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The Code of Civil and Commercial Procedure Promulgated by Law No. 2 of 2001

The Chairman of the Executive Committee of the Palestine Liberation Organization,

The Chairman of the Palestinian National Authority,

After reviewing:

- The Code of Judicial Procedure No. 42 of 1952 in force in the West Bank Governorates, and

- The Law of Supreme Court Procedure of 1937, and

- The Procedural Law of 1938 governing Trademark Cases as amended, and

- The Code of Judicial Procedure of 1938 as amended, and

- The Law of Judicial Procedure No. 14 of 1938, and

- The Code of Conciliation Court Procedure of 1940 as amended, and

- Law No. 45 of 1947 on the Jurisdiction of Conciliation Courts, and

- The Code of Ottoman Legal Procedure in force in the Governorate of Gaza,

The Legislative Council has ratified the Draft Law at its session held on September 28, 2001, and we have promulgated the following Law:

Part One

General Provisions

Applicability of the Law

Article (1)

1. The provisions of this Law shall apply to all court cases that have not been adjudicated and to all procedures that have not been completed before its effective date, with the exception of:

a] Provisions amending jurisdiction, when their effective date precedes the date pleadings are closed in the case.

b] Provisions amending time-limits, when the time-limit begins to run prior to their effective date.

c] Provisions organizing means of challenge in respect of judgments rendered prior to their effective date, when they cancel or create a means of challenge.

2. Any procedure that is valid within the scope of a law in force shall remain valid unless the present Law provides otherwise.

3. New time-limits for prescription or other time-limits relating to procedure shall only begin to run from the date the law which introduced them comes into force.

Article (2)

The provisions of this Law shall apply to all civil and commercial court cases, claims, motions and challenges before the regular courts in Palestine.

Interest in the Case

Article (3)

1. A case, claim, motion or challenge raised by a party devoid of existing legal interest therein shall not be admitted.

2. Potential interest shall be sufficient if the motion is filed as a preemptive measure aimed at averting an imminent injury or at establishing a right when it is feared that evidence of its existence may disappear before the court rules on the dispute.

3. In the absence of interest pursuant to the two preceding paragraphs, the court shall rule sua sponte not to admit the case.

Domicile

Article (4)

1. Domicile is the place in which a person habitually resides and the place of work is the location at which a person carries on his trade or profession or in which he manages his assets. In respect of employees and workers, it is the place in which they habitually perform their work.

2. A person may have more than one domicile and more than one place of work at the same time. In cases of multiplicity of domiciles or places of work, all shall rank pari passu.

Article (5)

The domicile of a minor, a person under legal disability, a person under interdiction, or a missing or absent person will be the domicile of his legal representative, while the domicile of a juristic person is the place where its principal seat of management is located. In respect of a juristic person whose principal seat of management is located abroad and which has branches in Palestine, the seat of the branch shall be deemed its domicile.

Article (6)

1. It is possible to designate an elected domicile for the performance of a specific legal act. This shall be the domicile for all matters relating to such act unless there is an express condition limiting it to certain acts and not others.

2. The existence of an elected domicile may only be evidenced in writing.

Notification of Judicial Instruments

Article (7)

1. Notification shall be effected by one of the following methods:

a] Through a process-server.

b] By registered letter return receipt requested through the clerk of court.

c] Any other method as determined by the court in accordance with the provisions of the present Law.

2. If the address of the person on whom process is required to be served lies within the circuit of another court, the judicial instrument shall be sent to the clerk of such court who shall undertake to notify it and return it to the court which issued it, together with minutes indicating the procedures taken in respect thereof.

3. The clerk of court shall be responsible for organizing the mechanism of notification.

Article (8)

1. The instrument to be notified shall be made out in two copies identical to the original and shall be served by delivering or presenting the second copy to the person who is legally entitled to receive it. If process is required to be served on more than one person, the instrument shall be made out in a number equivalent to the number of persons on whom it is to be served.

2. An instrument may not be notified or executed before seven in the morning or after seven in the evening or on official holidays except in cases of urgency and with the written permission of the judge of summary matters or the judge of execution, as the case may be.

Article (9)

The instrument to be notified must include the following particulars:

1. The name of the court and the number of the case or application.

2. The name, address and capacity of the person from whom it originates and the party representing him, if any.

3. The name, address and capacity of the addressee.

4. The subject of the notification.

5. The day, date and hour notice is served.

6. The name and signature of the person serving the notice.

7. The name and capacity of the person to whom the notice was delivered and his signature on the copy returned to the court.

Article (10)

If one of the parties changes the address he has designated for the service of process after the adversary proceeding has commenced and fails to notify the court of such change, the notice served at his old address shall be deemed duly served.

Article (11)

1. The clerk of court is held to deliver the instrument required to be notified to the process-server or the post office by no later than two days from the date such instrument reaches him or from the date the order to serve same is issued.

2. The process-server shall notify the judicial instruments delivered to him within a maximum period of one week from the date he receives them unless the court orders otherwise, and shall return them to the clerk of court duly annotated with the time at which they were notified and the manner of their notification.

Article (12)

Any person may appoint another who is domiciled within the jurisdictional limits of the court to receive judicial instruments on his behalf, provided such appointment is made by

means of a written document signed in the presence of the chief clerk of court, who shall authenticate the signature and place the document in the file of the case.

Article (13)

1. Process shall be served on the person required to be notified either at his original domicile, his elected domicile or place of work or on his agent, and, if this cannot be accomplished, then on any member of his family residing at the same address whose features indicate that he has attained the age of eighteen.

2. If the person on whom process is required to be served, his agent or the member of his family living with him refuses to accept the judicial instrument or refuses to sign same, this shall be evidenced by the process-server or the postal worker on the original instrument or on the return receipt requested form, and the court may in such case consider the judicial instrument to have been duly served.

Article (14)

In the event a judicial instrument is to be notified to several persons in their capacity as partners in one commercial enterprise, it shall be notified to any one of them or to any person who at the time of notification is in charge of managing the enterprise.

Article (15)

If the case relates to a commercial, professional or vocational business and has been filed against a person who is not domiciled within the jurisdictional limits of the court which issued the judicial instrument, notification of the manager or agent who personally handles the affairs of such business within the said limits shall be deemed a valid notification.

Article (16)

Without prejudice to the provisions of the present Law or of any other law, judicial instruments shall be notified as follows:

1. In respect of the government, they shall be delivered to the Public Prosecutor or the person designated to receive judicial instruments in his stead.

2. In respect of a local authority, they shall be delivered to the director, manager or legal representative of such authority.

3. In respect of civil servants, government employees or employees of a local authority, they shall be delivered to the sector in which the employee works.

4. In respect of companies, associations and all other juristic persons, they shall be delivered to their principal seat of management, their legal representative, one of their managers or one of their general partners. An instrument relating to the activity of a branch may be delivered to the seat of such branch.

5. In respect of foreign companies with a branch or an agent in Palestine, they shall be delivered to the branch or to the agent personally at his domicile.

6. In respect of inmates [prisoners], they shall be delivered to the warden of the reformatory or correctional facility [the prison] or to his deputy.

7. In respect of minors or incompetents, they shall be delivered to their legal representative.

Article (17)

If the person on whom process is required to be served is the owner or charterer of a vessel or a member of its crew, a judicial instrument delivered to the master or agent of the vessel shall be deemed sufficiently served.

Article (18)

1. If the person on whom process is required to be served has a known domicile abroad, the court may authorize that he be served by means of registered letter return receipt requested or by any other means.

2. If the court orders service of process pursuant to paragraph one of this article, it shall fix the period in which the addressee is required to present his defense and appear in court, with due regard to considerations of distance, means of transport and urgency.

3. If the person on whom process is required to be served happens to be in Palestine and can be notified therein, his notification shall be deemed valid.

Article (19)

If it transpires for any reason that notification pursuant to the provisions of the preceding articles could not be accomplished, the instrument shall be returned to the court which issued it together with a detailed explanation of the situation and the measures taken to effect notification. Such explanation shall be deemed evidence of the non-accomplishment of notification.

Article (20)

1. If the court finds that service of process in accordance with the aforesaid procedures is impossible, the party desirous of serving notice may apply to the court for an order to post a copy of the judicial instrument on the courthouse bulletin board and another copy in a prominent place at the last domicile or workplace of the person on whom process is required to be served, as well as to publish a brief announcement in a daily newspaper. Notification in the manner aforesaid shall be deemed valid, without prejudice to the requirement to specify the date of appearing in court if the matter relates to a summons directing the addressee to present himself in court.

2. The rules of notification set forth in the two preceding paragraphs shall apply to legal notices when the person on whom process is required to be served has no known domicile.

Calculating Time-Limits

Article (21)

1. If the time-limit is determined in days, weeks, months or years, the day of notification or the day which in the eyes of the law marks the commencement of the time-limit shall not be calculated therein. If the time-limit is one that must lapse before the procedure, then the procedure may not be taken before the last day of the time-limit has elapsed. But if it is a circumstance in which the procedure must be taken, the time-limit shall lapse with the lapse of its last day.

2. Time-limits fixed in months or years shall be calculated according to the solar calendar.

3. If the last day of a time-limit falls on an official holiday, the time-limit shall extend to the next working day.

Nullity

Article (22)

Nullity arises from non-compliance with the time-limits, procedures and conditions of notification.

Article (23)

A procedure is null if the law expressly provides for its nullity or if it is marred by a defect by reason of which the object of the procedure is not realized.

Article (24)

In other than the cases in which nullity relates to public policy:

1. Nullity may not be invoked by other than those who are statutorily invested with the right to procure nullity nor may it be invoked by the party who caused it.

2. Nullity is extinguished if expressly or implicitly waived by the party legally entitled to invoke it.

Article (25)

A procedure that is null may be corrected even after a plea of nullity is invoked against it, provided such correction is made within the statutorily prescribed time-limit within which the procedure may be taken. If the procedure is not statutorily time-barred, the court will determine a suitable time-frame for its correction, and the procedure will not be effective except from the date it has been corrected.

Article (26)

1. If the procedure is null and includes the elements of another procedure, it shall be deemed valid to the extent of the procedure whose elements have been satisfied.

2. If the procedure is null in one of its aspects, only such aspect shall be considered null unless the procedure is indivisible.

3. Preceding and subsequent procedures that are not dependant on the null procedure shall not be nullified.

Part two

Jurisdiction

Chapter I

International Jurisdiction

Article (27)

The courts in Palestine shall be competent to review civil and commercial actions filed against Palestinians even if they have no domicile or place of residence in Palestine, as well as actions filed against a foreigner having a domicile or place of residence in Palestine, except for cases involving real property located abroad.

Article (28)

The courts shall be competent to review civil and commercial actions brought against a foreigner having no domicile or place of residence in Palestine in the following cases:

1. If he has an elected domicile in Palestine.

2. If the action is related to assets located in Palestine or to an obligation that arose, was performed or was required to be performed therein or to a bankruptcy declared in Palestine.

3. If there are several defendants one of whom has a domicile or place of residence in Palestine.

Article (29)

1. The courts shall be competent to adjudicate civil and commercial actions not falling under their jurisdiction if the litigants expressly or implicitly consent to invest them with jurisdiction thereover pursuant to the rules of jurisdiction laid down in the present Law.

2. A court with jurisdiction over a specific action shall also exercise jurisdiction over interlocutory and initial matters and demands connected therewith.

Article (30)

If the foreign defendant fails to appear in court and the court is not competent to review the action pursuant to the preceding articles, the court shall declare its lack of competency sua sponte.

Chapter II

Subject-matter and

Amount- in-Controversy Jurisdiction

Article (31)

The value of an action shall be assessed as at the date it is filed and on the basis of the final claims of the parties.

Article (32)

The assessment of the value of an action shall include whatever is due on the day it is filed in the way of guarantees, revenues, expenses and such other ancillaries of estimable value. It shall also include in all cases the value of structures or crops whose removal is demanded.

Article (33)

1. If the value is not monetarily determined and can be assessed, or if the court doubts the veracity of the determination, the president of the court shall estimate the value and may to that end call on the assistance of experts.

2. If the relief sought is a sum of money in other than the legal tender, the value shall be assessed in an amount equivalent to such sum in the legal tender.

Article (34)

The value of actions involving real property shall be assessed at the value of the real property, and of actions involving movables at the value of the movables in accordance with the annexed documents or the estimation of experts.

Article (35)

1. If the relief sought in an action is the validation, execution, nullification or rescission of a contract, the value of the action shall be assessed at the value of the object of the contract. In respect of barter contracts, its value shall be assessed at the value of the more valuable of the two commodities to be exchanged.

2. If the relief sought in an action is the validation, nullification or rescission of an ongoing contract, the assessment shall be made on the basis of the total pecuniary consideration for the remaining term of the contract.

3. If the action relates to part of a right, its value shall be assessed at the value of that part unless the whole right is in controversy.

Article (36)

If the action is between a creditor and his debtor in respect of an attachment or an accessory real right, its value shall be assessed at the value of the asset subject to attachment or the value of the real right, whichever is lower. As to the action filed by a third party to claim such right, it shall be assessed in the value of the right.

Article (37)

1. If the action includes claims arising from one legal cause, the assessment shall be made in the aggregate value of such claims, while if they arise from various legal causes, the assessment shall be made in the value of each taken separately.

2. Where the claim in an action is advanced by one person or more against one person or more and is founded on one legal cause, the assessment shall be made on the basis of the value of the object of the claim without regard to the respective share of each person therein.

Article (38)

Where the value of the action is not amenable to assessment pursuant to the preceding rules, its value shall be deemed as higher than twenty thousand Jordanian dinars or their equivalent in legal tender.

Article (39)

The conciliation court shall be competent to adjudicate the following:

1. Actions whose value does not exceed (20,000) twenty thousand Jordanian dinars or their equivalent in legal tender, and its judgment shall be final if the value of the action does not exceed one thousand Jordanian dinars or their equivalent in legal tender.

2. The following actions, regardless of their value:

a] The partition of joint property, whether movable or immovable.

b] The evacuation of leased premises.

c] Servitudes.

d] Disputes relating to adverse possession.

e] Disputes relating to usufruct in the property.

f] Delimination and rectification of boundaries.

g] Actions of replevin.

h] Usufruct of common areas and their maintenance in multiple-storey buildings.

i) Actions and claims which other laws place under the jurisdiction of the conciliation courts.

Article (40)

1. The conciliation court is not competent to rule on interlocutory demands related to the primary claims if such do not, by virtue of their value and type, lie within its scope of jurisdiction.

2. If one of the demands referred to in para (1) above is made to the conciliation court, it may rule on the primary demand alone if such does not adversely affect the course of justice, otherwise it shall be held to rule sua sponte to refer the initial action and the interlocutory or ancillary demand to the court of first instance. The judgment of referral is not amenable to appeal.

Article (41)

1. The court of first instance shall exercise plenary jurisdiction over all actions and claims not falling within the scope of jurisdiction of the conciliation court.

2. The court of first instance shall exercise its appellate prerogatives in the cases set forth in this Law.

Chapter III

Local Jurisdiction

Article (42)

1. Jurisdiction lies with the court within the circuit of which the domicile or workplace of the defendant, or the place in which the obligation arose, is located.

2. When there are several defendants, jurisdiction shall lie with the court within the circuit of which the domicile or workplace of one of them is located.

Article (43)

1. The parties may agree to confer jurisdiction on a specific court contrary to the rules laid down in article (42) hereof, in which case jurisdiction shall lie with such court.

2. If the law provides for the jurisdiction of a court other than the one referred to in article (42) hereof, the parties may not agree in advance in contravention of such jurisdiction.

Article (44)

1. If the action relates to a real right over real property or one of its components, jurisdiction shall lie with the court of the place where the property is located.

2. If there are several property assets, jurisdiction shall lie with the court within the circuit of which any one of them is located.

Article (45)

Jurisdiction over actions related to juristic persons shall lie with the court within the circuit of which the principal seat of management of the juristic person is located. If the action relates to the branch of a juristic person, it may be filed before the court within the circuit of which such branch is located.

Article (46)

If the action relates to the bankruptcy of a merchant or a company with branches in several places, jurisdiction shall lie with the court within the circuit of which the principal seat of management of the merchant or company is located.

Article (47)

The court which issues a decision of insolvency and declaration of bankruptcy shall exercise jurisdiction over disputes relating thereto.

Article (48)

In actions for damages arising from harmful acts, the action may be filed with the court within the scope of jurisdiction of which the plaintiff resides or with the court within the circuit of which the incident giving rise to the act complained against occurred.

Article (49)

The court of the defendant's domicile or the court within the circuit of which the procedure is required to take place shall be competent to review actions that include a demand for an interlocutory or summary procedure.

Article (50)

When the defendant does not have a domicile or place of residence in Palestine and it is impossible to designate the competent court pursuant to the foregoing provisions, jurisdiction shall lie with the court within the circuit of which the plaintiff's domicile or place of residence is located. If the plaintiff has no domicile or place of residence in Palestine, jurisdiction shall lie with the court of its capital, Jerusalem.

Chapter IV

Designation of Competent Court

Article (51)

1. In the event of a conflict of jurisdiction between two regular courts over the same action and both declare their competency or non-competency to review the action, either of the litigants may request the court of cassation to resolve the conflict and to designate the competent court.

2. The request shall be made in an application submitted to the court of cassation in accordance with regular procedures at any stage of the proceedings.

3. The application shall be looked into thoroughly without need for the parties to appear.

4. Submission of the application shall entail the suspension of proceedings in the two actions until the question of competency has been settled.

Part Three

Initiation and Registration of Court Action

and the Responsive Pleadings

Chapter I

Initiation and Registration of the Action

Article (52)

The action is initiated by means of a statement of claim deposited with the clerk of court which shall include the following:

1. The name of the court.

2. The name, capacity, place of work and domicile of the plaintiff and the name, capacity and address of the person representing him, if any.

3. The name, capacity, place of work and domicile of the defendant.

4. If the plaintiff or the defendant is under full or partial legal disability, this must be mentioned.

5. The subject matter of the action.

6. The value of the action to the extent that can be ascertained if its value is not determined.

7. The facts and reasons for the action, the date it arose and the plaintiff's claims which indicate that the court is competent to review the action.

8. If the subject of the action is a specific property or movable, the statement must include an adequate description to distinguish it from others.

9. The signature of the plaintiff or his agent.

Article (53)

The plaintiff shall, when depositing his statement of claim with the clerk of court, attach therewith copies of the statement in a number equivalent to the number of defendants, as well as copies of the documents on which he relies to support his claims, authenticated by him as conforming to the originals. If these are not in his possession, he shall be held to attach a list of such documents, without prejudice to his right to present such new documents as may come to light in the course of the proceedings.

Article (54)

The clerk of court shall register the statement of claim of the case on the day it is deposited in the docket of cases after payment of the docket fee. It shall be given a serial number, stamped with the seal of the court and the date recorded, citing the day, month and year.

Article (55)

1. The action shall be deemed initiated from the date of its registration after payment of the fees or from the date of the application requesting deferment of payment of the fees.

2. The adversary proceeding shall be deemed joined from the date the statement of claim is notified to the defendant.

Article (56)

1. The statement of claim shall include all that the plaintiff is entitled to claim at the time the action is initiated.

2. The plaintiff may combine more than one legal cause in the same action unless a legislative text provides otherwise.

Article (57)

The demands raised by the legal representative or which are raised to him by the adverse party in his capacity as a legal representative may not be combined with the demands related to him personally or which are raised to him by the adverse party in such personal capacity unless he alleges that the said demands arise from matters related to the inheritance in respect of which the dispute arose or unless the legal representative is a joint guarantor with the decedent he represents.

Article (58)

When the action encompasses several causes of action and the court finds that it cannot adjudicate them together in an appropriate manner, it may look into each cause separately or issue a decision requiring rectification.

Article (59)

If the defendant pleads that the plaintiff combined in his action several causes that are impossible to adjudicate together in an appropriate manner and asks the court to issue a decision limiting the action to one cause or more that can be adjudicated, the court may, if it deems such request to be valid, effect the required amendment.

Article (60)

If the court pronounces itself non-competent, it shall be held to order the referral of the case to the competent court and the court to which referral is made shall be held to review the case.

Article (61)

No actions shall be admitted in the courts of first instance, of appeal or of cassation without a practicing lawyer.

Chapter II

Responsive Pleadings

Article (62)

The defendant shall be held to present his responsive pleading to the clerk of court, within fifteen days of being notified of the statement of claim, in one original and as many copies as there are plaintiffs, together with the documents supporting his defense. If these are not actually in his possession, he may present a list of the documents he can obtain, without prejudice to his right to present such new documents as may come to light in the course of pleadings.

Article (63)

1. The trial shall proceed if the defendant fails to present his responsive pleading within the period prescribed in article (62) hereof despite being notified in person of the statement of claim. If it was not notified to him personally, his renotification is mandatory in other than summary cases. In both cases, the judgment shall be deemed to have been rendered in the presence of the parties.

2. When there are several defendants of whom some were notified in person and others were not, and all the defendants or those among them who were not notified in person fail to appear, the renotification of the defaulting defendants who were not notified personally is mandatory and the trial shall proceed. The judgment shall be deemed to have been rendered in the presence of all the defendants.

3. For the purposes of implementing the provisions of this article, the notification of a public or private juristic person at its seat of management or through the public prosecutor shall be deemed a personal notification.

Article (64)

The court may allow the defendant to present his responsive pleading if he appears at the first session it holds to look into the case.

Article (65)

The file of the case shall be presented to the president of the court or the competent judge after its initiation so that he may schedule a session to hear the case. The date of such session shall be notified to the parties, without prejudice to the provisions of article (62) of this Law.

Article (66)

The defendant in an initial case or a counterclaim is held to reply in his responsive pleading in a clear and specific manner to all factual allegations made by the adversary and may neither admit their validity nor content himself with a general denial of the allegations.

Article (67)

If new facts related to the case arise after its initiation or after the submission of the responsive pleading containing a counter-allegation, both the plaintiff and the defendant may come forward with such new facts during the trial.

Part Four

Judicial Settlement

Article (68)

1. The Supreme Judicial Council may delegate a judge in the conciliation and first instance courts to reconcile parties in cases which are amenable to compromise.

2. The delegated judge shall hold his sessions in the seat of the competent court.

Article (69)

The clerk of court shall, within three days from the submission of the responsive pleading, refer the file of the case to the delegated judge at the request of one of the parties.

Article (70)

The judge shall schedule a session to which he shall summon the parties to the dispute within two weeks from the date the case is referred to him.

Article (71)

If the parties appear, the judge shall undertake to reconcile between them in order to reach a complete or partial settlement of the dispute.

Article (72)

If none of the parties appear at the designated session or if one of them does not wish to settle the dispute, the judge shall refer the file to the court on the merits and the regular procedures of litigation prescribed in this Law shall apply.

Article (73)

The judge shall complete his mission within a maximum period of sixty days from the date the file of the case is referred to him, unless such period is extended by agreement between the parties. If a complete or partial settlement is reached, minutes establishing same shall be transcribed, signed by the parties and ratified by the judge. The minutes shall have the force of a writ of execution.

Article (74)

1. If a complete settlement is not reached, the judge shall refer the case to the court on the merits, without derogation to whatever partial settlement may have been reached.

2. The file of the partial settlement shall not be presented to the judge on the merits.

Article (75)

1. Procedures completed before the conciliation judge shall not adversely affect the rights of the parties before the court on the merits.

2. The judge delegated to effect a settlement may not look into the merits of the dispute.

Article (76)

If the dispute between the parties ends conciliatively before the conciliation judge, three quarters of the fees paid shall be reimbursed.

Article (77)

No session shall be scheduled before the court on the merits as long as the dispute is before the judge delegated to effect a settlement.

Article (78)

The provisions of this Part Four shall not apply to summary demands and disputes over execution.

Part Five

The Parties/Appearance and Absence

Chapter I

The Parties to the Action

Article (79)

Each of the parties to an adversary proceeding must enjoy the legal capacity to which the proceeding is connected, failing which legal representation is obligatory. If a party has no legal representative, the competent court shall appoint one for him.

Article (80)

1. More than one person may, in the capacity of plaintiffs or defendants, submit one pleading if the claims are connected or united in terms of cause and subject-matter.

2. If more than one action is filed before one or more courts and such actions are united as to cause and subject-matter, the court may, on the basis of a request by one of the parties, combine the actions in one adversary proceeding and, without prejudice to the rules of jurisdiction, order the referral of such actions to the court seised of the initial action.

Article (81)

When there are several plaintiffs in one pleading, the court may divide the case by conducting separate trials if the proper course of justice so warrants.

Article (82)

1. The court may, even sua sponte, exclude any of the defendants in the case if there is no justification for their inclusion, and may, even sua sponte, introduce in the case any person whose joinder it deems will help reveal the truth or serve the interests of justice.

2. If a defendant is joined in the case, the procedures taken will only apply to him from the date he is notified of the statement of claim.

Article (83)

Any application related to the joinder of a plaintiff or the joinder or exclusion of a defendant in a case may be presented at any time before the close of pleadings.

Article (84)

1. If one of the parties in the action dies, is declared bankrupt or is deprived of capacity to pursue the action, the court may, either sua sponte or at the request of the other party, take appropriate procedures to notify his heirs or his legal representative to appear in court at a time it designates to proceed with the action from the point it reached.

2. If one of the parties dies after the close of pleadings, the court shall render its judgment on the case if the case is ready for a determination on its merits.

Chapter II

Appearance and Absence of Parties

Article (85)

On the day scheduled to hear the case, and without prejudice to the rules pertaining to the notification of judicial instruments:

1. If neither the plaintiff nor the defendant appears, the court shall strike off the case.

2. If the plaintiff appears and the defendant to whom the statement of claim was personally notified does not, the court shall render its judgment on the case. If the defendant was not personally notified, the court shall be held, in other than summary cases, to adjourn its review of the case to a subsequent session of which the defendant shall be notified and to which he shall be summoned to appear and present his defense. The judgment shall be deemed to have been rendered in the presence of the parties.

3. If the defendant appears and the plaintiff does not, the court may, either sua sponte or at the request of the defendant, adjourn or strike off the case. If the defendant asserts a counterclaim, he may request that the plaintiff (the defendant in the counterclaim) be tried, and that the court review the counterclaim if the plaintiff was notified of the defendant's cross-demands.

4. The plaintiff may not, during the session at which the defendant fails to appear, assert new claims or amend, increase or decrease his original claims unless the defendant has been notified of such claims.

Article (86)

If the defendant appears at one of the sessions of the trial and then absents himself by reason of contingencies other than those related to the issue in controversy, the judgment against him shall be deemed rendered in his presence and amenable to appeal.

Article (87)

The provisions of articles (85) and (86) of this Law shall apply when there are multiple plaintiffs or multiple defendants, as the case may be.

Article (88)

1. If the case is struck off and no application for its renewal is submitted within the sixty days following the decision to strike it off, the case shall be deemed a nonsuit.

2. If the case is renewed and the plaintiff fails to appear at the first post-renewal session, the court shall decide to adjourn the case or to consider it a nonsuit.

Part Six

Chapter I

Claims and Defenses

Article (89)

The parties are held to submit their claims and defenses at one time before the case is examined on its merits.

Article (90)

The defendant may move for the dismissal of the case for any of the reasons entailing dismissal before its examination on the merits. The decision accepting or rejecting the motion to dismiss is appealable.

Article (91)

1. Pleas of lack of territorial jurisdiction, of litispendency [moving for the referral of the case to another court either because the same dispute is pending before such other court or by reason of connexity], of nullity, and all other procedural pleas, must, on pain of inadmissibility, be raised simultaneously and before raising any claim or defense in the case or moving for its dismissal.

2. The court shall rule on these pleas separately, unless it orders them joined to the subject-matter, and shall be held to indicate its decision on each respectively.

Article (92)

Lack of competence for absence of jurisdiction or by reason of the type or value of the case or of res judicata shall be pronounced by the court sua sponte, and may be invoked at any stage of the proceedings.

Article (93)

A court that declares its lack of competence is held to order the case referred to the competent court.

The court to which the case has been referred is held to adjudicate it.

Article (94)

If the parties agree to resort to a court other than the one before which the case is pending, the court before which the case is pending may order the case referred to the court agreed upon by the parties save when otherwise prescribed by law.

Article (95)

The court ordering referral must specify to the parties the session at which they are required to appear before the court to which the case has been referred and to notify the absentees among them of such information.

Article (96)

1. A party to the litigation may implead any person eligible to be joined in the case at the time it is filed.

2. A person with a personal stake in the outcome of a case pending between two parties may request to be joined in the case as a third party intervenor or impleader and the court shall, if convinced that his request is based on a legitimate interest, accept his intervention.

3. The decision not to accept or to refuse intervention is appealable.

Article (97)

The plaintiff may raise the following interlocutory demands:

1. The correction of the statement of claim or the modification of the object of the litigation to address circumstances which arose or became apparent subsequent to the filing of the case.

2. The addition to the statement of claim of demands supplemental thereto, resulting therefrom or indivisibly linked to the original demands.

3. Move for a protective or interlocutory measure.

4. What the court authorizes the plaintiff to raise by way of demands linked to the demands set forth in the statement of claim.

Article (98)

The defendant may raise the following interlocutory demands:

1. Move for a set-off and a judgment awarding him damages for the injuries he suffered by reason of the litigation procedures.

2. Any demand which is indivisibly connected to the statement of claim.

3. What the court authorizes the defendant to raise by way of demands linked to the claims set forth in the statement of claim.

Article (99)

1. The court may, in cases of intervention and impleader, direct the plaintiff to amend his claims to the extent dictated by the requirements of justice.

2. The party notified of the amended statement of claim may reply to same within fifteen days from the date of his notification, otherwise he shall be deemed satisfied with the original statement.

Article (100)

1. The demands referred to in the preceding articles shall be presented to the competent court in accordance with the procedures prescribed for the initiation of actions. In all cases, such demands shall not be admitted after the close of pleadings.

2. The court shall, whenever possible, rule on the demands presented to it at the same time that it rules on the original action.

Article (101)

1. All other demands related to the case shall be presented to the competent court in the form of summons.

2. The court shall issue the required order directing the summoning party to appear unless it deems it necessary to communicate a copy of the summons to the other party in accordance with prescribed procedures and such other party shall be held to make known his wish to contest the demand within the period determined by the court.

Chapter II

Summary Demands

Article (102)

A person who fears the occurrence of prospective injury by reason of delay may apply to the judge of summary matters to take interim procedures as required according to the circumstances of the case and such as would not prevent the judge on the merits from looking into the application as a corollary of the original claim.

Article (103)

Applications related to summary matters shall be submitted to:

1. The judge of summary matters, as an independent procedure.

2. The court reviewing the merits of the case, as a corollary of the original claim.

Article (104)

The judge of summary matters may decide to look into the application in the presence of the applicant or to fix a session within a period of no longer than seven days to look into the application and notify the respondent to appear.

Article (105)

The judge of summary matters shall look into the application without touching on an issue of material fact.

Article (106)

The judge of summary matters shall issue his decision on the application in the presence of the applicant or after hearing both parties, according to the circumstances.

Article (107)

If the judge of summary matters issues his decision on the application before the institution of the original case, the decision must include an order directing the applicant to present his statement of claim within eight days, failing which the decision issued on the application shall be deemed null and void.

Article (108)

The summary decision shall be subject to the procedures of litigation prescribed in the present Law, without prejudice to the provisions relating to summary matters.

Article (109)

The respondent is entitled to present an application to the judge who issued the decision moving that it be cancelled or amended.

Article (110)

The decision issued on a summary application in connection with the original case is amenable to appeal.

Article (111)

The judge of summary matters may, when issuing a decision barring the respondent from traveling on the basis of serious reasons conducive to the belief that he is planning to leave Palestine, order the applicant to present a cash surety to guarantee the respondent against any delay or injury if it transpires that the applicant's allegations were unfounded.

Article (112)

A person whose water supply, electric current or other essential public utility service is cut off may apply to the judge of summary matters for its reinstatement pursuant to the provisions of this chapter.

Article (113)

A person who fears the disappearance of the features of an incident or their alteration to an extent that would affect his legal position may, either before filing the case or during

its pendency, request the judge of summary matters to establish the condition of the incident through a court officer and to prevent the respondent from making any alterations thereto until the case is adjudicated.

Article (114)

The judge of summary matters may direct the party requesting the summary procedure to present a cash surety to guarantee the respondent against any delay or injury resulting from the procedure taken if it transpires that the applicant's allegations were unfounded.

Part Seven

The Trial

Article (115)

The trial sessions shall be public. However, the court may, either sua sponte or at the request of one of the parties, conduct them in camera for considerations of public policy, morality or sanctity of the family.

Article (116)

The Arabic language is the language of the court. If one or both of the parties or their witnesses are ignorant of the Arabic language, they shall be addressed through an interpreter who shall take the judicial oath in attestation of the accuracy of his translation before proceeding with his mission.

Article (117)

1. The organization and conduct of the trial are a function of the presiding judge.

2. The president of the panel of judges may order any person who disrupts the proceedings to be evicted from the courtroom and, if he resists, may sentence him to imprisonment for 24 hours or impose on him a fine of not more than fifty Jordanian dinars or their equivalent in legal tender. The punishment may be lifted before the end of the session.

3. The court may, even sua sponte, order expressions that are offensive or contrary to morality or public policy deleted from the transcript of the session.

4. If a felony or misdemeanour occurs during the convocation of the session, the court shall order its perpetrator arrested, refer him to the public prosecutor and transcribe minutes to that effect.

5. If, while the court is sitting in session, a misdemeanour involving an aggression against the court or one of its employees is committed by one person or more, the court shall immediately pronounce judgment imposing the legally prescribed penalty on the perpetrator or perpetrators. Such judgment shall be enforceable even if appealed.

6. All this shall be without prejudice to the rules prescribed in the Law organizing the Legal Profession.

Article (118)

1. A court reporter shall attend with the panel of judges whose function is to record the proceedings in the trial and have the transcript of the session signed by the panel of judges and the clerk of the session.

2. The parties may, at any stage of the proceedings, request the court to record what they agreed upon in the transcript of the session, which shall be signed by them or their representatives. If they write what they agreed upon, the agreement shall be annexed to and its contents established in the transcript. The transcript shall have the force of a writ of execution and a copy thereof shall be delivered in accordance with the rules prescribed for the delivery of copies of judgments.

Article (119)

1. The plaintiff is entitled to open pleadings unless the defendant admits to the facts as set forth in the statement of claim and alleges that there are legal reasons or additional facts refuting the plaintiff's allegations, in which case the right to open pleadings shall lie with the defendant.

2. The party who opens the pleadings is entitled to come forward with detailed evidence.

Article (120)

1. The court shall direct the parties, at the first session held to review the case and after the exchange of pleadings, to specify the points of agreement and disagreement on the issues related to the case. This shall be recorded in the transcript of the session.

2. Without prejudice to the provisions of para (1) of this article, each of the parties is held to enumerate and specify the evidence he wishes to present in connection with the matters in controversy, and the court shall schedule sessions to hear the evidence of each.

Article (121)

The court may adjourn the case from time to time as circumstances warrant. There may not be more than one adjournment for the same reason unless the court is convinced this is necessary.

Article (122)

The court shall hold its sessions in the courthouse or in any other place as circumstances may warrant.

Article (123)

If the court decides to defer the case pursuant to the provisions of article (127) of this Law, it shall temporarily strike the case from the docket of cases.

Article (124)

If the composition of the panel of judges changes, the new panel shall examine the case as from the point it reached.

Article (125)

The Law of Evidence in Civil and Commercial Matters shall apply to the measures of proof-taking in the case.

Part Eight

Interruption of Proceedings

Chapter I

Stay of Judicial Proceeding

Article (126)

1. The court may decide, either sua sponte or at the request of the parties, to stay the proceedings if it deems that a judgment on the merits of the case depends on the determination of another matter.

2. Either party may request the expeditious resumption of proceedings as soon as the reason for their suspension disappears.

Article (127)

1. The court may defer the case on the basis of an agreement between the parties for a period not exceeding six months from the date of the court's decision to adjourn.

2. The mandatory time-limits prescribed by law shall not be affected by reason of such deferment.

3. Neither of the parties may request the expeditious resumption of proceedings during the above-mentioned period except in agreement with the other party.

4. The failure of either party to apply for a resumption of proceedings within two weeks from the date of the expiry of the six-month period shall be deemed a waiver by the plaintiff of his claims and by the appellant of his appeal.

5. Deferment may be requested only once.

Chapter II

Discontinuance of Action

Article (128)

1. The action shall be discontinued by operation of law if one of the parties dies or comes under legal disability or if the person representing him loses capacity, unless it is ready to be adjudicated on the merits.

2. If one of the parties requests a grace period to notify the substitute of the party in respect of whom the reason for discontinuance arose, the court must, before ruling for a discontinuance of the action, direct the movant to make such notification within the time-limit it designates. If he fails to notify the substitute within the time-limit without an excuse, the court shall rule the action discontinued as from the date the reason for discontinuance arose.

3. An action shall not be discontinued by reason of the death, resignation or dismissal of the lawyer for one of the parties, provided the principal is notified in the case of death or resignation.

Article (129)

The action is deemed ready for a judgment on its merits once the parties have delivered their closing statements and claims in the pleadings session held before the death or legal disability of one of the parties or the loss of capacity of his representative.

Article (130)

Discontinuance of the action entails the suspension of all the time-limits applicable as towards the parties and the nullity of all the procedures taken during discontinuance.

Article (131)

The proceedings shall resume if one of the heirs of the deceased party, the representative of the person under legal disability or the representative of the person devoid of capacity attends the session and undertakes to pursue the case.

Chapter III

Extinction of Adversary Proceeding

Article (132)

In the event proceedings are held up by an act or omission of the plaintiff, any of the parties to the litigation with an interest may move for a judgment extinguishing the adversary proceeding if six months have elapsed since the last procedure taken therein.

Article (133)

The time-limit for the extinction of the adversary proceeding begins to run in cases of discontinuance from the day on which the party moving for a judgment extinguishing the proceeding notifies the heirs of his deceased adversary, the representative of the person under legal disability or the representative of the person devoid of capacity.

Article (134)

The motion for a judgment extinguishing the adversary proceeding shall be presented against all the plaintiffs in an action or against all the appellants in an appeal, on pain of inadmissibility.

Article (135)

1. A judgment extinguishing the adversary proceeding entails the extinction of the preliminary decisions issued thereon, but shall not extinguish the right to the substance of the action, to the mandatory judgments issued thereon, to procedures antecedent to such judgments, the decisions issued by the parties or the oaths they took.

2. A judgment of extinction shall not prevent a party from invoking the procedures of the investigation and the missions of the experts that were completed, unless they are in themselves null and void.

Article (136)

Once a judgment extinguishing the adversary proceeding is rendered on appeal the appellate judgment shall be deemed final in all cases.

Article (137)

1. In all cases, the adversary proceeding shall terminate upon the expiry of two years from the date of the last valid procedure taken therein.

2. The provisions of para (1) above shall not apply to challenges at cassation.

Chapter IV

Abandonment of Adversary Proceeding

Article (138)

The plaintiff may, in the absence of the defendant, move to retract his claims at any stage of the proceedings. If the defendant is present, the plaintiff may not raise such motion except with the consent of the defendant. However, his motion shall be denied if he invokes a defense or plea the object of which is to prevent the court from reviewing the case.

Article (139)

1. Abandonment entails the annulment of all the procedures taken in the adversary proceeding, including the institution of the action, and costs shall be borne by the withdrawing party.

2. Abandonment of the adversary proceeding shall not bar the plaintiff from filing a new case unless the abandonment involved a waiver of the right claimed.

Article (140)

A waiver of judgment entails a waiver of the right established therein.

Part Nine

Disqualification, Stepping down

and Recusal of Judges

Article (141)

1. The judge must decline to review a case, even if neither party moves for his recusal, in any of the following cases:

A. If he or his spouse is related by blood or affinity to one of the parties or his spouse up to the fourth degree.

B. If he or his spouse is involved in a pending dispute with one of the parties or his spouse.

C. If he is the legal representative, partner, or presumptive heir of one of the parties or is related by blood or affinity up to the fourth degree to the guardian or custodian of one of the parties or to a member of the board of directors or one of the managers of the company litigated against.

D. If he, his spouse, one of his relatives by blood or affinity up to the fourth degree or a person he legally represents has an existing interest in the case.

E. If, before assuming the office of judge, he advised or served as counsel for one of the parties in the case or presented oral or written testimony therein.

F. If he has previously heard the case as a judge, expert, arbitrator or mediator.

G. If he is related by blood or affinity up to the fourth degree to another judge on the panel of judges or to one of the parties.

2. Any decision or judgment handed down by the judge in one of the above cases shall be null and void.

Article (142)

If one of the cases referred to in article (141) of this Law arises and the judge does not step down on his own initiative, one of the parties may demand his recusal pursuant to the provisions of articles (147), (148) and (149) hereof.

Article (143)

Either party may demand the recusal of the judge for one of the following reasons:

1. If the judge or his spouse is involved in a case similar to the one before him or if there is a dispute between the judge or his spouse and one of the parties, after hearing the case under review before the judge, unless the said case was filed with the object of recusing him from adjudicating the case before him.

2. If the divorced spouse of the judge from whom he has fathered a child or one of his relatives by blood or affinity up to the fourth degree is involved in a pending lawsuit before the courts with one of the parties to the case or his spouse, unless the lawsuit was filed after the case moving for the recusal of the judge was heard.

3. If one of the parties is employed by the judge or if there is a known enmity or friendship between him and one of the parties that is likely to affect the impartiality of his judgment.

Article (144)

The judge may, in other than the cases referred to in articles (141) and (143) of this Law, if he feels it would be improper for him to review the case for any reason, decline jurisdiction and inform the president of the court to which he is affiliated of his decision.

Article (145)

The judge must, in the cases referred to in article (141) and (143) of this Law, inform the president of the court to which he is affiliated, in writing, of the reason he is stepping down, and the president of the court shall issue a decision referring the case to another tribunal or another judge.

Article (146)

The party moving for recusal in the cases mentioned in article (143) hereof is entitled to submit an application citing the reasons barring the judge from hearing the case at any stage of the proceedings.

Article (147)

The party moving for recusal in the cases mentioned in article (143) hereof must present his application before commencement of the proceedings, unless the reason for recusal arose after proceedings commenced, in which case the application for recusal will only be accepted if submitted at the first session subsequent to the date the reason arose and came to be known. Motions for recusal shall not be accepted after the close of pleadings nor from those who previously moved for the recusal of the same judge in the same action.

Article (148)

The application for recusal shall be submitted in a requisition to:

A- The president of the first instance court, if the judge whose recusal is sought is a conciliation judge or a judge of the first instance court.

B- The president of the court of appeals, if the judge whose recusal is sought is the president of the first instance court or a judge of the court of appeals.

C- The president of the court of cassation, if the judge whose recusal is sought is the president of the court of appeals or a judge of the court of cassation.

D- The judge whose recusal is sought is held to reply in writing to the application within three days of receiving it.

Article (149)

1. The president of the competent court shall look into the application for recusal in the presence of the applicant, and shall issue a decision accepting or rejecting the application within seven days from the date of its submission. The decision rejecting the application is amenable to appeal or cassation, together with the decision adjudicating the case, unless the decision was issued by the president of the court of cassation.

2. If the judge whose recusal is sought fails to reply in writing within the period prescribed in para 2 of article (148) of this Law, the president of the competent court may, if the reasons cited in the application are legally sufficient for recusal, issue an order barring the said judge from reviewing the case and assigning another judge to hear it in his stead.

3. The judge may not be questioned or sworn in while the investigation of the application for recusal is underway.

Article (150)

Submission of the application for recusal to the president of the competent court entails the suspension of proceedings in the original case until he issues a final decision thereon. However, the president of the competent court may, in urgent cases and at the request of one of the parties, assign another judge to the case.

Article (151)

In the event an application for recusal is rejected, or the right thereto lapses, or it is not admitted or is formally retracted, the court may levy a fine on the applicant in an amount of not less than one hundred and not more than five hundred Jordanian dinars or their equivalent in legal tender.

Article (152)

If the judge files an action for damages against the party moving for his recusal or lodges a complaint against such party with the competent authority, he shall be barred from hearing the case.

Part Ten

Adversary Proceedings against Judges

And Public Prosecutors

Article (153)

Judges and public prosecutors may be proceeded against in the following two cases:

1. If deceit, fraud or a serious and irremediable professional fault is committed by the judge or public prosecutor in the performance of his function.

2. In other cases where the law holds the judge liable to pay damages.

Article (154)

The plaintiff in an adversary proceeding against a judge or public prosecutor must, before initiating it, notify the Supreme Judicial Council of his allegations against the defendant.

Article (155)

1. The adversary proceeding shall be initiated in a requisition presented to the clerk of the court of appeals to which the judge or public prosecutor is affiliated. It shall be signed by the plaintiff or by the person holding his authentic special power of attorney.

2. The requisition must cite the plaintiff's grounds for bringing the adversary proceeding and substantiating documents must be annexed thereto.

3. The plaintiff shall be held to deposit the sum of two hundred Jordanian dinars or their equivalent in legal tender into the registry of the court as surety.

Article (156)

The president of the court of appeal shall order that a closed session be scheduled to hear the action instituted against a judge or public prosecutor and the date of the session shall be notified to the parties.

Article (157)

The court shall issue its decision admitting or dismissing the action instituted against a judge or public prosecutor after hearing the parties deliver oral pleadings or reviewing their written statements.

Article (158)

If the defendant is a supreme court or appellate court judge or a public prosecutor, jurisdiction over the action lies with one of the circuits of the court of cassation; otherwise it lies with the court of appeal.

Article (159)

The judge shall be disqualified from reviewing the action as of the date the decision to admit it is issued.

Article (160)

1. If the court rules to dismiss or reject the action, it shall fine the plaintiff a sum of not more than five hundred Jordanian dinars or their equivalent in legal tender, while ordering the confiscation of the surety as well as the payment of damages where appropriate.

2. If the court finds for the plaintiff, it shall condemn the defendant to pay damages and costs and pronounce his act null and void. In such case, the court may, after hearing the parties, rule on the original case if it deems the case ready to be adjudicated on its merits.

Article (161)

The court shall not pronounce the nullity of the judgment rendered in favour of a party other than the plaintiff except after notifying such other party and hearing his testimony.

Article (162)

The judgment handed down in an adversary proceeding brought against a judge or public prosecutor is amenable to challenge save when it is rendered by the court of cassation.

Article (163)

1. The right of action in adversary proceedings against judges or public prosecutors is extinguished by prescription on the expiry of three months running from the date the deceit, fraud or serious professional fault was discovered.

2. In all cases, it is extinguished by prescription on the expiry of three years running from the date the act entailing the institution of the adversary proceeding was committed.

Part Eleven

Judgments and Costs

Chapter I

The Deliberation - The Rendition and

Pronouncement of Judgment

Article (164)

No court may refuse to render judgment on a case of which it is seised by reason of the absence or ambiguity of a legislative text.

Article (165)

1. The court shall reserve the case for judgment after the close of pleadings.

2. The court may pronounce judgment promptly on the close of the trial or at a subsequent session.

Article (166)

The court may, on its own initiative or at the request of one of the parties, reopen the trial for reasons that are serious and essential for its adjudication of the case.

Article (167)

The deliberation in respect of a judgment shall be conducted in camera between the judges who heard the closing pleadings, otherwise the judgment shall be null and void.

Article (168)

Judgments shall be rendered by unanimous or majority opinion. When a majority opinion cannot be reached and there are more than two opinions, the side with the fewer number of members or the side which includes the newest judge shall add its voice to one of the two opinions issued by the side with the greater number of members, after opinions are sought once more.

Article (169)

The session at which judgment is pronounced shall be attended by the judges who took part in the deliberation. If the draft judgment has been signed by the members of the deliberation chamber and some of the members are absent, the judgment may be pronounced by another chamber provided this is established in the transcript of the session.

Article (170)

If the case is reserved for judgment and the panel of judges is replaced, the new panel shall hear the closing statements of the parties and then render its judgment.

Article (171)

The judge shall pronounce judgment, either by reading out only the ruling or by reading out the ruling and the reasons. The pronouncement of judgment shall be public on pain of nullity.

Article (172)

Upon pronouncement of judgment, the draft judgment, inclusive of its ruling and reasons, shall be placed in the file of the case and signed by the panel of judges.

Article (173)

The parties are entitled to see a copy of the judgment ruling but no copies shall be given out until the original text is complete.

Article (174)

The judgment must include the name of the court which rendered it, the number of the case, the date on which judgment was rendered, the names of the judges who deliberated upon it and were present when it was pronounced, the names of the parties in full and their presence or absence. It must also include a comprehensive presentation of the facts of the case and a brief summary of the respective claims, documents, arguments and essential defenses of the parties, as well as the reasons for the judgment and its ruling.

Article (175)

Deficiency of factual reasons for the judgment, material errors or omissions in the names and capacities of the parties and the failure to cite the names of the judges who rendered the judgment entail its nullity.

Article (176)

The president of the session and its secretary shall sign the original copy of the judgment, which includes the facts of the case and the reasons for the judgment, and it shall be kept in the file of the case.

Article (177)

A copy of the original judgment may be given to any person who requests it, even if such person is not connected to the case, after payment of the due fees.

Article (178)

When the judgment relates to assets, it must include a description of such assets to differentiate them from others.

Article (179)

If the judgment relates to the payment of a sum of money, the court may, based on serious reasons dictated by the circumstances of the case, prescribe the manner in which the sum awarded is to be paid.

Article (180)

Judgments, decrees or orders may not be enforced against those towards whom they are directed until after they have been notified to them pursuant to law.

Article (181)

When a judgment is executory, the person in whose favour it was rendered may obtain a copy of the judgment bearing the executory formula, stamped with the seal of the court and signed by the chief clerk of court, for the purpose of enforcing it.

Article (182)

A second copy of the executory judgment may not be given to the person in whose favour it was rendered except in cases where the loss or destruction of the first copy has been established.

Chapter II

Correction and Interpretation of Judgments

Article (183)

1. The court may, either sua sponte or at the request of one of the parties, decide to correct any purely material errors in its judgment, whether in respect of words or numbers, without pleadings, provided the correction is signed by the president and secretary of the session.

2. The corrective decision may be challenged by any of the means of challenge to which the corrected judgment is amenable. However, a decision refusing correction may not be independently challenged.

Article (184)

The parties may demand an interpretation of any ambiguities or inconsistencies in the judgment by means of a motion presented to the court which rendered it. The interpretative decision shall be deemed complemental in all respects to the judgment it interprets, and shall be subject to the same rules relating to the ordinary and extraordinary forms of review to which the said judgment is subject.

Article (185)

When the court renders a judgment which, in its reasons and ruling, fails to rule on certain substantive claims, the interested party may present a motion to such court demanding that it take cognizance of and adjudicate the claims in question. The decision rendered on the motion shall be deemed complemental to the judgment rendered on the case.

Chapter III

Article (186)

1. The court shall award costs and legal fees to the prevailing party when handing down the judgment disposing of the case before it.

2. The court may, during the trial, order payment of fees and expenses in respect of any demand or procedure related to the case without this affecting the decision it renders in connection with costs.

3. These provisions are applicable to the fees and expenses of counterclaims and of demands ancillary to the case.

Article (187)

If judgment is rendered against several parties, the court may order costs divided between them, either equally or pro rata to the amount awarded against each. They shall not be jointly liable unless they hold joint title to the substance of the right claimed.

Article (188)

If it transpires that the plaintiff is entitled to part of his claims, he shall be awarded costs pro rata to the rights awarded.

Article (189)

If the right is not disputed by the losing party, the court may order the prevailing party to pay costs in full or in part unless the losing party was placed under interdiction before the case was filed and was unable to render the right.

Article (190)

The costs and fees of an intervention may be awarded against the interpleader if his intervention is not admitted or if his demands are denied.

Part Twelve

Means of Challenging Judgments

Chapter I

General Provisions

Article (191)

1. The parties may challenge the judgment pursuant to the means of challenge prescribed in the present Law.

2. Challenges shall not be admitted when raised by a party who expressly accepted a judgment, who waived his right before the court and discharged his adversary from liability or who was awarded all his claims in the judgment.

3. Challenges against consent judgments shall not be admitted.

4. The party raising a challenge shall not be harmed by his challenge.

5. The challenge shall benefit only the party who raised it and shall only operate as towards the party against whom it was raised.

6. The allegations of the parties shall not affect the characterization of the judgment for the purpose of challenging it.

Article (192)

Preliminary decisions issued pendente lite and which do not end the dispute are not amenable to challenge except with the determinative judgment terminating the entire case on its merits. By way of exception to the foregoing, the following may be independently challenged:

1. Interlocutory and summary injunctions.

2. Decisions to suspend proceedings.

3. Decisions amenable to forcible execution.

4. Judgments of non-competency and referral to the competent court. In this case, the court to which the case is referred is held to suspend proceedings until the challenge is adjudicated.

5. Cases which the law stipulates are amendable to independent challenge.

Article (193)

1. The time-limit for challenging a judgment commences on the day following the date it is rendered, save as otherwise prescribed by law.

2. Such time-limit commences from the date the judgment is notified to the losing party who did not attend any of the sessions held to review the case and who failed to present his responsive pleading or statement of defense or to present a memorandum to the court at any of the sessions subsequent to the resumption of proceedings following their suspension for any reason whatsoever.

Article (194)

1. The judgment shall be notified to the party against whom it was rendered either personally or at his original domicile. If this cannot be accomplished, the provisions of notification prescribed in this Law shall be applied at the responsibility of the party requesting notification.

2. The provisions of para (1) of this article shall apply to the notification of challenges.

Article (195)

Failure to observe the time-limits prescribed for challenging judgments and decisions entails the dismissal of the challenge in form and the court shall rule sua sponte to dismiss it.

Article (196)

1. A challenger wishing to defer payment of the fees is held to present his challenge within the statutory time-limit together with the application for deferment, and the clerk of the competent court shall be held to register the challenge.

2. The review of the challenge shall be suspended until a decision on the application for deferment is issued.

Article (197)

The death, bankruptcy, or loss of discretion of the losing party, or the loss of capacity of his legal representative, during the time-limit of the challenge, entails the interruption of such time-limit, which shall only resume from the date the judgment is notified to the heirs or substitute of the losing party.

Article (198)

1. If the prevailing party dies during the effective term of the time- limit for the challenge, the challenge shall be notified to his heirs in general at the last domicile of the decedent.

2. If notification of the challenge is effected in accordance with the provisions of para (1) above, it must be notified to all the heirs in their respective names and capacities either in person or at the domicile of each, before the date of the session scheduled to hear the challenge or within the time-limit determined by the court for such notification.

Article (199)

If, during the time-limit of the challenge, the successful party loses his standing to sue or the person pursuing the litigation on his behalf dies or loses his capacity, the challenge may be raised against and notified to the party who lost his standing to sue or to the principal, provided the challenge is renotified to the party representing the successful party, either in person or at his domicile, before the session scheduled to hear the challenge or within the time-limit determined by the court.

Article (200)

If the judgment was rendered on a matter that is not susceptible of division, on a joint and several obligation or on a case in which the law requires that specific persons be proceeded against, a losing party who missed the time-limit or who accepted the judgment may challenge such judgment while the challenge raised against it by one of his co-litigants within the prescribed time-limit is under review, by interposing his demands to those of such co-litigant. If he does not do so, the court shall order the challenger to name him as an adverse party in the challenge. If the challenge is raised against one of the prevailing parties within the prescribed time-limit, the other prevailing parties must also be named as adversaries in the challenge, even if the time-limit has lapsed in their regard.

Chapter II

Appeal

Article (201)

1. Judgments and decisions rendered by the conciliation court shall be appealed before the court of first instance, within the circuit of which it lies, in its appellate capacity.

2. Judgments and decisions rendered by the court of first instance in its capacity as the court of original jurisdiction shall be appealed before the court of appeals.

Article (202)

Judgments and decisions rendered on summary matters are amenable to appeal, whatever the court that rendered them.

Article (203)

Judgments and decisions rendered at last resort by conciliation courts may be appealed by reason of their violation of the rules of jurisdiction related to public policy or of nullity in the judgment or nullity in the procedures such as has affected the judgment.

Article (204)

Any judgment rendered within the limits of the jurisdictional amount may be appealed if it is contrary to an earlier judgment that did not acquire the force of res judicata when the two judgments are united as to parties, cause of action and subject matter. In such case, the earlier judgment shall be deemed appealed by force of law unless it had become final when the appeal was filed.

Article (205)

1. The time-limit for filing an appeal before the court of appeals is thirty days, save as otherwise prescribed by law.

2. The time-limit for appeals in summary matters is fifteen days.

Article (206)

When a judgment is rendered on the basis of fraud committed by one of the parties, of a forged document or of false testimony or by reason of a party's failure to disclose a document material to the case, the time-limit for appeal shall not begin to run except from the day on which the fraud was discovered, on which the forgery was acknowledged by its perpetrator or judicially established, on which the false witness was convicted of perjury or on which the document withheld by one of the parties came to light.

Article (207)

1. The notice of appeal shall be submitted, together with a number of copies equivalent to the number of respondents, to the clerk of the competent court of appeals.

2. A certified copy of the judgment or decision appealed against shall be attached to the notice of appeal.

Article (208)

The notice of appeal shall include the following particulars:

1. The name of the court appealed to.

2. The name, address and profession of the appellant and the name and address of the lawyer representing him.

3. The name, address and profession of the respondent.

4. The judgment or decision appealed against, the court that rendered it, the date of its rendition and the number of the case on which it was rendered.

5. The reasons for the appeal.

6. The appellant's demands.

7. The signature of the appellant's lawyer.

Article (209)

The notice of appeal shall be notified to the respondent in accordance with the rules governing the notification of judicial instruments as prescribed in this Law.

Article (210)

The court of appeals may, when seised with more than one appeal against the same judgment or decision, decide to combine them by reason of unity of cause and subject matter.

Article (211)

1. Submission of the notice of appeal entails a stay of execution of the judgment or decision appealed against, unless its summary execution is prescribed by law or ordered in the judgment or decision.

2. Notwithstanding the foregoing, protective measures may be taken pursuant to the judgment or decision appealed against.

3. The annulment of the judgment or decision appealed against entails the annulment of the procedures of execution taken prior to its annulment.

Article (212)

The respondent may submit his responsive pleading within fifteen days from the date he is notified of the notice of appeal.

Article (213)

The court may allow either party to amend its statement for serious reasons.

Article (214)

Submission of the notice of appeal entails the referral of the file of the case to the court of appeal in the condition it was in at the time the judgment under appeal was rendered.

Article (215)

The court shall instruct the appellant to complete payment of the fees for the appeal if they are incomplete within the period it determines and shall dismiss the appeal if he fails to do so without an acceptable excuse.

Article (216)

The court shall schedule a session to review the appeal and shall notify the parties thereof after the conditions and provisions related to the appeal have been satisfied.

Article (217)

1. The respondent may, before the end of the first session held to review the appeal, file a cross-appeal in accordance with ordinary procedures or by means of a brief setting out the reasons for his cross-appeal.

2. If the cross-appeal is filed after the expiration of the time-limit for appeal, it shall be deemed a collateral appeal subsidiary to the original appeal and shall be extinguished with the original appeal.

3. A judgment granting the relinquishment of the adversary proceeding in an original appeal entails a judgment of extinction of the collateral appeal.

Article (218)

1. The appeal of a judgment terminating an adversary proceeding inevitably entails the appeal of all the judgments and decisions previously rendered on the case unless they were expressly accepted.

2. The appeal of a judgment rendered on an interlocutory demand inevitably entails the appeal of the judgment rendered on the original demand.

Article (219)

The appeal transfers the case in the state it was in prior to the rendition of the judgment under appeal only in respect of that part of the judgment appealed against.

Article (220)

The court shall consider the appeal on the basis of the new information, pleas and defenses submitted to it as well as on the basis of those as were presented to the court of first instance.

Article (221)

1. No new claims shall be admitted on appeal and the court shall rule sua sponte not to admit them.

2. Nevertheless, wages, salaries and all ancillaries that fell due after the assertion of final claims before the court of first instance, as well as additional damages which accrued after such date, may be added to the original claim.

3. The court may award damages if the appeal was filed with dilatory intent.

Article (222)

1. A person who was not a party to the case on which the judgment under appeal was rendered may not be introduced as a party to the appeal save as otherwise prescribed by law.

2. Intervention in an appeal is available only to those who request to join one of the parties.

Article (223)

1. The court shall decide to admit the appeal in form if it satisfies its legal conditions and shall then look into the appeal on its merits. The court may rule to uphold the appeal while giving reasons for its decision.

2. The court of appeals may annul or amend the judgment appealed against, or issue a new judgment in accordance with law and with the evidence.

3. If the judgment appealed against is annulled, and such judgment ruled to dismiss a case on the grounds of non-competency, res judicata or the extinction of the right of action by prescription or for any formal reason as a result of which the merits of the case were not adjudicated, the court of appeals must remand the case to the court of first instance to adjudicate it on the merits.

Article (224)

The court of appeals is subject to the rules prescribed for the courts of first instance whether in respect of the appearance and absence of the parties or procedures and judgments, save where the law provides otherwise.

Chapter III

Cassation

Article (225)

Cassation is available against final judgments rendered by the court of appeals when such judgments are based on a violation of law or on a mistake in its application or interpretation.

Article (226)

The parties may challenge any final judgment through cassation in the following cases:

1. If nullity occurs in the judgment or in the procedures such as to affect the judgment.

2. If the judgment under challenge contradicts a previous judgment that acquired the force of res judicata and that was rendered towards the same parties on the same dispute.

Article (227)

The time-limit for challenges at cassation is forty days.

Article (228)

The petition for cassation shall include the following particulars:

1. The name, profession and address of the petitioner and the name and address of his lawyer.

2. The name, profession and address of the party petitioned against.

3. The name of the court which rendered the judgment under challenge, the date on which it was rendered and the case number.

4. A clear and specific statement on the reasons for the challenge.

5. The demands and signature of the petitioner.

Article (229)

The petition for cassation shall be deposited with the clerk of the court of cassation or with the clerk of the court which rendered the judgment under challenge, together with an authenticated copy of the judgment under challenge and a number of copies of the petition for cassation equivalent to the number of parties petitioned against, in addition to a copy for the clerk of court and a copy of the petitioner's power of attorney to his lawyer.

Article (230)

The party petitioned against may submit a responsive pleading within fifteen days from the date he is notified of the petition for cassation and its annexes, and the clerk of court shall notify a copy of the responsive pleading to the petitioner.

Article (231)

The court of cassation shall instruct the petitioner to complete payment of the fees if they are incomplete within the period it determines and shall dismiss the petition for cassation if he fails to do so without an acceptable excuse.

Article (232)

1. New grounds may not be raised nor new evidence presented before the court of cassation unless such is related to public policy.

2. New evidence may be invoked if it relates to procedural defects in the judgment, provided it is limited to written evidence.

Article (233)

1. The court of cassation shall look closely into the petition for cassation.

2. If the court deems the petition worthy of review it shall schedule a session and notify the parties thereof. In such case, the court may exclude from the petition the reasons it finds unacceptable and limit its review to the remaining reasons while giving reasons for its decision.

3. In all cases, decisions issued by the court of cassation may not be challenged by any means.

Article (234)

1. If the court sees the need for oral pleadings, it may hear the lawyers of the parties. The parties shall not be allowed to appear in person without practicing lawyers.

2. No reasons may be expressed at the session other than those previously stated by the parties in the petition for cassation.

Article (235)

The court of cassation may, by way of exception, allow the lawyers of the parties to deposit supplementary pleadings within the time-limit it prescribes.

Article (236)

1. If the court accepts the petition for cassation, it shall quash the judgment under challenge in whole or in part and rule on costs and legal fees.

2. If a judgment is quashed for violating the rules of jurisdiction, the court shall be held to adjudicate only this matter and may, when necessary, designate the competent court.

3. If the judgment is quashed for other reasons, then, at the request of the parties, the case shall be remanded to the court which rendered such judgment for readjudication.

4. The court to which the case is remanded shall comply with the decision of the court of cassation on the legal issue it adjudicated.

Article (237)

1. If the reasoning of the judgment under challenge is deficient despite the conformity of its ruling with the provisions of law, the court shall uphold such judgment after correcting the reasons of deficiency.

2. If the court rules to quash the judgment under challenge, it shall be held to adjudicate the merits in either of the two following cases:

(a) If the case is susceptible of determination on its merits.

(b) If the challenge has been raised for the second time.

Article (238)

1. Cassation of a judgment entails the annulment of all judgments and acts subsequent to and founded upon the cassated judgment.

2. If only part of the judgment is quashed, it shall remain effective in respect of the other parts unless they are connected to the part that has been quashed.

Article (239)

If one of the circuits of the court of cassation finds that it will violate an established judicial precedent of the court of cassation, the court shall sit in plenary assembly to render its judgment. In all cases, such judgment is binding on other courts.

Article (240)

Petitions at cassation shall not stay execution of the judgment under challenge unless the court rules otherwise, with or without bail, at the request of the petitioner.

Article (241)

The members of the court to which the case is referred must not include one of the judges who took part in rendering the judgment under challenge.

Article (242)

Judgments rendered by the court of cassation may not be challenged by any of the means of challenge.

Article (243)

Challenges before the court of cassation are subject to the rules and procedures related to reviewing court actions as well as to the rules related to judgments, when they do not run counter to the provisions of this chapter.

Chapter IV

The Third-Party Objection

Article (244)

1. Any person who was not a party, an intervenor or represented in a case on which a judgment that is binding on him was rendered may file a third-party objection against such judgment. The provisions of this article do not apply to court of cassation judgments.

2. Joint creditors and debtors or those claiming or liable for an indivisible obligation may file a third-party objection against a judgment rendered on another creditor or debtor if it is based on fraud or deceit affecting their rights, on condition that such fraud or deceit is evidenced.

3. This right may be exercised by an heir who was represented by one of the other heirs in the case for or against his ancestor if the judgment rendered is tainted by fraud or deceit.

Article (245)

A third-party objection shall not be accepted after the judgment objected to has been executed unless execution was effected in the absence of the objector or his representative.

Article (246)

1. The third-party objection shall be presented in a statement of claim to the court which issued the judgment objected to.

2. The statement of claim shall include particulars of the judgment objected to, the names of the parties and the reasons for the objection.

Article (247)

The filing of a third party objection shall not entail a stay of execution of the judgment objected to unless the court decides otherwise, on the basis of a request by the objector, when proceeding with execution will lead to serious injury, with or without bail.

Article (248)

1. If the third-party objection is valid, the court shall reform the judgment to the extent that it affects such third party.

2. If the judgment objected to is not susceptible of division, the court shall reform the judgment in its entirety.

Article (249)

If the third party fails in his objection it shall be dismissed and he shall be charged with costs and legal fees.

Chapter V

The Motion for a New Trial

Article (250)

A judgment may not be challenged by means of a motion for a new trial if the judgment is amenable to challenge by any other means of challenge.

Article (251)

The parties may challenge a final judgment by moving for a retrial in any of the following cases:

1. If the judgment was obtained by means of fraud or deceit.

2. If judgment was rendered on the basis of a document acknowledged or judicially established as a forgery after rendition of the judgment.

3. If the judgment was founded on the testimony of a witness judicially established as false after rendition of the judgment.

4. If it transpires after rendition of the judgment that the adverse party withheld or induced another party to withhold documents that would have affected the judgment.

5. If the judgment ruled on matters not raised by the parties or awarded more than was claimed.

6. If the ruling is self-contradictory.

Article (252)

The time-limit for challenges moving for a retrial is three months running from:

1. The day on which the fraud or deceit was discovered, on which the forgery was acknowledged by its perpetrator or judicially established, on which the false witness was convicted of perjury or on which the documents in the cases referred to in paragraphs 1, 2, 3 and 4 of the preceding article came to light.

2. The day following the rendition of judgment in the cases referred to in paragraphs 5 and 6 of the preceding article.

Article (253)

1. Challenges moving for a retrial shall be presented to the court which rendered the judgment under challenge in a statement of claim comprising the following:

a) The names, professions and addresses of the parties.

b) A summary of the judgment, the date on which it was rendered, the court by which it was rendered and the date on which it was notified to the losing party.

c) The reasons for the challenge, stated in a succinct and precise manner.

2. Failure to include a summary of the judgment or the reasons for the challenge entails nullity.

Article (254)

The court shall schedule a session to review the challenge after payment of the legal fees, and the date of the session shall be notified to the parties pursuant to the rules of notification.

Article (255)

Filing a challenge moving for a new trial shall not entail a stay of execution of the judgment under challenge unless the court decides otherwise, with or without bail.

Article (256)

1. The court shall rule first on the admissibility of the challenge in form and, if it decides to admit it, shall look into its merits. It may rule to admit the challenge and on the merits in one judgment if the parties have presented their substantive claims.

2. The court shall only look into the demands raised in the challenge.

Article (257)

1. If the court rules not to admit the challenge, it may condemn the challenger to pay a fine of not more than two hundred Jordanian dinars or their equivalent in legal tender.

2. If the court finds, after hearing the evidence, that one of the reasons for a retrial on the merits exists, it shall rescind or amend the judgment under challenge.

Article (258)

A motion for a new trial may not be raised another time in respect of the judgment issued on a challenge moving for a retrial.

Part Thirteen

The Adversary Proceeding

and Special Procedures

Chapter I

Action for Summary Procedures

Article (259)

By way of exception from the general rules governing the institution of court actions and the submission of responsive pleadings, a plaintiff whose right is established in writing and whose demand is limited to the recovery of a debt in a fixed value that has fallen due and payable or a movable that is determinate or specific as to type and amount may file a statement of claim before the competent court annotated with the expression 'summary procedures'.

Article (260)

The plaintiff must notify the defendant to discharge the right claimed fifteen days before instituting the action and attach the notice to his statement of claim.

Article (261)

1. The court shall schedule a session to hear the case within fifteen days from the date the statement of claim is filed and shall notify the parties thereof.

2. A copy of the statement of claim and copies of the documents supporting the right claimed shall be attached to the notice served on the defendant.

Article (262)

If the defendant does not attend the trial session despite being notified thereof, the plaintiff shall be directed to prove his claims and the court shall render its judgment on the case. If the court decides not to uphold the plaintiff's claims, it shall schedule another session to hear the case and notify the defendant thereof.

Article (263)

If the defendant appears and concedes part of the plaintiff's claims, the court shall promptly issue its decision in respect of such part, which decision shall be amenable to execution. The court shall then hear the evidence of the parties in respect of the

remaining claims in accordance with normal procedures, provided that the nature of the claims is taken into account when scheduling the sessions.

Article (264)

When there are multiple defendants and the sum claimed is due from them jointly or is indivisible and one of them concedes the plaintiff's claims, the court shall promptly render judgment against the conceder. However, if the sum claimed is amenable to division and one of the defendants concedes the part pertaining to him, the court shall render judgment only in respect of that part and shall continue with normal procedures in respect of the remaining parties as regards the rest of the sum claimed.

Article (265)

Judgment rendered on actions for summary procedures are subject to the rules relating to judgments and means of challenge.

Chapter II

Protective Attachment

Article (266)

1. A creditor may submit an application, supported by documents, moving for the imposition of a protective attachment on the assets of the debtor, whether they are in the debtor's possession or with third parties, either before instituting a court action, at the time of filing it or in the course of the proceedings, to the judge of summary matters or to the competent court.

2. The application for an attachment must be accompanied by a bond to indemnify the party against whom the attachment was levied for any delay or loss he suffers if it transpires that the applicant's claims were unfounded.

3. The amount of the debt must be known, due and payable and subject to no restrictive conditions. If the amount of the debt is not known it shall be fixed by the court in an approximate amount.

4. The assets of the debtor may only be attached to the extent of the amount of the debt, plus fees and expenses, unless the attached assets are indivisible.

Article (267)

If the attachment is levied before the institution of the court action, the applicant is held to institute the action within eight days from the date of the attachment decision, failing which the decision shall be deemed null and void.

Article (268)

The following assets are exempt from attachment:

1. Clothing, beds and furniture that are essential for the debtor and the members of his family living with him in the same household.

2. The home of the debtor that is essential to house him and his dependants.

3. Cooking and eating utensils of the debtor and his dependants.

4. The books, equipment, instruments and effects required for the debtor's pursuit of his profession or craft.

5. Provisions in an amount sufficient for the debtor and the members of his family living with him in one household and the amount of seeds and fertilizer sufficient for the land he habitually cultivates for one planting season if he is a farmer.

6. The animals required for the cultivation of his land and for his livelihood.

7. Fodder in an amount sufficient to feed the animals exempt from attachment for a period of not more than one threshing season.

8. The official dress of government employees and their other official requirements.

9. The equipment, clothes and utensils used for prayer and what is required for the observance of religious duties.

10. State funds allocated for public use.

11. Alimony.

12. Amounts in excess of one quarter of employees' salaries and workers' wages.

Article (269)

The protective attachment of funds shall be effected in the books in which they are registered if the disposition of such funds is subject to registration or by placing the

attachment sign in the register. No disposition of the attached funds may be made nor can the attachment be lifted except by a decision of the competent court.

Article (270)

The court bailiff shall carry out the procedures of attachment and record such procedures in minutes signed by him. He shall then present the minutes to the court which issued the decision, inclusive of particulars of the things attached, an approximate estimation of their value and all the steps he took.

Article (271)

The debtor shall be notified of the attachment levied on his assets within one week of their attachment. He may apply for a lifting of the attachment to the court which issued the attachment, and the court may decide to lift the attachment, with or without bail.

Article (272)

The court may preserve the attached movable assets in the manner it deems fit, including placing them in the custody of a third party and entrusting him to preserve or administer such assets until different instructions are issued by the competent court.

Article (273)

If the attachment decision relates to the debtor's assets with a third party, such party shall be promptly notified and shall be held to declare the debtor's assets which are in his

possession or which are due to the debtor, and to sign minutes to that effect. Such third party shall be instructed not to make any disposition in respect of the attached assets except pursuant to a decision of the competent court. If the third party disposes of or wastes the attached assets he shall be a guarantor of their value.

Chapter III

Appointing a trustee over Assets and Prohibiting Travel

Article (274)

1. In every court action in which an application requesting the appointment of a trustee over assets is presented or in which it was decided to attach assets and the appointment of a trustee is requested, the court may, if deems such request to be equitable, decide to:

(a) Appoint a trustee over such assets, whether the application was presented before or after the attachment decision.

(b) Prohibit any person from disposing of the assets or removing them from his custody.

(c) Deliver the assets to the trustee or place them in his custody or under his administration.

2. The court must, before issuing its decision appointing a trustee, take into consideration the value of the assets over which the appointment of a trustee is requested, the value of the debt asserted by the applicant and the expenses likely to be incurred by reason of the trustee's appointment.

Article (275)

The court shall determine the fees of the trustee unless he has volunteered for the assignment.

Article (276)

1. The trustee is held to:

(a) Present accounts of all sums he collects at the times and in the manner ordered by the court.

(b) Pay the amounts collected as ordered by the court.

2. The trustee shall be liable for any loss occurring to the assets by reason of deficiency or gross negligence on his part.

Article (277)

If the court is convinced, on the basis of the evidence presented to it, that the defendant or the plaintiff against whom a counterclaim was filed has disposed of all his assets or has smuggled them out of Palestine and that he is about to leave the country in the aim of obstructing execution of any decision that may be issued against him, it may issue a memorandum ordering him to appear before it and instruct him to present a pecuniary

bond to guarantee any amount that may be awarded against him. If he refuses to present the bond, the court shall prohibit him from leaving the country until the case is adjudicated.

Article (278)

Decisions issued in respect of protective attachments, of the appointment of a trustee or of travel bans are amenable to appeal.

Chapter IV

Deposits into the Registry of the Court

Article (279)

1. Either of the parties may deposit a sum of money in the registry of the court for the account of the case to cover the amount claimed or for any other reason related to the case.

2. A statement shall be attached to the deposit application indicating the sum deposited and the reason or reasons for which it was deposited, and the court shall notify the other party.

Article (280)

1. The other party may accept the sum deposited. If he refuses, he shall be held to explain the reasons for his refusal to the court within seven days of his notification.

2. Any deposit in or withdrawal from the court registry shall be effected pursuant to a decision of the court.

Article (281)

The court shall rule to terminate the adversary proceeding in the entire case or in respect of the reason or reasons designated therein if the adverse party accepts the money deposited.

Article (282)

The rules set forth in this chapter are applicable to counterclaims.

Part Fourteen

Trial procedures before

the High Court of Justice

Article (283)

Procedures before the high court of justice commence with the presentation of a summons to the court clerk indicating the number of parties summoned, together with supporting documents.

Article (284)

1. The time-limit for presenting a summons to the high court of justice is sixty days from the date the contested administrative decision is published or notified to the interested party. In the event the administration refused to take or abstains from taking any decision, the time-limit shall commence to run on the expiry of thirty days from the date the application was submitted to it.

2. Applications in respect of orders for the release of persons who are illegally detained shall be heard throughout the period of their detention, without regard to a time-limit.

Article (285)

1. Summons shall only be heard by this court if presented by a practicing lawyer.

2. The power of attorney made out to the lawyer must be signed by the summoner or one of his relatives up to the fourth degree in respect of applications related to general rights and freedoms.

Article (286)

1. The court shall schedule an ex parte hearing of the summons to consider issuing an interlocutory decision and a memorandum to the summoned party asking him to state the reasons entailing revocation of the contested decision or preventing the issuance of the decision subject of the application.

2. The interlocutory decision shall be notified to the summoned party as well as to any persons whose notification the court deems necessary.

Article (287)

When the summoned party wishes to contest the issuance of a final decision, he is held to submit his responsive pleading, together with a copy thereof to be notified to the summoner, within eight days from the date he is summoned. If he fails to submit the responsive pleading within the said time-limit, his contestation of the summons may not be heard.

Article (288)

If the responsive pleading is submitted within the statutory time-limit, a date shall be set to hear the summons. The parties shall be notified of such date if it is not designated in the interlocutory decision.

Article (289)

The summoned party shall, on the day designated to hear the summons, reiterate his responsive pleading and present his evidence. The summoner shall be entitled to reply to the arguments raised by the summoned party.

Article (290)

The court may instruct either party to present additional pleadings or evidence to support or explain any of the facts or reasons of the summons.

Article (291)

The court shall make a speedy ruling on the application, either by rejecting it or by revoking or amending the contested decision, with all the legal consequences arising from its ruling.

Part Fifteen

Final Provisions

Article (292)

The following laws and codes are hereby repealed:

1. The Code of Judicial Procedure No. 42 of 1952 in force in the West Bank Governorates, and

2. The Law of Supreme Court Procedure of 1937, and

3. The Procedural Law of 1938 governing Trademark Cases as amended, and

4. The Code of Judicial Procedure of 1938 as amended, and

5. The Law of Judicial Procedure No. 14 of 1938, and

6. The Code of Conciliation Court Procedure of 1940 as amended,

7. Law No. 45 of 1947 on the Jurisdiction of Conciliation Courts.

8. The Code of Ottoman Legal Procedure in force in the Governorate of Gaza.

Article (293)

All the competent authorities shall be held, each in its respective sphere of competence, to execute the provisions of the present law which will come into force as from the day it is published in the Official Gazette.

Promulgated in Gaza City on May 12, 2001 [18 Safar 1422 of the Hejira calendar]

Yasser Arafat

Chairman of the Executive

Committee of the Palestine

Liberation Organization

Chairman of the Palestinian

National Authority