official website or by publication in both a widely circulated Arabic language electronic or paper daily newspaper, and, if the defendant to be served is a foreign national, in a foreign language newspaper.

(Article 9, CPC.)

### Case Hearing

The time limit for appearance before the CMO (or the competent court) is ten business days, which can be shortened to three business days, if necessary, with the permission of the competent or the supervising judge (Article 46(1) and (3), CPC).

The time limit for appearance for summary proceedings is 24 hours, can be shortened but not up to less than an hour, if necessary, if the litigant is personally served and with the permission of the competent or the supervising judge, unless it is a maritime case (Article 46(2) and (3), CPC).

The defendant must submit a statement of defence (electronically or in paper format), no later than ten business days after the date of service (Article 48 (2), CPC).

### Presiding or Supervising Judge

The supervising judge is responsible for overseeing the overall progression of the case. On receiving the case file from the case manager, under Article 45.4 of the CPC, the supervising judge may:

- Dismiss the case, if the court fee, fee difference, or any other required costs have not been paid, and

this failure would obstruct the adjudication of the case.

- Establish the discontinuance or waiver of proceedings.
- Appoint expert witnesses to review or draw up reports to be submitted to the competent court. See Appointment of Experts.
- Refer the case to investigation and hear the witnesses.
- Examine the litigants and refer them to mediation or conciliation.
- Impose the procedural penalties prescribed in the CPC.
- Meet with the parties, propose conciliation, and try to have their dispute settled amicably. For this purpose, the judge can order the parties to appear in person. If the parties reach an amicable conciliation, the judge issues a decision formalising the conciliation and detailing the terms agreed by the parties. This decision then has the same legal authority as a writ of execution.

If the supervising judge takes an action listed in the first two bullets in the above list, the decision can be challenged under standard rules.

The supervising judge may appoint local or international expert witnesses to review or draw up reports to be submitted to the competent court (Article 30.1, CPC; see Appointment of Experts.).

Though Article 45 of the CPC does not explicitly state so, the presiding judge can also:

- Internally return the case file to the Case Manager for completion, if there are any missing documents, procedural deficiencies, or unmet requirements.
- Issue a decision to the CMO to refer the case directly to the competent judicial division for a full hearing in a public session.

### Appointment of Experts

Under Article 109 of the [Federal Decree by Law No. 35 of 2022, Promulgating the Law of Evidence in Civil and Commercial Transactions](#) (UAE Evidence Law), the court or the supervising judge hearing the case has the discretionary authority to appoint one or more experts in any field relevant to the subject matter of the dispute, either on request from a party or on the court's own initiative. Where the parties mutually



agree to appoint one or more experts, the court must uphold and confirm the agreement (Article 109.3, UAE Evidence Law).

The court can select the expert from the official court register of experts or from outside the register.

Where the expert is from outside the official register, they must take an oath before the appointing authority (the court or the supervising judge, as the case may be) confirming their neutrality, honesty, and commitment to the task. Otherwise, the expert's task is null and void. The litigants do not need to appear when the expert takes the oath. However, the judge draws and signs a record of the oath-taking and retains it in the case file. (Article 110, UAE Evidence Law.)

Experts appointed by the court in litigation proceedings must be guided by the "Reference Guide for Regulating Expert Witness Work before the Dubai Courts" adopted by the Director of Dubai Courts via Decision No. 183 of 2023 and published in the Official Gazette on 27 October 2023.

Separately, under Article 30.1 of the CPC, during the case preparation phase, the supervising judge can engage one or more local or international expert witnesses to review or draw up expert reports to be submitted to tribunals.

### Defining the Expert's Assignment and Fees

Under Articles 111 and 112 of the UAE Evidence Law, the competent court must, in a preliminary judgment or in its decision of appointment of an expert, determine the scope of the expert's mandate and the remuneration payable for the performance of the assigned duties.

This judgment or decision must include:

- A precise and detailed scope of the expert's assignment.
- The extent of authority and procedural powers conferred on the expert and any urgent measures the expert is authorised to take.
- The deadline for submitting the expert report.

After determining the expert's fees, the court must identify the party responsible for payment, order the deposit of the specified amount, and establish a deadline for compliance.

### Recusal of Experts

Under Article 114 of the UAE Evidence Law, any party to the proceedings can apply for the recusal or disqualification of a court-appointed expert where any of the legally recognised grounds for conflict of interest or lack of impartiality are present.

Among others, the grounds for recusal are that the expert cannot perform the assignment impartially due to personal or professional conflicts, including where the expert:

- Is related by blood or marriage to either party up to the fourth degree.
- Acts as an agent of one of the parties in personal matters.
- Serves as a guardian, custodian, or legal representative to one of the parties.
- Is engaged in ongoing litigation or legal dispute with one of the parties.

### Execution of Expert Duties

Under Article 16 of [Dubai Law No. 13 of 2020 Regulating the Practice of the Expert Witness Profession before the Judicial Authorities in the Emirate of Dubai](#) and Article 74 of the CPC, the appointed expert must discharge their duties in accordance with the scope defined by the judicial authority and subject to a specific procedural framework.

The expert must review the subject matter of the assignment and submit to the judicial authority a summary memorandum confirming:

- That the assigned expert task falls within the expert's area of expertise.
- The phases of execution of the assignment, the timeframe for each phase, and the place of performing the duty.
- The fees and expenses to be charged for the performance of the assignment.
- The proposed dates for circulation of the preliminary report to the parties and submission of the final report to the court.

The expert must also specify the commencement date of the assignment and must notify the parties to attend the meeting using one of the legally recognised means of notification.

The notification must be issued at least five working days in advance, unless the matter is deemed urgent, in which case immediate notification is permissible.

The expert is authorised to:

- Convene a joint meeting of the parties or meet with each party separately, as directed by the judicial authority.
- Request and examine documents from the parties.
- Visit any location relevant to the assignment to conduct inspections or obtain any information necessary to form an expert opinion.

The expert must not exceed the time defined in the summary memorandum unless there are justifiable reasons attributable to the expert or the parties. The judicial authority may, at its discretion, extend the deadline.

On completion of the assignment, the expert must:

- Share the preliminary report with the parties.
- Respond to objections raised by any party.
- Lodge the final report with the court.

The court may impose a fine on any party or court personnel who fails to submit required documents or complete procedural steps within the deadlines set by the court or the CMO.

The fine must not be less than AED1,000 and must not exceed AED10,000 (Article 74(1), CPC).

### Jurisdictional Court

After the case preparation phase concludes, the presiding judge issues a decision transferring the case to the competent judicial division (Jurisdictional Court) within the CFI for adjudication.

Under Article 76 of the CPC, in the course of hearing the matter, the court can:

- Permit the litigants, to submit documents, pleas, or new evidence.
- Amend their existing claims or submit interlocutory applications that they could not submit to the CMO.
- Deny the submission referenced above if the court is convinced the litigant could have submitted it to the CMO.

- Request clarification from the litigants regarding missing items or documents.
- If the case is set for adjudication, permit the litigants to exchange closing arguments on the dates the court may schedule.

The court is restricted to a maximum of ten hearings for each case. In all cases, the court must issue a final judgment within 80 days from the date of the first hearing before the Jurisdictional Court (Article 78 (2) and (3), CPC).

### Judgment

On completion of the legal proceedings, the court must either set a date for issuing the judgment or render the judgment immediately. The court can extend the scheduled date for issuing its judgement or, once only, order the proceedings to be resumed again after being closed, if it issues a reasoned decision to that effect. The issuance of this decision serves as notification to the litigants of the new hearing date (Article 127, CPC).

The Jurisdictional Court must render a judgment in a matter properly submitted to it. The judgment must indicate:

- The court that rendered it, the date and place of its rendering.
- The type of case, the names of the judges who heard the pleadings and rendered the judgment.
- The names of the litigants and details on their appearance or absence.
- A full account of the facts of the case and the relief sought by the litigants, a brief summary of their affirmative defence, and the opinion of the Public Prosecution, if any.
- The grounds for and operative part of the judgment must be indicated.

(Article 130, CPC.)

Judgments can only be challenged by the losing party and no party, whose relief sought is, explicitly or implicitly, granted or awarded by the judgment, can challenge the judgment as rendered, unless the law provides otherwise (Article 151.1, CPC).

### Court of Appeal

Each party to the proceedings has the right to file an appeal against the CFI's judgment within thirty days (or ten days for summary proceedings) (Article 161, CPC), commencing from the day following either:

- The date of issuance of the CFI judgment, unless the law provides otherwise.
- The date on which the judgement is served on the losing party if:
  - any of the grounds for stay of the legal proceeding occurs; and
  - the judgment is rendered without suing the party acting in lieu of the litigant who passed away, or lost the *locus standi*, or whose legal capacity ceased to exist.

(Article 153.1 and 153.2, CPC).

Failure to adhere to the time limits for challenging judgments results in the forfeiture of the right to appeal. The court addresses this issue *sua sponte* (Article 153(4), CPC).

An appeal is permissible where the value of the claim exceeds the legal threshold for appeal, which is AED50,000. Article 29 of the CPC states that judgements rendered by the CFI are conclusive if the value of the case does not exceed AED50,000.

Judgments issued by the Court of Appeal acquire finality and are not subject to further challenge by way of cassation where the value of the claim does not exceed AED500,000 (Article 159(2), CPC).

All appeals must be submitted electronically through the Dubai Courts Platform, in accordance with the procedures and formalities governing case registration at the CFI.

### Court of Cassation

Under Article 175 of the CPC, judgments of the Court of Appeal involving claims exceeding AED500,000 or claims where the value is unknown can be challenged before the Court of Cassation if:

- The contested judgment is based on a violation, misapplication, or misrepresentation of the law.
- The judgment is invalid or there is a procedural invalidity that affected the judgment.
- The contested judgment is rendered in violation of the rules of jurisprudence.

- The judgment is in contrast to another judgment rendered on the same merits between the same litigants and has acquired *res judicata* effect.
- The judgment awards a legal remedy not claimed by the litigants or in excess of the claims they sought.

The deadline for filing a challenge to the Court of Cassation is 30 days from the day following the date of the appealed judgment (Article 178, CPC).

The challenge must be submitted by a lawyer admitted before the Court of Cassation (Article 179, CPC).

A challenge to the Court of Cassation must be filed using the Dubai Courts System.

### Enforcement of Judgment

The judgment creditor has the right to enforce the judgment either:

- After the judgment becomes final and conclusive because all legal remedies are exhausted. For example, Article 29 of the CPC states that judgments rendered by the CFI are conclusive if the value of the case does not exceed AED50,000.
- The statutory time limits for recourse against the judgments have lapsed.

Enforcement or execution proceedings take place under the supervision of the execution judge at the seat of the CFI, administration, or court of execution, as the case may be, in every judicial authority (Article 206 (1), CPC). Jurisdiction over enforcement is vested in the execution judge of the court that issued the writ of execution in the UAE, unless the judge delegates enforcement to an execution judge in another emirate (Articles 207(2) and (3), CPC).

When registering the execution file (Execution Claim Statement) electronically on the Dubai Court System, the creditor (execution applicant) must indicate the required procedures (Article 233(1), CPC). The creditor must pay the applicable enforcement fees. See Table: Court Fees.

The judgment debtor is then served with a payment order granting seven days from the date of notification to voluntarily comply with the judgment (Article 233(3), CPC).

If the judgment debtor fails to satisfy the debt within this period, the judgment creditor can commence

## Filing Civil and Commercial Lawsuits Before Dubai Courts: Overview

enforcement measures, which may include attachment and seizure of the debtor's funds and assets (Article 234, CPC).

Additionally, the judgment creditor may file motions to impose travel bans and arrest and detention orders against the judgment debtor where there is evidence of solvency or evasion of payment (Article 324 to 326, CPC).

For more information of enforcement procedures, see [Practice Note, Enforcement of Judgments: Overview \(UAE\): Enforcement Procedure](#) and [Methods of Enforcement \(Domestic and Foreign\)](#), and [Practice Note, Dispute Resolution \(Arbitration and Litigation\) \(UAE\): Onshore Courts](#).

### Table: Court Fees

Claim Value	Court of First Instance Fees	Appeal Fees	Cassation Fees	Enforcement Fees
Up to AED500,000	6% of the claim value, capped at AED20,000, with a minimum of AED500	Half of the First Instance court fee (Article 29, Dubai Judicial Fees Law), plus AED1,000 as security deposit (Article 37(a), Dubai Judicial Fees Law)	AED5,000, divided as follows: AED2,000 as flat fee (Article 32, Dubai Judicial Fees Law), and AED3,000 as deposit with the court treasury (Article 37(b), Dubai Judicial Fees Law), plus AED1,000 for a stay of execution request (if applicable)	2% of the enforced amount, with a minimum of AED200 and a maximum of AED5,000 (Article 35, Dubai Judicial Fees Law)
From AED500,001 to AED1 million	6% of the claim value, capped at AED30,000			
Above AED1 million	6% of the claim value, capped at AED40,000			
Value unspecified	6% of the claim value, deemed to be AED200,001			

(Articles 29, 32, 35, and 37, Dubai Judicial Fees Law.)

### Expedited Enforcement Procedures

The UAE has enacted a range of expedited procedures designed to facilitate the swift and conclusive resolution of certain categories of disputes, thereby enhancing judicial efficiency and certainty. Among the most common expedited procedures are a Payment Order Request and Cheque Enforcement.

### Payment Order Request

A payment order request is an exception to the general procedural rules governing the initiation of legal proceedings. Under the CPC, a creditor can petition the competent court for the issuance of a payment order if the following conditions are satisfied:

- The creditor's right is established in writing, whether electronically or in hard copy.
- The subject matter of the claim pertains to:
  - a specified sum of money; or

## Filing Civil and Commercial Lawsuits Before Dubai Courts: Overview

- a specified movable asset, identified either individually or by reference to its type and quantity.

(Article 143.1, CPC.)

As a condition precedent to submitting the application, the creditor must serve on the debtor a formal demand for payment, affording the debtor a period of not less than five working days in accordance with the procedures and requirements prescribed by law (Article 144.1, CPC). Thereafter, the creditor can apply to the court to issue a payment order (Article 145, CPC).

### Cheque Enforcement

Because a cheque is an instrument of payment under UAE law, a cheque that is dishonoured for insufficient funds is considered an executive instrument.

Accordingly, the bearer of a dishonoured cheque can apply before the competent execution judge or court to seek enforcement of the cheque through compulsory execution procedures, in accordance with the applicable laws and regulations, without having to obtain a prior judicial judgment.

#### About Practical Law

Practical Law provides legal know-how that gives lawyers a better starting point. Our expert team of attorney editors creates and maintains thousands of up-to-date, practical resources across all major practice areas. We go beyond primary law and traditional legal research to give you the resources needed to practice more efficiently, improve client service and add more value.

If you are not currently a subscriber, we invite you to take a trial of our online services at [legalsolutions.com/practical-law](https://legalsolutions.com/practical-law). For more information or to schedule training, call 1-800-733-2889 or e-mail [referenceattorneys@tr.com](mailto:referenceattorneys@tr.com).