Law No. (13) of 1990

on the Promulgation of the Civil and Commercial Procedures Law[1]

We, Khalifa Bin Hamad Al Thani Emir of the State of Qatar

After having perused the amended Provisional Constitution, in particular Articles (23), (34) and (51) thereof;

Labor Law No. (3) of 1962 and its amending laws;

Law No. (4) of 1962 on the Establishment of the Labour Court and its amending laws;

Law No. (5) of 1962 on the Issue of Pleadings Law Before the Labour Court and its amending laws;

Law No. (8) of 1962 on the Judicial Charges of the Labour Court and its amending laws;

Law No. (22) of 1963 on the Permissive System of Litigation Before the Qatari Labour Court;

Law No. (14) of 1964 on the Property Registration and its amending laws;

Decree Law No. (13) of 1969 on the Levy of Certain Charges for Aiding Fighters and Families of Martyrs of Palestine and its amending laws;

[1] Published in *the Official Gazette* – Issue (13) of 1990.

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Law No. (5) of 1970 on Defining Authorities of Ministers and Determination of Competencies of Ministries and Other Governmental Agencies and its amending laws;

Law No. (13) of 1971 on the Courts of Justice System and its amending laws;

Law No. (14) of 1971 on the Issue of Penalty Law of Qatar amended by Law No. (2) of 1988;

Law No. (15) of 1971 on the Issue of the Criminal Procedure Law and its amending laws;

Law No. (16) of 1971 on the Issue of the Civil and Commercial Matters Law amended by Law No. (10) of 1982;

Law No. (18) of 1971 on the Organization of Transfer of Judicial Authority to the National Courts;

Law No. (20) of 1980 on the Regulation of Attorneyship Profession;

The proposal of the Minister of Justice; and

The draft-law submitted by the Council of Ministers; and

After having consulted the Shura Council;

Have decided the following Law:

Article (1)

The provisions of the Civil and Commercial Pleadings Law attached to this Law shall apply. Laws No. (4), (5) and (8) of 1962 and (22) of 1963 referred to and the amending

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laws thereof, as well as each provision that contravenes the provisions of this Law shall be repealed.

Article (2)

Pleadings Laws shall apply to the undecided claims or the procedures taken before the date of coming into force thereof, except:

1. Property execution procedures, which shall proceed according to the provisions of the Law or the old law, if a judgment of awarding an auction is issued under such law.
2. Jurisdiction amending laws, if enforced after the pleading in claim is closed.
3. Periods amending laws, if the effectiveness of period begins before the date of coming into force.
4. The laws that create or repeal one of the ways of challenging judgments, which shall apply to the judgments delivered before the date of coming into force thereof.

Article (3)

Each pleading procedure validly performed under an applicable law shall remain valid, unless otherwise is provided. The newly introduced abatement periods shall apply only from the date of coming into force of the introducing law.

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Article (4)

The courts of justice shall have jurisdiction to adjudicate the following issues:

1- Civil and commercial lawsuits and disputes, with the exception of those exempted by law.

2- Claims and disputes related to commitment contracts, public works or supply contracts, or any other administrative contracts.

3- Personal status lawsuits and disputes for non-Muslims.

Article (5)

By way of exception from the provisions of the previous Article, the Shariah courts shall remain competent of adjudication on the matters currently adjudicated on thereby, until the issue of the law that defines the competencies thereof.

Article (6)[2]

By way of exception from Article (31) of the attached Civil and Commercial Procedures Law, if a dispute arises between the employee and the employer in connection with the application of any provision of the Labor Law No. (3) of 1962 referred to and its amending laws, both may refer the dispute to the Labor Department. The Labor Department shall take the necessary actions to amicably settle the dispute. If no settlement is performed, the Department shall refer the dispute within no later than one week from the date of referral of the dispute to the competent court of justice.

[2] Repealed upon Law No. 13 of 2017.

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The referral shall be supported by a submission that contains a summary of dispute, arguments of both parties and notes of the Department.

The process server department of the court shall, within three days from the date of referral of the dispute, schedule a hearing to entertain the dispute within no later than two weeks from the date of referral. The date of hearing shall be served on the employee and the employer.

Article (7)

All competent authorities, each within its area of competency, shall enforce this Law.

This Law shall come into force as of 15/10/1990 and shall be published in the *Official Gazette.*

Khalifa Bin Hamad Al Thani

Emir of the State of Qatar

Issued at Amiri Diwan on: 24/11/1410 (AH)

Corresponding to : 17/6/1990 (AD)

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Civil and Commercial Procedures Law

Article (1)

Any application or plea in which the concerned party has no existing interest established by the law shall be rejected. However, the potential interest shall suffice, if the purpose of the application is taking precautionary action to prevent imminent danger or to establish a right which evidence may be lost upon contending therein.

Article (2)[3]

Each service of notice or execution shall be made by the police or any other body assigned by the chief justice of the courts of justice, at request of the opponents or the process server department or by court order.

Opponents or their attorneys may direct proceedings and lodge papers at the process server department to be served or executed, unless otherwise is provided by the law.

Employees or policemen in charge of service or execution shall be responsible for their mistakes only in performing their jobs.

Article (3)

If an inevitable period is provided in the law for taking a procedure that occurs by service, the period shall be considered to have been observed only if the opponent is served during such period.

[3] Amended upon Law No. 13 of 2005.

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Article (4)[4]

The courts shall have jurisdiction to adjudicate the following issues:

1- Civil and commercial lawsuits and disputes, except for those exempted by law.

2- Cases and disputes related to commitment contracts, public works and supply contracts, or any other administrative contracts.

3- Cases and disputes related to personal status and inheritance.

Article (5)[5]

Every notice shall contain the following particulars:

1. Day, month, year and time of serving the notice.

2. Name, surname, profession or job and domicile of the service applicant, and the name, surname, profession or job and domicile of his attorney, if he works for others.

3. Name and title of the person through whom the service is performed, the body that he works for, and his signature in the origin and copy of notice.

4. Name, surname, profession or job and domicile of the notified party. If the notified party has unknown domicile at time of service, then his last known domicile.

[4] Amended upon Law No. 13 of 2005.
[5] Repealed upon Law No. 13 of 2005.

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5. Name, surname, title and signature of receipt in the original notice of the person to whom the copy of notice is delivered, or taking down his abstention and its reason.

6. Subject of notice and requests of the notifying party and their grounds.

Article (6)[6]

As an exception to the provision of Article (31) of the aforementioned Civil and Commercial Procedures Law, if a dispute arises between them related to the application of the provisions of the aforementioned Labor Law, the worker and the employer may submit their dispute to the Labor Department.

The Labor Department shall take the necessary measures to settle the dispute amicably. If the settlement is not completed, the department shall refer the dispute within a period not exceeding one week from the date of its presentation to the competent court, and the referral shall be accompanied by a memorandum containing a summary thereof, the arguments of the two parties and the department's notes, and the court's registrar, within three days from the date of referring the dispute thereto, shall set a session to consider it within a date not exceeding two weeks from the date of referral, and notifying the worker and the employer.

Article (7)

The papers to be served shall be delivered to the person himself or at his domicile and may be delivered to the domicile of choice in the cases described in the law.

[6] Amended upon Law No. 13 of 2005.

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If the process server fails to find the person to be served at his domicile, the paper shall be delivered to the person who claims to be his attorney or servant or one of those residing with him such as spouses, relatives and relatives by marriage.

If the person is a civil servant, the court may order the service to be made at his workplace.

Article (8)

If the process server fails to find the person to whom the delivery of paper is considered valid according to the previous Article, or if one of the persons mentioned therein abstains from signing the origin for acknowledging receipt or from receiving the copy, this shall be indicated in the origin and copy of the notice. The copy shall be delivered on the same day to the police station in which circuit of competency the domicile of the notified party is located.

The process server shall send a registered mail to the notified party at his domicile within twenty four hours informing him that the copy is delivered to the police station. This shall be indicated timely in the original notice.

The court may consider the notice served according to this Article to be effective from the time of delivery of the copy to the police station or instruct re-performance of the service in any other way the court thinks fit.

Article (9)

If the law requires that the opponent specifies a domicile of choice but the opponent fails, or if the particulars are incomplete or false, service of all papers that would have

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been validly served at the domicile of choice may be made on the opponent at the process server department.

If the opponent cancels his domicile of origin or domicile of choice and fails to notify his opponent thereof, the service on the opponent at such domicile shall be valid. The copy shall be delivered to the police station, if necessary.

Article (10)[7]

Except where a special provision is made in any other law, copy of the notice shall be delivered as follows:

1. For the ministries, governmental departments and other governmental agencies, to the ministers, managers of departments or chairmen of agencies or equivalent, except the statements of claim, statements of appeal and judgments which shall be delivered to the Legal Affairs Department at the Ministry of Justice.
2. For establishments, companies, associations or other juristic persons, to the chairman of board, director, or a general partner or equivalent.
3. For a foreign company that has a branch or an agent in Qatar, to the branch manager or the agent.
4. For army officers, to the commander of the unit at which the notified party works.
5. For minors or the interdicted, to the parents, guardians or trustees.

[7] Amended upon Law No. 7 of 1995.

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6. For inmates, to the prison officer.

7. For sailors or crew of merchant vessels, to the captain.

8. For the persons who have known domicile abroad, to the Ministry of Foreign Affairs to be delivered through the diplomatic channels. The response of the Ministry indicating the delivery to the notified person shall be adequate.

9. For the person who have unknown domicile in the country or abroad, to the police commander. The notice shall contain the last known domicile. The court may order that the notice is served in this case by publication in two daily newspapers issued in Qatar.

Article (11)

By way of exception from the previous Articles, the Court may notify any person in or outside the country at his domicile or workplace by registered mail or any other way the Court thinks fit.

Article (12)

The period of distance for the person whose domicile is located abroad shall be sixty days.

Such period shall not apply to the person who is served in Qatar during his existence therein.

By order of the judge of interim matters such period may be reduced based on the availability of transportation and urgency circumstances. This order shall be notified with the served paper.

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Article (13)

If the last day of the period is a holiday, the period shall be extended to the first working day thereafter.

Article (14)

If a period is specified by days, months or years by the law for appearance or occurrence of procedure, the day of service or occurrence of the matter considered by the law to initiate the period shall not be considered. If the period should expire before the procedure, the procedure may occur only after the last day of the period expires.

The period shall expire upon the expiration of the last day thereof, if it is a condition in which the procedure should take place.

If the period is specified by hours, the beginning and end hours shall be calculated as aforementioned.

Unless otherwise is provided by the law, the periods specified by month or year shall be calculated in Gregorian calendar.

Article (15)

The failure to observe the periods and procedures set out in Articles (2), (3), (4), (5), (6), (7), (8) and (10) hereof shall result in annulment.

Article (16)

The procedure shall be null and void, if the annulment thereof is expressly provided in the law or if flawed by a defect whereby the purpose of the procedure is not fulfilled.

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Annulment shall not be judged, albeit provided, if the purpose of the procedure is evidently fulfilled.

Article (17)

Annulment may be asserted only by everyone in whose favor the annulment is established. The annulment shall be abated if the annulment is waived, or if the procedure is answered to indicate that the procedure is valid.

Annulment shall not be asserted by the opponent who causes the same, except the cases where the annulment is pertinent to the public order.

Article (18)

The null and void procedure may be corrected, even after assertion of annulment. However, this shall be made during the period legally specified for taking the procedure. If the procedure has no established period in the law, the court shall determine an appropriate period for correction. The procedure shall be reliable only from the date of correction.

Article (19)

If the procedure is null and void and the elements of another procedure are fulfilled therein, it shall be valid, considering the same as the procedure which elements are fulfilled.

If the procedure is partially null and void, this part only shall be annulled.

The annulment of procedure shall not give rise to the annulment of the preceding or subsequent procedures, if not established thereon.

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Article (20)

A clerk who executes, and signs with the judge, the transcript shall be present with the judge at the hearings and in all procedures of evidence. Otherwise, the work shall be invalid.

Article (21)

Neither of the judicial aides shall perform a work that falls within limits of his job in the claims of his own, spouses, or within the fourth degree relatives or relatives by marriage. Otherwise, such work shall be invalid.

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Book One

Litigation before the Courts

Section 1

Jurisdiction Ratione Materiae and Estimation of the Value of Claim

Article (22)[8]

Civil district court shall be competent to judge preliminarily in all civil and commercial matters and administrative contracts in which the value of claim is not more than thirty thousand Riyals.

Article (23)[9]

Civil district court shall not be competent to judge in the incidental application or the application related to the original application, if such application falls beyond the jurisdiction of the court, based on the value or type thereof.

If an application as such is filed at the court, the court may judge in the original application only, if the course of justice is not perverted. The court may automatically judge the referral of the original claim and the incidental application or that related to its status to the supreme civil court. The referral judgment shall be non-appealable.

Article (24)[10]

The Court of First Instance, consisting of three judges, referred to as the "Plenary Court" is competent to rule in the first instance in all civil and commercial lawsuits in

[8] Amended upon Law No. 15 of 2005 and Law No. 3 of 2019.
[9] Amended upon Law No. 15 of 2005.
[10] Amended upon Law No. 15 of 2005 and Law No. 3 of 2019.

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which the value of the lawsuit exceeds five hundred thousand riyals, lawsuits of unknown value, lawsuits and disputes related to family, inheritance and endowment issues, as well as adjudicating interlocutory requests. or related to the original application, regardless of its value or type.

And its ruling is not subject to appeal if the value of the lawsuit does not exceed fifty thousand riyals, and in the cases of visiting the child, his travel, residence and custody fees.

It is solely concerned with adjudicating bankruptcy cases, bankruptcy protection, possession cases and other cases for which the law stipulates its jurisdiction regardless of their value.

It is also concerned with adjudicating in appeals submitted to it on judgments issued by the summary court or by its summary judge.

Article (25)[11]

The court of appeal shall decide on the appeals filed for the judgments delivered preliminarily by the supreme civil court and by the judge of summary proceedings at the supreme civil court.

Article (25) Bis[12]

By a decision of the Supreme Judicial Council, one or more departments may be allocated in the Court of First Instance and the Court of Appeal to hear cases in which

[11] Amended upon Law No. 15 of 2005.
[12] Added upon Law No. 3 of 2019.

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any of the ministries, other government agencies, and public bodies and institutions are a party.

Article (26)[13]

Judge of summary proceedings shall be one of the judges of the supreme or district civil court according to the jurisdiction rules established for the disputable right. The procedures established before such court shall be followed before the judge of summary proceedings, unless otherwise is provided in the law. The judge of summary proceedings shall provisionally judge, without prejudice to the right, in the summary proceedings where there is a concern about the lapse of time. However, this shall not prevent that the trial court has jurisdiction to hear such proceedings, if filed to the court collaterally.

If necessary, opponents may be summoned before the judge of summary proceedings at his home. The communication mean of the claim filing party with the clerk and the judge shall be regulated by decision of the chief justice of the courts of justice in this case.

The appeal of the judgments delivered by the judge of summary proceedings shall be filed before the competent court of appeal according to the two previous Articles.

Article (27)[14]

The summary court shall judge the imposition of receivership on a movable, real estate or a group of properties in which regard a dispute arises or in which the right is not

[13] Amended upon Law No. 13 of 2005.
[14] Amended upon Law No. 13 of 2005.

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established, if the party interested in the property has reasonable grounds for the concern regarding an imminent danger, if the property remains in the hands of its possessor.

The receiver shall be appointed by agreement of all concerned parties. If no agreement is reached, the receiver shall be appointed by the judge. The receiver may be one of the receivers enrolled in the "Receivers Table" which adjustment of statuses and conditions of enrollment therein is organized by decision of the chief justice of the courts of justice.

Article (28)

If the obligations, rights and powers of the receiver are not manifested in the judgment that orders the receivership, the following provisions shall apply:

(a) The receiver shall preserve and manage the property and return the same together with the received proceeds to the party who is evidently entitled to have such property. The receiver shall exert the due diligence of an ordinary man in the preservation and management of property. The receiver shall not directly or indirectly be replaced by one of the concerned parties in the performance of all or part of his task, without consent of the others.

(b) The receiver shall act only by consent of all the concerned parties or by permission of the court, in other than the management works.

(c) The receiver may charge fees, unless assigned.

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(d) The receiver shall provide the concerned parties with an account of the amounts received and expended, supported by documents.

(e) Upon termination of receivership, the receiver shall return the object in his custody to the party chosen by the concerned parties or appointed by the judge.

Article (29)

The value of claim shall be estimated on the basis of its value on the day of filing the claim. The estimation shall consider the remedies, proceeds, charges and other annexure of estimated value falling due then, as well as the due wage claimed after filing the claim to the day of the judgment delivery. In all cases, the value of building or crops shall be taken into consideration, if the removal thereof is requested.

Estimation shall be made based on the last requests of the opponents.

Article (30)

The following shall be observed in the estimation of the value of claims:

1. The claims related to a movable are estimated as the amount thereof.
2. The claims of a revenue shall be estimated upon contending in the document of its order on the basis of the salary of twenty years, if for life, and on the basis of the salary of ten years if everlasting.
3. The claims of application for validity, annulment or termination of contract, the value shall be estimated as the value of the object of contract. For the contracts of exchange, the value of claim shall be estimated as the value of the exchanged object of the higher value.

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4. The claims of application for validity, annulment or termination of contract shall be estimated as the total cash consideration for the entire term of the contract. If a part of the contract is performed, the claim of termination of contract shall be estimated by considering the remaining period. If the claim is related to extension of term of contract, the estimation shall consider the cash consideration of the period to be extended for which the dispute arises.

5. Claims between a debtor and his creditor regarding the validity or annulment of attachment of a movable or regarding pledge, right of concession or right of lien shall be estimated as the value of the guaranteed debt. If the claims are filed by a third party of his entitlement to the attached properties or burdened with the said rights, the value of such properties shall be reliable.

6. Claims of validity of signature and original claims of forgery shall be estimated as the value of the right evident in the paper which judgment of its validity of signature or forgery is requested.

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Section 2

Filing and Registration of Claim

Article (31)[15]

The lawsuit shall be submitted to the court at the request of the plaintiff in a statement that is deposited to the court's registrar of the competent court and announced to the defendant. The statement of claim shall include the following data:

1- The names, addresses, telephone numbers, fax and e-mail (if any) of the parties to the dispute or their representatives.

2- The date of submission of the statement of claim.

3- The court before which the case is brought, and the day and time in which the person must appear before it.

4- An explanation of the subject matter of the case, the plaintiff's requests and its supporting evidence.

5- Any other data added by the Supreme Judicial Council.

Article (32)

The claim shall be considered filed and producing effects of filing thereof from the date of lodging the statement at the process server department, even if the court is not competent.

[15] Amended upon Law No. 3 of 2019.

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Article (33)

Upon lodging the original statement of claim at the process server department, the plaintiff shall fully pay the prescribed fee. Copies of the statement shall be provided insofar the number of the defendants and a copy shall be provided to the process server department. All documents supporting the claim shall be attached to the statement.

Article (34)[16]

The court registrar shall record the case on the day the case statement is presented in the case record, after it is recorded in the original and copies of the case statement, in the presence of the plaintiff or his representative, the date of the specified session.

The court registrar shall allocate a file for the lawsuit in which the original of the case statement designated for the court registrar shall be deposited, indicating the payment of the fee.

The court registrar must hand over the copies of the case statement and the notice for each of the defendants on the next day at most to the person serving the notice, to notify the concerned parties within three days of the case statement and record the case, the name of the plaintiff and the session set for its consideration, and invite him to review the case file and submit his documents and a memorandum of his defense.

The defendant, in all cases except for urgent cases, in which the time for attendance has been shortened, shall deposit a memorandum of defense with the court registrar

[16] Amended upon Law No. 13 of 2005.

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and attach all his documents to it, at least three days prior to the session set for examining the case. Court so.

Article (35)[17]

The period of appearance shall be five days before the district civil court, the supreme civil court and the court of appeal. In necessary cases, this period may be reduced to twenty four hours.

The period of appearance in summary proceedings shall be twenty four hours. In necessary cases, this period may be reduced to become from one hour to another, provided that the opponent himself is served. The opponent's abstention from receiving the notice in this case shall be deemed as being serviced to him personally unless the claim is one of the maritime claims.

The periods shall be reduced in the foregoing cases by permission of the judge of interim matters and the copy thereof shall be served together with statement of claim on the opponent.

Article (36)[18]

The body in charge of service shall serve the statement of claim within two weeks from the date of delivery thereof to such body, unless a hearing is scheduled during this period for the publication of the claim. In this case, service shall be made before the hearing, together with observing the period of appearance.

[17] Amended upon Law No. 13 of 2005.
[18] Repealed upon Law No. 3 of 2019.

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Article (37)[19]

The failure to observe the period set out in Article (34/Third Paragraph) shall not invalidate the service of the statement of claim. Further, the failure to observe the periods of appearance shall not give rise to annulment, without prejudice to the right of the notified party to postponement to complete the period.

Article (38)

If the claim is not served for the day scheduled for the hearing, another hearing may be scheduled and the concerned parties shall be served therewith.

Article (39)

The court before which the claim is filed may sentence the negligent employee at the process server department or in charge of service to pay a penalty of not more one hundred Riyals. The judgment of the court shall be final.

[19] Amended upon Law of 3 of 2019.

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Section 3

Appearance and Absence of Opponents

Chapter 1

Appearance and Agency in Litigation

Article (40)

On the day scheduled for hearing the claim, the opponents shall appear personally or by their appointed lawyers or legal professionals provided in Articles (16) and (17) of Law No. (20) of 1980 on Regulation of the Attorneyship Profession referred to.

The court may accept in representation of the opponents their appointed spouses or within the fourth degree relatives or relatives by marriage.

Article (41)

The attorney shall prove his appearance and agency for his principal.

In proving the agency, the provision of a paper to that effect by the attorney shall be sufficient. If the paper is informal, the signature of the principal in the paper shall be authenticated by the competent official body.

If necessary, the court may specify a date for the attorney to prove his agency during no later than the hearing of pleading.

Power of attorney may be issued by the principal to the attorney at the hearing by a report taken down in the transcript of hearing.

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Article (42)

Upon the issue of the power of attorney by either opponent, the domicile of his attorney shall be reliable in the service of the necessary papers to proceed with the claim in the litigation degree in which the attorney is hired.

Article (43)

The issue of power of attorney in the litigation authorizes the attorney to perform the necessary works and procedures to file, follow up or defend in the claim, take interim procedures until judgment is delivered on the merits in the litigation degree in which the attorney is hired, serve this judgment and receive fees and charges, without prejudice to the cases in which the law requires a special authorization.

Each entry stated in the power of attorney as opposed to the foregoing shall not be invoked against the other opponent.

Article (44)

No acknowledgement, waiver, composition, arbitration shall be accepted in of the claimed right shall be valid without special authorization. Further, no acceptance, direction or rejection of oath; abandonment of litigation; waiver of judgment or one of the appeal ways; lifting attachment; quitting securities with existence of debt; allegation of forgery; recusal of judge or expert, actual offer and acceptance thereof or any other action, in which the law requires a special authorization, shall be valid without the same.

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Article (45)

The attorney may delegate other lawyers, if the attorney is not expressly prohibited from delegation in the power of attorney.

Article (46)

If there are multiple attorneys, either of them may work alone in the case, unless he is prohibited from the same by a provision in the power of attorney.

Article (47)

Everything said by the attorney at the hearing in presence of his principal shall be equivalent to whatever is said by the principal himself, unless denied or repudiated while the case is heard at the same hearing.

Article (48)

The quitting or removal of the attorney shall not suspend the claim procedures against him unless the attorney is notified by the opponent of the appointment of a substitute attorney or the principal's intention to follow up the claim by himself.

The attorney shall not quit the agency at inappropriate time.

Article (49)

The court may order the appearance of opponents personally before the court on a specific day. If the summoned person has an excuse that prevents his appearance, the court or whoever is delegated thereby may visit such person to hear his statements on such date specified by the court. The clerk shall notify the other opponent of such date

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and shall execute minutes of the statements of opponents signed by the judge, clerk and opponents.

Article (50)

Neither of the judges or the employees of the courts shall act as the attorney of opponents in appearance or pleading, whether orally, in writing or by advice. However, such persons may perform the same for the persons they legally represent and for their wives and up to the fourth degree relatives.

Chapter 2

Absence

Article (51)[20]

If neither the plaintiff nor the defendant attended, or the defendant attended alone and did not express any requests, the court shall rule on the case if it is valid for judgment, otherwise it shall decide to strike it off.

The cancellation of the case results in its exclusion from the list of cases before the court and the non-adjudication of it, with all the consequences of it remaining.

If sixty days have elapsed from the date of writing off the case and one of the litigants did not request the proceeding with the case, or if the two parties did not attend after proceeding with it, it shall be considered as if it had not been.

[20] Amended upon Law No. 3 of 2019.

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Renewal of the write-off is for one time, and the renewal entails that the case returns to the state it was in before it was struck off.

The court shall rule on the case if the plaintiff or the plaintiffs or some of them were absent in the first session and the defendant attended unless he withdrew leaving the lawsuit to be struck off.

Article (52)

If the defendant appears at any hearing or lodges a submission, the litigation shall be in presentia, even if the defendant fails to appear later.

The plaintiff shall not raise new requests or amend, increase or reduce the former requests at the hearing at which his opponents fail to appear. The defendant shall not request, in absence of the plaintiff, judging a request against the plaintiff.

Article (53)

If the plaintiff is absent at the first hearing and the defendant appears alone and raises requests, the court shall postpone the case to another hearing with which the plaintiff shall be served. If the plaintiff fails to appear, the defendant shall request the delivery of judgment on the merits of claim and such judgment shall be in presentia.

Article (54)

If there are multiple plaintiffs and some thereof fail to appear at the first hearing, the case shall be postponed to another hearing and the absent plaintiffs shall be served therewith. The judgment delivered in the claim afterwards shall be in presentia against all plaintiffs.

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Article (55)

If the defendant alone fails to appear at the first hearing and the statement of claim is served on the defendant personally, the court shall judge in the claim. If the statement is not served on the defendant personally, the court shall, in other than the summary proceedings, postpone hearing the case to a following hearing and the absent opponent shall be served again. The judgment in the claim in both cases shall be in presentia.

Article (56)

If there are multiple defendants and some defendants fail to appear, the court shall postpone the case to another hearing. The absent defendant shall be served again and warned that the judgment to be delivered shall be in presentia against him.

Article (57)

If the court finds, upon the absence of the defendant, that the service of statement of claim on the defendant is invalid, the case shall be postponed to a following hearing to be validly served.

Article (58)

If the absent opponent appears before the end of hearing, each judgment delivered against such opponent shall be considered null and void.

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Section 4

Procedures and System of Hearing

Article (59)

Hearings of courts shall be open unless the court automatically or at request of either opponent orders that the hearing is secret to maintain the public order or to observe morals or family inviolability. Judgment shall be pronounced in all cases at an open hearing.

Article (60)

The order and management of hearing shall be handled by the chairman of hearing. To this end, the chairman may dismiss from the courtroom everyone violates the hearing order. If such person fails to comply and goes further, the court may order immediately his incarceration for twenty four hours or payment of a penalty of not more than five hundred Riyals. The judgment of the court shall be non-appealable.

If the violation is committed by the employees of the court, the court may impose the disciplinary sanctions which the administrative presidency has the power to impose during the hearing.

Until before the end of hearing, the court may retract the judgment delivered based on the two previous paragraphs.

Article (61)

Chairman of hearing shall question the opponents and the witnesses. The members sitting with the chairman may ask questions, having consulted with the chairman.

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Article (62)

Statements of opponents shall be heard in the pleading and shall not be interrupted, unless the opponents go beyond the subject of the claim or defence requirements, violate the order, exchange scolding or disgrace a non-party to the claim.

The defendant shall be the last to speak.

Article (63)

The court may automatically order the erasure of offensive phrases, morals or public order offending phrases from any paper of pleadings or submissions.

Article (64)

Chairman of hearing shall order the execution of a transcript for each offence committed during the hearing and shall be referred to the police to take necessary action. If the offence committed is a felony or a misdemeanor, the chairman may, if necessary, order that the offender is arrested.

Article (65)

The person who commits a misdemeanor against the court panel, member or employee during the hearing may be put on trial by the court and be immediately sentenced to the penalty.

The witness who gives false testimony at the hearing may be put on trial by the court and sentenced to the penalty established for the false testimony. The judgment of the court in such cases shall be in force, even if appealed.

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Article (65/ Bis)[21]

The Court of First Instance shall decide cases expeditiously, and the competent heads of ministries, government agencies, public bodies and institutions, lawyers, and litigants shall provide the court with the data, files, or papers it requests, necessary for deciding the case within one week from the date of the request.

It is not permissible to postpone the hearing of the case more than once for the same reason, provided that the period of postponement does not exceed two weeks.

Article (66)

Opponents may request the court, whatever the status of the claim, to record their agreement in the transcript of hearing which shall be signed by the opponents or their attorneys. If the opponents write their agreement, the written agreement shall be appended to, and its content shall be recorded in, the transcript of hearing. The transcript of hearing in both cases shall have the force of the writ of execution and a copy thereof shall be delivered to the opponents according to the rules set for the delivery of judgment copies.

Article (67)

The court shall judge against any of its employees or the opponents who fails to lodge documents or to perform any of pleading procedures within the period specified by the court. Any employee or opponent who causes the postponement of the claim due to a reason that such person could have expressed in a previous hearing shall be sentenced

[21] Added upon Law No. 3 of 2019.

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to pay a penalty of not more than five hundred Riyals, by a decision to be taken down in the transcript of hearing.

The decision of penalty shall have the executive force of the judgments and shall be non-appealable in any way. The court may relieve the sentenced person of all or part of the penalty, if an acceptable excuse is expressed.

Instead of sentencing the plaintiff to payment of penalty, the court may order the suspension of claim for a period of not more than six months, unless objected by the defendant, if present. If the suspension period expires, the process server department shall accelerate the claim at request of either opponent to the nearest hearing held afterwards which the litigants shall be notified of. If it is evident that the plaintiff fails to execute the order of the court, a judgment that the claim is null and void may be delivered.

Article (68)

Language of courts shall be Arabic language. The court shall hear statements of opponents or witnesses who do not speak this language by an interpreter who takes the legal oath before handling his task that he interprets honestly and sincerely.

Article (69)

Judgments shall be delivered and executed in name of HRH Emir of the State of Qatar.

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Section 5

Pleas, Impleadment, Intervention and Incidental Applications

Chapter 1: Pleas

Article (70)

The plea of lack of jurisdiction, plea of annulment of summons and other pleas related to the procedures shall be raised together before raising any request or defence in the claim or plea of case inadmissible, or the right to raise the non-raised pleas shall lapse. The right of the claimant to raise such pleas shall lapse, if not raised in the statement of appeal.

Such pleas shall be decided independently before the merits of the claim are considered unless their incorporation to the merits is ordered by the court. The court shall then explain the decision thereof in each plea.

All aspects on which the plea related to procedures shall be expressed together, or the right to raise the non-raised pleas shall lapse.

Article (71)[22]

Plea of case inadmissible for incapacity, incompetency, lack of interest or for any other reason may be raised, whatever the status of the claim.

If the court of first instance thinks that the plea of case inadmissible for the lack of the defendant's capacity is groundless, the claim shall be postponed for service on the party of capacity.

[22] Amended upon Law No. 3 of 2019.

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If the matter is related to one of the ministries, governmental agencies, public bodies or institutions, or a private legal person, it is sufficient to specify the capacity that the name of the defendant in the case file is mentioned.

Article (72)

The annulment of statements of claim and the service thereof, and the annulment of summons resulting from a defect in the service, statement of the court or the date of hearing shall be terminated by appearance of the notified party at the hearing or lodging submission of defence.

Article (73)

Plea of lack of the court's jurisdiction for the lack of dominion or for the type or value of claim shall be judged automatically by the court and may be raised, whatever the status of the claim.

Article (74)

Plea of case inadmissible for previous adjudication shall be judged automatically by the court.

Chapter 2: Impleadment and Intervention

Article (75)

Opponent may implead in the claim any party who may be validly sued upon filing the claim. Prosecution of third parties shall be subject to the procedures and periods followed in filing the claim.

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Article (76)

The court may, even if automatically, order the impleadment of any party the court thinks fit to implead, to serve justice or to reveal the truth in the claim, or whoever has a solidarity relation or indivisible obligation with either opponent or who would be harmed by the judgment in the claim.

A date shall be scheduled by the court for the appearance of the impleaded party. The court shall instruct the process server department to summon such impleaded party or appoint a litigant to implead such impleaded party, in the usual procedures of filing the claim. The impleaded party may request to be exited from the claim.

Article (77)

The court shall respond to the application of the litigant to postpone the claim to implead a guarantor. The impleadment of the guarantor by the opponent shall be made in the usual procedures of filing the claim.

One judgment shall be delivered in the application for guarantee and in the original claim, if possible, or the application for guarantee shall be decided after judgment is delivered in the original claim.

If the court orders the joinder of the guarantee application and the original claim, the judgment delivered against the guarantor, when required, shall be a judgment for the original plaintiff, even if no requests are directed thereto.

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If the court thinks that the application for guarantee is groundless, the guarantee claimant may be ordered to grant remedy resulting from the late adjudication on the claim.

Article (78)

Each interested party may intervene in the claim to join either opponent or to be judged for himself a request related to the claim.

Intervention shall be made in the usual procedures of filing the claim before the day of hearing or by a request orally made at the hearing in presence of the opponents and shall be taken down in the transcript.

Intervention shall not be accepted after pleading is closed.

The court shall decide on each intervention related dispute. Intervention shall not entail the postponement of judgment in the original claim, if the original claim is eligible for delivery of judgment.

The court shall judge on the merits of the intervention application with the original claim, if possible, or the merits of the intervention application shall be left to be judged after examination thereof.

Chapter 3: Incidental Applications

Article (79)

Incidental applications shall be filed by the plaintiff or the defendant to the court in the usual procedures of filing the claim before the day of hearing or by a request orally

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made at the hearing in presence of the opponents and shall be taken down in the transcript.

No applications shall be accepted after the pleading is closed.

Article (80):

The plaintiff may file the following incidental applications:

(a) The correction of the original application or the amendment of its merits to meet the circumstances that emerge or occur after filing the claim.

(b) Addition to or change of the cause of action while leaving the merits of the original application as-is.

(c) Anything complementary to, resulting from or indivisibly associated with the original application.

(d) Application for the order of interim or provisional procedure.

(e) Anything which production is permitted by the court and pertinent to the original application.

Article (81)

The defendant may file the following incidental applications:

(a) Application for judicial setoff.

(b) Application to be awarded damages for the injury suffered from the original claim or a procedure therein.

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(c) Any application which answer would result in not judging all or part of applications of the plaintiff, or his applications are judged but restricted by a restriction in favor of the defendant.

(d) Any application which is indivisibly associated with the original claim.

(e) Anything which production is permitted by the court and pertinent to the original application.

Article (82)

The court shall judge in each dispute related to the acceptance of incidental applications.

Incidental applications shall not postpone the judgment in the original claim, if the claim is eligible for judgment.

The court shall decide on the merits of the incidental applications with the original claim, if possible. Otherwise, the incidental application shall be left to be judged after examination thereof, unless the judgment in the original claim is pending the judgment in the incidental application.

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Section 6

Suspension, Discontinuation, Abatement and Termination of Litigation by Limitation and Abandonment

Chapter 1: Suspension of Litigation

Article (83)

The claim may be suspended based on the agreement of opponents not to proceed with the claim for a period of not more than six months from the date of approving their agreement by the court. Such suspension shall be ineffective on any inevitable date fixed by the law for a procedure.

If the claim is not accelerated by either opponent in the twenty days following the end of the six months, the plaintiff shall be deemed to have abandoned the claim and the appellant shall be deemed to have abandoned the appeal.

Article (84)

In other than the cases where the suspension of claim is provided in the law mandatorily or permissively, the court may order the suspension of claim, if the court thinks to suspend its judgment on the merits on deciding another question on which the judgment is dependent.

Upon the lapse of the reason of suspension, either opponent may accelerate the claim.

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Chapter 2: Discontinuation of Litigation

Article (85)

Litigation shall be discontinued by operation of law upon the death or incapacity of an opponent, incompetency of the person who follows up the litigation on his behalf, unless the claim is ready for judgment on the merits. The court may judge in the claim based on the final statements and requests, or postpone the claim at request of the person who acts in place of the deceased, incompetent or incapacitated person or at request of the other party.

The claim shall be deemed eligible for judgment on the merits, if the opponents expressed their statements and final requests at the pleading before the death, incompetency or incapacitation.

Proceeding with litigation shall not be discontinued by death of the attorney or termination of his agency by quitting or removal. The court may grant a suitable period of time to the opponent of the deceased attorney or the attorney of terminated agency, to appoint a new attorney.

Article (86)

Discontinuation of litigation shall suspend all dates of pleadings that were effective against the opponents and the annulment of all procedures taken during the discontinuation.

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Article (87)

The claim shall be resumed by the summons served on the party that acts for the deceased, incompetent or incapacitated opponent, at request of the other party, or the summons served on such party at request of the party that acts for the opponent because of whom the litigation is discontinued.

The claim shall also be resumed, if the hearing scheduled to entertain the claim, is attended by the heir of the deceased person or anyone acts for the incompetent person or acts for the incapacitated person and proceeds with the claim.

Chapter 3: Abatement and Termination of Litigation by Limitation

Article (88)

Each interested opponent may, should the claim be discontinued by action or abstention of the plaintiff, request that the abatement of litigation is judged, if one year lapses from the last valid litigation procedure.

In the cases of discontinuation, the litigation abatement period shall begin from the day on which the litigation abatement applicant serves the heirs of the deceased opponent or the person acting for the incompetent person or the person acting for the incapacitated person, with the existence of claim between him and the original opponent.

The period established for the litigation abatement shall apply to all persons, even if they are incompetent or incapacitated.

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Article (89)

The application for litigation abatement shall be filed at the court, before which the claim in which litigation is requested to be abated, on such conditions set for filing the claim.

The litigation abatement may be asserted in the form of a plea, if the claim is accelerated by the plaintiff after the lapse of one year.

The application or the plea shall be filed against all plaintiffs or appellants, or it shall be rejected.

Article (90)

The judgment of litigation abatement shall entail the abatement of the judgments delivered therein by evidence and the cancellation of all litigation procedures including the statement of claim. However, the right in the original claim, the conclusive judgments delivered therein and the procedures that precede such judgments or decisions taken by the opponents or oaths administered thereby, shall not lapse.

Such abatement shall not prohibit the opponents from asserting the procedures of investigation and executed expert works, unless the same are null and void by themselves.

Article (91)

If litigation abatement is judged in the appeal, the appealed judgment shall be considered final at all events.

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Article (92)

In all cases, litigation shall be terminated upon the lapse of three years from the last valid procedure taken therein.

Chapter 4: Abandonment of Litigation

Article (93)

The plaintiff may abandon litigation by a notice served on his opponent, an express statement in a submission signed by the plaintiff or his attorney to be reviewed by the opponent or orally at the hearing to be taken down in the transcript.

Article (94)

Abandonment shall be made, after the defendant raises his requests, by acceptance of the defendant only. However, the objection to abandonment by the defendant shall be ignored, if the defendant raises the plea of lack of jurisdiction, referral of the claim to another court, annulment of statement of claim, or another request which purpose is to inhibit the court from proceeding with the claim.

Article (95)

Abandonment shall give rise to the cancellation of all litigation procedures including the statement of claim and the abandonment applicant is ordered to pay charges. However, the right by which the claim is filed shall not be affected.

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Article (96)

If the opponent expressly or impliedly waives a procedure or a paper of pleading, while the litigation is heard, the procedure or paper shall be considered null and void.

Article (97)

Assignment of judgment shall give rise to the waiver of the right established therein.

Section 7

Ineligibility, Recusal and Disqualification of Judges

Article (98)

Judge shall be ineligible to hear the claim and prohibited from considering the claim, even if not recused by either opponent in the following cases:

1. If the judge is a relative or relative by marriage of an opponent within the fourth degree of relation.
2. If the judge or judge's spouse has an outstanding dispute with an opponent or opponent's spouse.
3. If the judge is the attorney of an opponent in the private business thereof, guardian or trustee thereof or the judge is possibly an heir thereof, has within the fourth degree kinship or kinship by marriage relation with a guardian or trustee of the opponent or with a director of board, manager or general partner of the opponent company, and such director, manager or partner has a personal interest in the claim.

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4. If the judge or judge's spouse or one of his relatives or relatives by marriage in lineal consanguinity, or anyone for whom the judge acts as his attorney, guardian or trustee, has an interest in the current claim.
5. If the judge provides advice or pleads for an opponent, or writes in the claim, even if before working in the judiciary or if the judge previously heard the claim as a judge, expert or arbitrator, or gives testimony in the claim.
6. If there is a kinship or kinship by marriage relation within the fourth degree between the judge and one of the judges sitting with him in one circuit or the attorney or advocate of an opponent.

Article (99)

The work or judgment of the judge in the aforementioned cases shall be null and void, even if made by agreement of the litigants.

Article (100)

Judge may be recused for either of the following reasons:

1. If the judge or judge's spouse has a claim similar to the heard claim.
2. If the judge or judge's spouse has a dispute with an opponent or opponent's spouse after filing the claim laid before the judge, unless such claim is filed for purpose of recusing the judge in order not to hear the claim laid before him.
3. If the divorcée from the judge of which the judge has a child, or a judge's relative or relative by marriage in lineal consanguinity has an existing claim pending before the court against an opponent in the claim or opponent's

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spouse, unless such claim is filed after filing the claim laid before the judge for purpose of his recusal.

4. If an opponent works for the judge, or if the judge is accustomed to eat or reside with an opponent, or if the judge receives a gift from an opponent before or after filing the claim.
5. If there is animosity or cordiality between the judge and an opponent that would render the judge incapable to judge without bias.

Article (101)[23]

The judge shall, in the cases set out in the previous Article, inform the court at the deliberation room of the reason of recusal to be permitted to disqualify himself from hearing the claim.

If the court is formed of an individual judge, the judge shall explain the reasons of disqualification to the chief justice of the courts of instance to permit him to disqualify himself.

Article (102)[24]

The judge may, in other than the aforementioned recusal cases, if the judge believes there is a ground for apprehension of bias in hearing the claim for any reason, lay the matter of disqualification before the court at the deliberation room or the chief of the courts to consider his acknowledgement of disqualification.

[23] Amended upon Law No. 13 of 2005.
[24] Amended upon Law No. 13 of 2005.

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Article (103)

If there a reason that requires the recusal of the judge, but he fails to disqualify himself, the opponent may apply for his recusal.

The application for recusal shall be filed before advancing any plea or defense, or the applicant's right shall lapse.

If the recusal is filed against a judge pro tempore, the application shall be filed within three days from the day of appointment if the appointment decision is issued in presence of the recusal applicant. If the decision is issued in absence of the applicant, the three days shall begin from the day of being served with the decision.

Article (104)

Recusal may be applied for, if the causes thereof occur after the established periods, or if the recusal applicant proves that he is not aware thereof unless after the expiration of such periods.

At all events, the right of the opponent to file the recusal application shall lapse, if not approved before the pleading is closed in a previous recusal application filed in the claim that notified the hearing scheduled to entertain such application if the grounds of recusal are outstanding until the pleading is closed.

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Article (105)[25]

No recusal application shall be filed for the recusal of all or part of judges of the court so that the remaining number is insufficient to judge in the recusal application or the merits of claim, when the recusal application is accepted.

Article (106)[26]

Recusal shall be made by a report lodged at the process server department signed by the applicant himself or his attorney authorized by a special authorization. The authorization shall be attached to the report.

The recusal report shall contain the reasons and the supporting papers shall be attached thereto.

The recusal applicant shall deposit three thousands Riyals as a security, when the recusal report is issued. There shall be multiple securities when there are multiple judges to be recused.

Article (107)[27]

The head of process server department shall submit the recusal report to the chief of the courts within twenty-four hours from lodging the report at the process server department. Chief of the court shall inform the judge to be recused of the report immediately.

[25] Amended upon Law No. 13 of 2005.
[26] Amended upon Law No. 13 of 2005.
[27] Amended upon Law No. 13 of 2005.

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Article (108)[28]

The judge to be recused shall respond in writing to the recusal facts and reasons within four days following the review thereby.

If no response is made within the said period to the reasons of recusal or no admission thereof is made in the response and such reasons are legally eligible for recusal, the chief of the courts shall issue a decision of accepting the recusal application and disqualification of the judge.

Article (109)[29]

If the judge denies the reasons of recusal, the chief of the court shall, on the day following the expiration of the period stated in the previous Article, appoint a circuit at the same court that entertains the recusal application. The process server department shall notify the remaining opponents in the original claim of the hearing scheduled to entertain the application to present their recusal applications according to the last paragraph of Article (104). Such circuit shall examine the application at the deliberation room then judge after hearing statements of the recusal applicant and notes of the judge, when required, or if requested. The judgment shall be read out at an open hearing.

The judge shall not be interrogated or directed to take oath in the examination of the recusal application.

[28] Amended upon Law No. 13 of 2005.
[29] Amended upon Law No. 13 of 2005.

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Article (110)[30]

The chief of the court shall, when recusal applications are filed before the pleading is closed in a previous recusal application, refer such applications to the same circuit before which such application is entertained to deliver one judgment in all of them, without compliance with Article (108).

In all cases, the judgment issued in the recusal request is not subject to appeal in any way.

Article (111)[31]

When the recusal application is rejected, the right to recusal lapses or the application is rejected, the court shall decide on the recusal application to pay the penalty of not less than two thousands Riyals and not more than five thousand Riyals and the forfeiture of security.

If the recusal is established on the fifth aspect of Article (100) then it is rejected, the penalty levied may be up to ten thousand Riyals.

At all events, there shall be multiple penalties if there are multiple judges to be recused.

If the recusal application is waived, the court shall judge the forfeiture of the security.

Article (112)[32]

[30] Amended upon Law No. 13 of 2005.
[31] Amended upon Law No. 13 of 2005.
[32] Repealed upon Law No. 13 of 2005.

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The recusal applicant may appeal the judgment delivered in the recusal application. The appeal shall be filed by a report lodged at the process server department that delivers the judgment, within the five days following the day of delivery.

The court clerk shall automatically send the appeal report and the recusal file to the court of appeal within the three days following the issue of the report of appeal.

The judgment delivered in the application for recusal of one judge of appeal or more shall be appealed before another circuit at the same court appointed by the chief justice of the courts of justice. The judge to be recused shall not be a member of such circuit.

Article (113)[33]

The appeal filed against the judgment delivered in the recusal application shall be heard by the court of appeal which shall deliver judgment as set out in Article (109).

The process server department of the court of appeal shall return the case file to the court which judged in the recusal preliminarily with a copy of the appellate judgment attached within the two days following the day of pronouncing the judgment.

Article (114)[34]

Submission of a recusal request shall result in the suspension of the original lawsuit until a final judgment is rendered. Nevertheless, the court may, in case of urgency, and upon the request of the other litigant, appoint a judge to replace the one who requested the recusal thereof.

[33] Repealed upon Law No. 13 of 2005.
[34] Amended upon Law No. 13 of 2005.

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Article (115)

If it is judged that the recusal application is rejected, lapse of right, dismissed or waived, then filing any other recusal application shall not suspend the original claim. However, the court that hears the recusal application may order, at request of a concerned party, the suspension of the original claim. The previous Article shall apply to this case.

Article (116)

If a claim of remedy is filed by the judge against the recusal applicant or a statement is made at the competent body against the applicant, the judge shall not be eligible to judge in the claim and shall disqualify himself from hearing the claim.

Section 8

Judgments

Chapter 1: Delivery of Judgments

Article (117)

Deliberation in the judgments shall be secret among the judges jointly.

Article (118)

Only the judges who hear the pleading shall be engaged in the deliberation, or the judgment shall be null and void.

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Article (119)

The court shall not, during the deliberation, hear either opponent or his attorney unless in presence of the opponent thereof. The court shall not accept papers or submissions from either opponent without being reviewed by the other opponent, or the work shall be null and void.

Article (120)

Judgments shall be delivered by the majority of opinions. If the majority is not fulfilled and there are more than two opinions, the most junior judges shall adopt one of the opinions issued by the most senior judges to fulfill the required majority, having taken the opinions again.

Article (121)

The judgment shall be pronounced by reading out the operative part or reading out the operative part and causes. The judgment shall be pronounced at an open hearing or the judgment shall be null and void.

The judges engaged in the deliberation shall be present in reading out the judgment. If an impediment occurs to either judge, the draft of judgment shall be signed thereby.

At all events, the draft judgment containing the causes shall be lodged at the process server department and shall be signed by the chairman and judges upon pronouncing the judgment or the judgment shall be null and void.

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Article (122)[35]

After the pleading is closed, the court may pronounce the judgment at the hearing and may postpone the delivery of judgment to another close hearing to be scheduled thereby.

The reading out of judgments issued during the course of the case and that do not end the litigation and the decisions to open pleadings in it are considered an announcement to the litigants who attended one of the sessions, or submitted a memorandum of their defence, unless the sequence of the sessions was interrupted for any reason after their attendance, or their submission of the memorandum, then the court registrar shall notify the litigants of the judgment or decision referred to in the methods prescribed herein.

Article (123)

If it is required to postpone the delivery of judgment for a second time, the court shall permit the same at the hearing and shall schedule the day on which the judgment shall be pronounced. The reasons of postponement shall be stated in the transcript of hearing.

Article (124)

Pleading shall be initiated after a hearing is scheduled to pronounce the judgment only by a decision permitted by the court at the hearing. This shall be only for serious reasons set out in the transcript of hearing.

[35] Amended upon Law No. 3 of 2019.

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Article (125)

The draft judgment that contains the operative part and causes shall be kept in the file. No photocopies of the draft judgment shall be delivered. However, the draft judgment may be accessible by the opponents until the copy of the original judgment is completed.

Article (126)

The judgment shall encompass the causes on which the judgment is established, or the judgment shall be null and void.

The judgment shall indicate the delivering court, date and place and delivery, names of judges who heard the pleading, engaged in the judgment and attend reading out the judgment; and names, surnames, capacities, domiciles, appearance and absence of each opponent.

The judgment shall contain a global presentation of the claim facts, requests of opponents, summary extract of pleas and meritorious defence of opponents then the causes and the operative part shall be stated.

Defective causation of the judgment, deficit or fatal mistake in the names and capacities of opponents and the failure to indicate the names of judges who deliver the judgment shall render the judgment null and void.

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Article (127)

Chairman and clerk of hearing shall sign the original copy of judgment that contains the facts of claim, causes and the operative part. The original copy shall be kept in the claim file within seven days from lodging the draft.

Article (128)

The photocopy of judgment whereby the execution is made shall receive the stamp of the court and shall be signed by the clerk, having been given the executive form. This photocopy shall be delivered to the opponent who is interested in the execution of judgment only and shall be delivered to him only if the execution of judgment is permissible.

Article (129)

If the process server department abstains from giving the first executive photocopy, the applicant may file petition of complaint to the judge of interim matters at the court that delivered the judgment to issue his order according to the procedures provided in the Section of Petitions.

Article (130)

A second executive photocopy shall not be delivered to the same opponent, unless in case of loss of the first photocopy. The application for delivery of the second photocopy shall be filed at the court that delivered the judgment, by a statement served by one opponent on the other opponent.

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Chapter 2: Charges of Claim

Article (131)

Upon the delivery of the judgment that terminates the litigation, the court shall automatically judge in the charges of claim. The losing opponent shall incur the charges of claim including the attorney's fees.

If there are multiple losing parties, the judgment may split the charges among them or in proportion to the interest of each party in the claim, as estimated by the court. The losing parties shall be ordered jointly to pay the charges, only if they are jointly held liable in the principal judged obligation.

Article (132)

The court may order the prevailing opponent to pay all or part of the charges, if the right is admitted by the losing party, if the prevailing party caused the expenditure of useless charges, or leaves his opponent unaware of the conclusive documents in the claim or substance of such documents in his possession.

Article (133)

If certain requests are not judged for both opponents, it may be judged that each opponent incurs the charges paid thereby or that charges are split between them, as estimated by the court in the judgment. The court may also order one opponent to incur all charges.

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Article (134)

Intervention charges shall be incurred by the intervenor, if the intervenor has independent requests and his intervention or requests are dismissed.

Article (135)

The court may judge awarding damages against the expenses arising from a maliciously intended claim or defence.

Without prejudice to the previous paragraph, the court may upon the delivery of the conclusive judgment on the merits, order the opponent who takes a procedure or raises an application, plea or defence in bad faith, to pay a penalty of five hundred Riyals.

Article (136)

Charges of claim shall be estimated in the judgment if possible, or the charges shall be estimated by the chairman of the panel that delivers the judgment, by a petition filed by the prevailing party. Such petition shall be served on the losing party. The abatement provided in Article (146) shall not apply to such order.

Article (137)

Each opponent may file grievance against the order referred to in the previous Article. The grievance shall be filed by a report lodged at the process server department of the court that delivered the judgment within the eight days following the service of the order. The process server department shall schedule the day on which the grievance is heard before the court at the deliberation room. The opponent shall be served with the same three days before the scheduled day.

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Chapter 3

Correction and Interpretation of Judgments

Article (138)

Pure typographical or mathematical material errors contained in the judgment shall not affect the validity thereof. The court shall correct such mistakes in the judgment by a decision automatically delivered thereby or at request of an opponent, without pleading. The court clerk shall record such correction in the original copy of the judgment and shall be signed by the clerk and the chairman of hearing.

The decision that rejects correction may be appealed only when the judgment itself is appealed. The decision of correction may be appealed independently, if the court over limits the right thereof provided in the previous paragraph through the permitted way of appeal of the judgment, subject of the correction.

Article (139)

Opponents may apply to the court that delivers the judgment to interpret the ambiguity or vagueness in the operative part. The application shall be filed on the usual conditions of filing the claim. The clerk shall take down the judgment of interpretation on the margin of the original judgment. The judgment of interpretation shall complement in all aspects the interpreted judgment and shall be governed by the rules of appeal that govern such judgment.

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Article (140)

If the court omits judging in certain substantive applications, the concerned party may serve summons on his opponent to appear before the same court to hear and decide on such application.

Section 9

Petitions

Article (141)

In the cases where the opponent has a ground to issue an order, a petition shall be filed to the judge of interim matters at the competent court. This petition shall be made in two identical copies and shall contain the facts and grounds of petition and the supporting documents shall be attached thereto.

Article (142)

The judge shall issue his order of acceptance or rejection by writing in one copy of the petition on the day following the filing thereof, at maximum.

Manifesting the causes on which the order is established shall be unnecessary unless the order violates a previously issued order. The causes that require the issue of the new order shall be then stated, or the order shall be null and void.

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Article (143)

The process server department shall keep the original petition and deliver the applicant the second copy thereof in which a photocopy of the order is stated, no later than the day following the issue.

Article (144)

If an order of rejection of the application is issued, the applicant and the party against whom the order is issued shall have the right to file grievance at the competent court, unless otherwise is provided by the law. Grievance shall be filed within seven days from the date of issue of the order. If the grievance applicant is the party against whom the order is issued, the grievance shall be filed within seven days from the date of service thereon.

Grievance shall be justified or shall be null and void. Grievance shall be filed in the usual procedures of filing the claim before the court. The court may uphold, amend or cancel the order. The judgment of the court shall be appealable in the usual appeal ways.

Article (145)

Grievance may be filed based on the original claim whatever the status thereof, even if during the pleading at the hearing.

Article (146)

Petition shall abate, if not submitted for execution within thirty days from the date of issue. Such abatement shall not prohibit the issue of a new order.

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Section 10

Orders of Performance

Article (147)[36]

By way of exception from the general rules of filing claims in the first-instance degree, the creditor of cash debt, if the debt is of specified amount, falling immediately due and is written whether in ordinary deed or endorsable commercial paper, and the creditor's recourse is confined to the drawer, executor, stipulator or provisional guarantor of either of them, may apply to the judge of the competent civil court to issue an order of performance, after the debtor is ordered to pay first within at least five days. It is sufficient that order of performance is served by a registered letter or in the manner agreed upon by the litigants. Protest for non-payment shall be equivalent to such order. The application for order of performance shall not be accepted from the creditor, unless accompanied by the proof of paying of the full charge.

Article (148)

Order of performance shall be issued based on a petition filed by the creditor or his attorney. The debt instrument and the proof of serving the notice of performance shall be attached to the petition. This instrument shall be kept at the process server department until the period fixed for grievance provided in Article (151) expires.

[36] Amended upon Law No. 3 of 2019.

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Petition shall be executed in two identical copies and shall contain facts and evidences of the application and full name and residency of the debtor, with the supporting documents attached. The applicant shall specify a domicile of choice in Qatar, if there is no domicile or workplace therein.

The order shall be issued in either copy of the petition within no later than three days from the date of filing and shall indicate the principal amount, annexure and charges to be paid.

Article (149)

If the judge rejects certain requests of the applicant, the judge shall not issue the order and shall schedule a hearing to hear the claim before the court. The process server department shall serve the opponent of the applicant with such date.

The rejection of the issue of self-executing order shall not be considered rejection of certain requests in the previous paragraph.

Article (150)

The debtor shall be served personally or at his domicile with the petition and the order of performance issued against him.

The petition and the order of performance therein shall be null and void, if not served on the debtor within three months from the date of issue of the order.

Article (151)

The debtor may file grievance against the order within thirty days from the date of service thereof on the debtor. The grievance shall be made by the summoning of the

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creditor before the competent court. The conditions set for the statement of claim shall be observed in the summons.

Grievance shall be justified or shall be null and void and the period of appeal of the order shall begin from the date of expiration of the period of grievance or the date of considering the grievance null and void.

The right to file grievance against the order shall lapse, if challenged directly by appeal.

Article (152)

The grievance applicant shall be equivalent to the plaintiff. Upon hearing the grievance, the rules and procedures followed before the court of first instance shall be observed.

If the grievance applicant fails to appear at the first hearing of hearing the grievance, the court shall automatically judge that the grievance is null and void.

Article (153)

The provisions of self-executing judgments, as per the cases described in this Law, shall apply to the order of performance and the judgment delivered in the grievance filed against such order.

Article (154)

If the creditor wishes according to Article (147) to apply for garnishment, and in the cases where the creditor applies to the judge to issue a provisional attachment order, the attachment order shall be issued by the judge competent of the issue of order of performance, by way of exception from Articles (363), (401) and (446) of this Law.

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The creditor shall, within the eight days following the imposition of garnishment, file the application for order of performance and the validity of garnishment procedures to the said judge. The garnishment notice served on the garnishee shall contain the notice to file such application, or the garnishment shall be null and void.

If grievance is filed against the garnishment order for a reason related to the principal right, the order of performance shall not be issued. A hearing shall be then scheduled to hear the claim according to Article (149). In the cases of garnishment provided in this Article, a quarter of the fees shall be charged from the creditor upon applying for the imposition of garnishment and the remainder shall be charged upon applying for the order of performance and the validity of garnishment.

Section 11

Ways of Appeal of Judgments

Chapter 1: General Provisions

Article (155)

Judgments shall be appealed by the losing party only. The party who accepts the judgment or the prevailing party to whom all requests are judged shall not appeal judgments, unless otherwise is provided in the law.

Article (156)

Judgments delivered while proceeding with the claim, that do not terminate the litigation, shall not be appealed, whether conclusive or related to evidence or the course

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of procedures, unless after the judgment that terminates the entire litigation is delivered, except the provisional and summary judgments, judgments of suspension of claim and judgments of forced execution.

Article (157)

The period of appeal of judgment shall begin from the date of delivery, unless otherwise is provided in the law. Such period shall begin from the date of service of the judgment on the losing party in the cases where the losing party fails to appear at all hearings scheduled to hear the claim and fails to present a rejoinder, and if the losing party fails to appear and to present a submission in all hearings following the acceleration of claim, after the claim is suspended for any reason.

The period shall begin from the date of the service of judgment, if a reason of the discontinuation of litigation occurs and the judgment is delivered without suing any person who acts for the deceased, incompetent or incapacitated opponent. Judgment shall be served on the losing party personally or at his domicile of origin. The period shall apply to both the party that serves the judgment and the party served with the judgment.

Article (158)

Appeal shall be served on the opponent personally or at his domicile of origin and may be served at the domicile of choice stated in the notice of the judgment service.

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If the respondent is the plaintiff and the domicile of origin is not stated thereby in the statement of claim, the respondent shall be served with the appeal at the domicile of choice set out in such statement.

Article (159)

The failure to observe the periods of appeal of judgments shall result in the lapse of the right to appeal. The lapse of right shall be automatically judged by the court.

Article (160)

The period of appeal shall be suspended upon the death or incompetency of the losing party or the incapacitation of the party that follows up the litigation for him. Suspension shall be stopped after the judgment is served on the party that acts in place of the deceased, incompetent or incapacitated opponent and the expiration of the dates fixed by the law of the country of the deceased party to have the capacity of heir, if any.

Article (161)

If the prevailing party is deceased during the period of appeal, the opponent may file appeal and serve the same on all heirs of the prevailing party without stating their names and capacities, at the last domicile of their testator. When the claim is filed and served as aforementioned, the claim shall be served again on all heirs in their names and capacities personally or at the domicile of each of them, before the hearing scheduled to hear the appeal or during the period fixed by the court.

If the prevailing party becomes incompetent during the period of appeal or is deceased or the party that follows up litigation for him is incapacitated, the appeal may be filed

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and served on the incompetent or the deceased party that followed up litigation for him or the incapacitated party. The appeal shall be served again on the party acting for the opponent personally or at his domicile before the hearing scheduled to hear the appeal or during the period fixed by the court.

Article (162)

The appeal shall be beneficial for the appellant only and shall be invoked against the Appellee only.

If the judgment is delivered in an indivisible merits, in a joint obligation, or in a claim in which the law requires the prosecution of particular persons, the losing party or the party that accepts judgment who misses the period of appeal may file appeal while the appeal filed during the period by one of his colleagues is heard, and join his requests. Failing, the court shall order the claimant to sue such party in the appeal. If the appeal is filed against a prevailing party during the specified period, the remaining parties shall be sued as well, even after the expiration of the period for them.

The guarantor and the guarantee applicant shall benefit of the appeal filed by either of them in the judgment delivered in the original claim, if their defence is determined in the claim. If an appeal is filed against either party, the other party may be sued as well.

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Chapter 2: Appeal

Article (163)[37]

In other than the cases excluded by a law provision, opponents may appeal the judgments of the court of first instance.

An agreement may be made, even if before the claim is filed, that the judgment of the court of first-instance is final. In such case, the judgment shall not be appealed, unless there is annulment involved in the judgment or the procedures which affects the judgment. The appellant shall in such case deposit two hundred Riyals in the treasury of the court of appeal as a security, upon filing the appeal. The deposit of one security shall be sufficient, if there are multiple appellants, if the appeal is filed by one statement, even if the causes of appeal are various. Security shall be forfeited by operation of law, if the appeal is judged to be inadmissible, impermissible or annulled, without prejudice to the opponent's right to claim remedy, if such right has a ground.

Article (164)

The period of appeal shall be thirty days, unless otherwise is provided in the law. The period of appeal shall be twenty days in summary proceedings, unless otherwise is provided in the law.

Article (165)

If the judgment is delivered based on fraud committed by the opponent, forged paper, false testimony or the failure to present a conclusive paper in the claim withheld by the

[37] Amended upon Law No. 13 of 2005.

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opponent, the period of appeal shall begin from the day on which the fraud is discovered, the forging person admits the forgery or the evident occurrence of forgery is judged, the day on which the false witness is sentenced, or the day on which the withheld paper appears.

Article (166)

The appeal of the judgment that terminates litigation shall inevitably require the appeal of all previously delivered judgments in the claim, unless expressly accepted, subject to Article (169)

The appeal of the judgment delivered in the alternative request shall inevitably require the appeal of the judgment delivered in the principal request. In this case, the prevailing party in the principal request shall be sued, even after the expiration of the period.

Article (167)

Appeal shall be filed by a statement lodged at the process server department of the court before which the appeal is filed on such conditions set for filing the claim. The statement shall indicate the appealed judgment, and its date, causes of appeal and requests, or the statement shall be null and void.

Article (168)

The process server department of the court before which the appeal is filed shall register the notice of appeal in the court registry prepared for that, on the date of filing thereof. On the following day, the process server department shall request that the file of the first instance claim is joined.

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The process server department of the court that delivered the judgment shall send the claim file within no later than ten days from the date of request.

The court before which the appeal is filed shall sentence the party that neglects the request of joining the file or sending the file during the specified period to pay a penalty of two hundred Riyals by a non-appealable judgment.

Article (169)

Appeal shall refer the claim *status quo* as before the delivery of the appealed judgment for the matters for which the appeal is filed only.

Article (170)

The appeal shall be heard by the court on the basis of the new evidences, pleas and defence aspects and those raised before the court of first instance.

Article (171)

The court that sets aside the judgment delivered in the principal request shall remand the case to the court of first instance to decide on the alternative requests.

Article (172)

No new requests shall be accepted in the appeal. The court shall automatically judge that such new requests are inadmissible.

However, wages, salaries and other annexure falling due after presenting the closing requests before the court of first instance may be added to the principal request and further remedies after presenting such requests.

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Furthermore, the cause of the principal request may be changed and addition may be made thereto, while keeping the merits of the principal request as is.

Article (173)

In appeal, a non-party to the claim in which the appealed judgment is delivered shall not be impleaded, unless otherwise is provided in the law.

Intervention may be made in the appeal by the party that requests joining an opponent or the party against whom the appealed judgment is invoked. Such party may appeal the judgment according to the provisions established in this regard.

Article (174)

The Appellee may file a counter appeal in the usual procedures or by a submission containing the causes of appeal, before the pleading is closed.

If the counter appeal is filed after the expiration of the period of appeal or after the judgment is accepted before filing the original appeal, it shall be considered a counter appeal accessory to the original appeal and shall be terminated by the termination of the original appeal.

Article (175)

The court shall at all events accept the abandonment of litigation in the appeal, if the appellant waives his right, merits of the claim, while the appellant abandons litigation, or if the period of appeal expires at time of abandonment, even if the appellant's right is not waived.

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Article (176)

Judgment of accepting the abandonment of litigation in the original appeal shall require judging the annulment of the counter appeal. The court shall order the opponent it thinks fit to pay the charges of counter appeal, based on the conditions and circumstances of the claim.

Article (177)

The claim filed before the court at which the appeal is filed shall be subject to the rules applying to the claim filed before the court of first instance, whether in connection with the procedures or judgments, unless otherwise is provided in the law.

Chapter 3: Petition for Writ of Certiorari

Article (178)

Opponents may apply for petition for writ of certiorari in the final judgments, in the following cases:

1. If fraud is committed by the opponent or his attorney in a way that affects the judgment.
2. If the opponent admits after the judgment the forgery of the papers reliable in the judgment or if the forgery of papers is judged.
3. If the judgment is established on the testimony of a witness who states that the testimony is false after the delivery of judgment.

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4. If the petitioner obtains conclusive papers in the claim, after the judgment delivery, which his opponent withheld.
5. If the judgment orders a request not requested by the opponents or in excess of their requests.
6. If the operative part of the judgment is self-contradicting.
7. If the judgment is delivered against a natural or juristic person that was not validly represented in the claim, except in case of consensual agency.

Article (179)

Period of filing the petition shall be thirty days that begin in the cases described in the first four paragraphs of the previous Article from the day on which the fraud is discovered, the forging person admits the forgery or the occurrence of forgery is judged, the day on which the false witness is sentenced, or the day on which the withheld paper appears. The period shall begin in the three cases described in paragraphs 5, 6 and 7 of the previous Article from the time of the service of the judgment.

Article (180)

Petition shall be filed at the court that delivers the judgment by a statement lodged at the process server department on the conditions set for filing the claim.

The statement shall contain the contested judgment and its date, and causes of petition, or the statement shall be invalid.

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The court hearing the petition may be formed of the same judges who delivered the judgment.

Article (181)

Filing the petition shall not give rise to the stay of execution of the judgment. However, the court hearing the petition may order the stay of execution, if requested, and there is an apprehension that the execution may cause irreparable material damage.

When the court orders the stay of execution, the court may require the provision of a guarantee or anything which the court thinks sufficient to maintain the right of the petitionee.

Article (182)

The court shall decide first on the permissibility of accepting the petition. If the petition is accepted, a hearing of pleading shall be scheduled for pleading on the merits without need for a new service. However, the court may judge in acceptance of the petition and on the merits by one judgment, if the opponents raise their requests on the merits before the court. The court shall review only the requests addressed in the petition.

Article (183)

If the petition is dismissed, the petitioner shall be ordered to pay a penalty of not more than five hundred Riyals. Remedies may be judged against the petitioner, if the remedies have a ground.

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Article (184)

Neither the judgment that dismisses the petition nor the judgment delivered on the merits of claim, after acceptance thereof, shall be appealed by petition.

The judgment delivered on the merits of the claim shall supersede the previous judgment and the security shall be returned to the petitioner.

Section 12

Appeal by Non-Party to Litigation

Article (185)

Everyone against whom the judgment delivered is invoked and has not been impleaded or did not intervene in the claim, may appeal the judgment by proving the fraud, collusion or gross negligence of the attorney thereof.

Further, the joint creditors and debtors and the creditors and debtors of indivisible obligation may appeal the judgment delivered against another creditor or debtor of them.

Article (186)[38]

Appeal may be filed at the court that delivers the judgment in the usual procedures of filing the claim and the prevailing and losing parties shall be sued therein. The notice of appeal shall contain the appealed judgment and causes of appeal, or the notice of appeal shall be invalid.

[38] Amended upon Law No. 13 of 2005.

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The court that hears the appeal may be formed of the same judges who deliver the judgment.

The appellant shall – upon filing the appeal – deposit one hundred Riyals as a security, if the appealed judgment is delivered by the civil district court or the supreme civil court, and two hundred Riyals if issued by the Court of Appeal. The process server department shall not accept the notice of appeal, if the proof of payment of security is not attached thereto. It shall be sufficient to deposit one security if there are many appellants, if they file their appeal in one notice of appeal, even if the causes of appeal are various.

Those exempted from the judicial charges shall be exempted from the deposit of such security. Further, the government shall be exempted from the deposit of security. Security shall be forfeited by operation of law, if the appeal is inadmissible, impermissible, abated, annulled or dismissed.

Article (187)

Appeal may be filed in the form of an incidental application based on an existing claim, unless the court is not competent due to the type or value of claim, or if the court is lower than the court that delivered the judgment. Hence, the appeal shall be filed by an original claim filed at the court that delivered the judgment.

Article (188)

The right to appeal the judgment shall remain effective, unless the right of the appellant lapses by time bar.

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Article (189)

Appeal of the judgment shall not give rise to the stay of execution, unless the court before which the appeal is filed orders the stay of execution for serious reasons.

The appeal of judgment shall result only in raising the claim again to the court regarding the matters addressed by the appeal only.

If the appeal is accepted by the court, the appealed judgment shall not be set aside or amended, unless for the parts that prejudice the appellant only.

The judgment delivered in the appeal shall be beneficial for the appellant only and may be appealed according to the rules set in this regard.

Section 13[39]

Arbitration

Article (190)

Agreement on arbitration may be made in a particular dispute by a special arbitration agreement. Further, arbitration can be agreed on in all disputes that arise from the performance of a particular contract.

Agreement on arbitration shall be proved in writing.

The subject of dispute shall be stated in the arbitration agreement or during the pleading, even if the arbitrators are authorized for compromise, or the arbitration shall be null and void.

[39] Repealed upon Law No. 2 of 2017 (From Article 190 to Article 210).

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No arbitration shall be conducted in the questions in which no compromise can be concluded. The arbitration may be conducted only by the person who has the competency to dispose of his own rights.

Article (191)

Arbitrators shall not be authorized to conduct compromise and shall not judge in their capacities are conciliating arbitrators, unless their names are stated in the arbitration agreement or in a separate agreement

Article (192)

The arbitration clause shall give rise to the opponents' waiver of their rights to resort to the court competent originally to hear the dispute.

If a dispute arises regarding the performance of a contract that contains arbitration clause and either party to contract files claim before the competent court, the other party may assert the arbitration clause in the form of the plea of case inadmissible.

Article (193)

The arbitrator shall not be minor, interdicted, stripped of his civil rights by virtue of a criminal penalty or bankrupt, unless rehabilitated.

If there are multiple arbitrators, their number at all events shall be odd number, or the arbitration shall be null and void.

Subject to the special laws, persons of arbitrators shall be appointed in the arbitration agreement or in a separate agreement.

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Article (194)

Arbitrator shall be accepted in writing, unless appointed by the court. After the arbitration is accepted, the arbitrator shall not disqualify himself without a serious reason, or the arbitrator may be ordered to indemnify the opponents.

Arbitrators shall not be removed unless by consent of all opponents or by court order. Further, arbitrators shall not be recused unless for reasons that occur or emerge after the conclusion of the arbitration agreement. Recusal shall be applied for in the same procedures and for the same reasons of recusal of the judge or for which the judge is deemed ineligible for judgment.

Application for recusal shall be filed at the court originally competent to hear the claim within five days from the day the opponent is informed of the arbitrator's appointment. The judgment of the court in the application for recusal shall be appealable based on the rules set out in Article (205).

Article (195)

If a dispute arises, and no agreement is reached by the opponents on the arbitrators, one arbitrator of more of those agreed on abstain from work, disqualify themselves or are removed or there is an impediment that precludes the arbitrators from performing their work, and there is no agreement in this regard between the opponents, either opponent may apply to the court originally competent to hear the dispute to appoint the necessary arbitrators. The application shall be filed in the usual procedures of filing the claim.

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The application shall be entertained by the court in presence of other opponents or in their absence, having been summoned. The judgment of the arbitrator's appointment shall not be appealed. However, the judgment of rejection of arbitrator's appointment shall be appealable based on the rules set out in Article (205).

Article (196)

Litigation shall be discontinued before the arbitrator, if a reason of the litigation discontinuation set out in this Law arises. Discontinuation shall give rise to the effects provided in this Law.

Article (197)

Arbitrators shall decide within the specified period in the arbitration agreement unless the extension of such period is accepted by the opponents. If no period is agreed by the opponents in the arbitration agreement, the arbitrators shall issue their award within three months from acceptance of arbitration.

If the award of the arbitrators is not issued during the period specified in the arbitration agreement or during the period fixed in the previous paragraph, or fail to do so for force majeure, either opponent may refer the matter to the court originally competent to hear the dispute for extension of period, for deciding on the dispute or for appointment of other arbitrators.

If either opponent is deceased, an arbitrator is recused or an application for his recusal is filed, the fixed period for the issue of the arbitral award shall be extended until such period in which such impediment is abolished.

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Article (198)

Arbitrators shall issue their award without abiding by the procedures of pleadings contained in this Law except the provisions set out in this Section. The award shall be issued based on the law rules, unless the arbitrators are authorized to conclude compromise, provided that the rules of public order and morals are followed.

If agreement on arbitration is made in Qatar, the laws of the state of Qatar shall be applicable to the dispute elements, unless otherwise is agreed by the parties.

Article (199)

If an interlocutory question falling beyond the jurisdiction of the arbitrators is raised during the arbitration, allegation of forgery of a paper is raised or criminal procedures are taken for the paper forgery or for another criminal incident, the arbitrators shall halt their work and suspend the fixed period for the issue of the award, until a final decision is issued in the incidental question.

Article (200)

Arbitrators shall judge in the dispute based on the arbitration agreement and the documents provided by the opponents. Arbitrators shall specify a period for opponents to provide their documents, submissions and defence. Opponents shall provide the arbitrators with all papers and documents in their possession and fulfill all requirements of the arbitrators.

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Arbitration tribunal may apply to the court originally competent to hear the dispute to issue a decision to produce any necessary document for the arbitration in possession of a third party or to summon a witness to testify before the tribunal.

Arbitration tribunal may direct witnesses to take oath. A witness who gives false testimony before the tribunal shall be considered to have committed the felony of false testimony before the court. The competent body, having been informed by the tribunal, may interrogate such witness regarding such felony and put him on trial to be sentenced to the penalty established for such felony.

Article (201)

Arbitrators shall refer to the court originally competent to hear the dispute for the following:

1. Sentence the witnesses failing to appear or abstaining from answering to the sanctions provided in Section 3 of Book 2 of this Law.
2. Order the issue of letters rogatory required for deciding on the dispute.

Article (202)

Award of arbitrators shall be issued after deliberation by the majority of opinions. The award shall be written and shall contain in particular a photocopy of the arbitration agreement, summary of statements and documents of the opponents, causes and operative part of the award, place and date of issue and signatures of arbitrators.

If one arbitrator or more reject to sign the award, this shall be recorded in the award. The award shall be valid if signed by the majority of arbitrators.

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The award shall be issued from the date of being signed by the arbitrators, having been drafted, even before the award is pronounced or lodged.

Article (203)

The origin of all awards of arbitrators, even if issued by an investigation procedure, shall be lodged by either arbitrator with the original arbitration agreement at the process server department of the court originally competent to hear the claim, within the fifteen days following the issue of awards. A report of such lodging shall be executed by the court clerk and the photocopy thereof shall be served on the parties.

If the arbitration is conducted in an appeal claim, lodging shall be made at the process server department of the court of appeal.

Article (204)

The award of arbitrators shall be enforceable by the order issued by the judge of the court at which process server department the original award is lodged, at request of any concerned party.

The judge shall order the execution after the award and the arbitration agreement are reviewed, and ensuring that there is nothing precludes the execution of the award. The execution order shall be stated in conclusion of the original award. The judge who orders execution shall be competent to handle everything related to the award execution.

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Article (205)

Awards of arbitrators shall be subject to appeal according to the rules of appeal of the judgments delivered by the court originally competent to hear the dispute, within fifteen days from lodging the original award at the process server department of the court. Appeal shall be filed before the competent court of appeal.

Nevertheless, the award may be appealable only if the arbitrators are authorized to conclude compromise or are arbitrators in appeal or if the opponents expressly waive the right to appeal.

Article (206)

Save for the fifth and sixth cases of Article (178), awards of arbitrators may be contested by a petition for writ of certiorari according to the established rules in connection with the judgments of courts.

The petition shall be filed at the court which is originally competent to hear the dispute.

Article (207)

Each interested party may apply for the annulment of the arbitrators' award in the following cases:

1. If the award is issued without arbitration agreement or based on a document which is invalid or abated by time bar, if the award goes beyond the limits of the document or violates a rule of public order or morals.
2. If paragraphs 3, 4 or 5 of Article (190) or paragraph 1 of Article (193) are breached.

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3. If the award is issued by arbitrators not appointed according to the law, or issued by some arbitrators who are not authorized to judge in absence of others.
4. If annulment is involved in the award, or the procedures which affects the award.

Article (208)

Application for annulment shall be filed on the usual conditions at the court originally competent to hear the dispute. The opponent's waiver of his right to such application before the issue of the arbitrator's award shall not preclude the acceptance of such application.

Filing the claim of annulment of the arbitrators' award shall give rise to the stay of execution of the award, unless the continuation of execution is ordered by the court.

Article (209)

The court at which the application for annulment of arbitrators' award is filed, may uphold the award or order the annulment of award in whole or in part.

In case of judging the annulment of the arbitral award in whole or in part, the court may return the claim to the arbitrators to correct the award or may decide on the dispute by itself, if the court thinks that the dispute is eligible for adjudication.

The judgment delivered by the court shall not be subject to objection. However, the judgment may be appealed on such condition set out in the Law.

Article (210)

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Fees of arbitrators shall be determined by agreement of the opponents in the arbitration agreement or in a subsequent agreement. Otherwise, the fees shall be determined by the court originally competent to hear the dispute, at request of an interested party, in presence of the remaining parties or in their absence after being summoned. The decision of the court shall be final.

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Book Two

Evidence

Section 1

General Provisions

Article (211)

Creditor shall prove the obligation and the debtor shall prove the discharge thereof.

Article (212)

Facts to be proved shall be related to and effective in the claim and acceptable.

Article (213)

Judge shall not judge by his firsthand knowledge perceived out of the court.

Article (214)

Causation of judgments delivered by the procedures of evidence shall not be required, unless a conclusive judgment is involved.

If the judgment is delivered in investigation, the facts to be evident, the day on which investigation begins and the place and date on which investigation to be made shall be stated in the judgment.

The operative part of such judgments shall be served on everyone attends the hearing of pronouncing the same. Further, the orders issued on fixing the date of the procedure of evidence shall be served, or the work shall be invalid.

Service shall be made at request of the process server department within two days.

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Article (215)

The court may retract the ordered evidence procedures provided that the reasons of retraction shall be indicated in the transcript. The court may ignore the conclusion of the procedure, yet the reasons thereof shall be set out in the judgment.

Section 2

Written Evidences

Chapter 1: Official Documents

Article (216)

Official documents are instruments in which a civil servant or a person assigned of a public service takes down the service performed or anything received from the concerned parties, according to the legal conditions and within his power and competency.

If such documents are not official, they shall be equivalent to the customary documents, if the signatures, stamps or fingerprints of the concerned parties are contained.

Article (217)

Official documents shall form evidence against all persons in respect of the contents taken down by the executor thereof within limits of his task or in whose presence the documents are signed by the concerned parties unless the forgery thereof is evident by the legally established means.

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Article (218)

If the original official document is available, the official photocopy thereof whether written or photographic shall form evidence to the extent that such photocopy is identical to the origin. Photocopy shall be considered identical to the origin unless this is contended by either party. In this case, the photocopy shall be compared to the origin.

Article (219)

If the official document is not available, the photocopy shall form evidence as follows:

(a) The original official photocopy, whether or not executive, shall form evidence equally as the origin if the external appearance thereof is undoubtedly identical to the origin.

(b) Official photocopy taken from the original copies shall form evidence equally. However, in this case, each party may request to compare the same with the original copy which it is taken from.

(c) Official photocopies taken for the copy taken from the original copy shall be reliable for guidance only according to the circumstances.

Chapter 2: Customary Documents

Article (220)

Customary document shall be considered to be issued by the signatory thereof, unless the signatory expressly denies the handwriting, signature, stamp or fingerprint attributed to him.

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An heir or a successor shall not be requested to deny and it shall be sufficient to take oath that he is not aware that the handwriting, signature, stamp or fingerprint is attributed to whom the right is received. If a customary document is invoked against a party then he discusses the subject thereof, his denial of handwriting, signature, stamp or fingerprint shall not be accepted.

Article (221)

Customary document shall not form evidence against a third party on the date thereof, unless from such time of having a fixed date.

Document shall have a fixed date:

(a) From the day it is recorded in the register prepared for that.

(b) From the day on which the substance thereof is recorded in another paper of a fixed date.

(c) From the day signed by a competent civil servant.

(d) From the day of death of a person who has a recognized impact on the document such as handwriting, signature or fingerprint, or from the day it becomes impossible for any of such persons to write or affix fingerprint for a physical illness.

(e) From the day of occurrence of another accident which conclusively proves that the paper is issued before the occurrence thereof.

However, the judge may not apply this Article to acquittals, according to the circumstances.

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Article (222)

Signed letters shall be equivalent to the customary document in terms of evidence. Telegrams and telex and facsimile correspondences shall have the same value as well, if the origin thereof lodged at the place of issue is signed by the sender. Such telegrams and correspondences shall be deemed identical to the origin until evidence of the opposite is provided. If the origin is abolished, the same shall be reliable for guidance only.

Article (223)

All particulars recorded in the records of traders shall form evidence for traders only. However, the judge may direct suppletory oath to either party in light of the particulars recorded in the books, in the matters that can be evident by proof.

Books of traders shall form evidence against traders. If such books are regular, everyone wishes to have a proof from such books for himself, may divide their content and exclude the parts in conflict with his claim.

Article (224)

If the entries between regular books of two traders are different, the judge may order either that both conflicting evidences are false or that either of them is reliable, depending on the circumstances of the claim.

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Article (225)

If either trader opponent relies on the books of his opponent and admits in advance the contents thereof, the judge may direct suppletory oath to him regarding the validity of his claim, if his opponent abstains unreasonably from presenting his books.

Article (226)

Domestic books and papers shall not form evidence for the person to whom the same is issued and shall not form evidence against him, unless in the two following cases:

1. If it is stated expressly therein that a debt is discharged.
2. If it is stated expressly therein that the content written in the papers is intended to replace the document for a person in whose favor a right is established by the papers.

Article (227)

The annotation of a document denoting the discharge of the debtor's debt shall form evidence against the creditor until the opposite is evident, even if the annotation is not dated or signed thereby, as long as the document has been always in his possession. This shall be also the case, if the creditor proves by his handwriting without signature the discharge of the debtor's debt in another original copy of the document or in an acquittal and the copy or acquittal is in the hands of the debtor.

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Chapter 3: Application for Production of Documents in Possession of Opponent

Article (228)

The opponent may request that his opponent is ordered to produce any papers effective in the claim which are in his possession in the following cases:

1. If the law permits his request of production or delivery thereof.
2. If the papers are common between him and his opponent. The paper shall be considered common in particular, if executed for benefit of both opponents or prove their mutual obligations and rights.
3. If deemed reliable by his opponent at any stage of the claim.

The application shall indicate the following:

1. Descriptions of the specified paper.
2. Content of the paper illustrated as far as possible.
3. The event for which the paper is used.
4. Evidences and circumstances that support its existence in the hands of the opponent.
5. The reason of obligating the opponent to produce the paper.

Application shall be rejected, if the foregoing provisions are not observed.

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Article (229)

If the applicant proves his application and the opponent admits that the paper is in his possession or keeps silence, the court shall order the production of paper immediately or at the soonest specified date.

If the opponent denies and the applicant fails to provide sufficient evidence for the validity of application, the denying party shall take oath that the paper does not exist, that he is not aware of its existence or place and that he did not hide or neglect searching for the paper to deprive his opponent from benefiting of it.

Article (230)

If the opponent fails to produce the paper on the date specified by the court or abstains from taking the said oath, the photocopy of the paper produced by his opponent shall be considered true copy. If his opponent fails to produce a photocopy of the paper, his statements regarding the form or subject of the paper may be reliable.

Article (231)

If the opponent produces a paper to be used as evidence in the claim, the paper shall not be withdrawn without consent of his opponent unless by written permission of the court, after a photocopy of the paper is kept in the claim file with a notation by the process server department that the photocopy is identical.

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Article (232)

The court may, in the course of claim, even if before the court of appeal, permit the impleadment of a third party to be ordered to produce a paper in his possession, subject to the terms and conditions provided in the previous Articles.

Article (233)

Everyone possesses or acquires an object shall present it to whoever claims to have a right related to such object, if the examination of the object is necessary to decide the existence and extent of the claimed right. If the matter is related to documents or other papers, the judge may order that such object is presented to the concerned party and to the court, if needed, even if this would for the benefit of a person who only wishes to rely on that object to prove a right of his own.

The judge may reject the issue of the order to present such object, if the acquiring party has a legitimate interest in the abstention from presenting the object.

The object shall be offered at such place where the object exists at time of requesting the offer unless another place is specified by the judge. The offer applicant shall pay the expenses thereof in advance. The judge may suspend the offer of object on a security that guarantees any damage sustaining the object possessor due to the offer.

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Chapter 4

Substantiation of Documents Validity

Article (234)

The court may evaluate the abolishment or reduction of value resulting from the strike off, erasure, overwriting and other material defects in the document.

If the validity of document is questioned by the court, the court may automatically summon the employee who issued, or the person who executed the document to explain the truth.

Article (235)

If a person denies his handwriting, signature, stamp or fingerprint stated in a document or denied by his successor or deputy, the denying person shall file allegation of forgery.

Article (236)

Allegation of forgery may be filed in any status of the claim by a report lodged at the process server department in which all claimed forgery points are indicated, or it shall be invalid.

The claimant of forgery shall serve a memorandum on his opponent within the ten days following the issue of the report. The memorandum shall indicate the examples of forgery and procedures of investigation requested to prove the forgery, or abatement of his allegation may be judged.

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Article (237)

The forgery claimant shall deliver the process server department the contested paper, if in his possession or the photocopy thereof served on the claimant. If the paper is in the hands of the court or the clerk, it shall be lodged at the process server department.

Article (238)

If the opponent fails to present the document claimed to be forged, the photocopy thereof presented by the forgery claimant shall be deemed valid and true copy. If the forgery claimant fails to provide a photocopy of the document, his statements may be reliable in connection with the form or subject of the document.

Article (239)

If the document is in the hands of the opponent, after the report of forgery is reviewed, the court may immediately assign a policeman to collect or seize the document and lodge it and the process server department.

If the opponent abstains from the delivery of the document which cannot be seized, it shall be considered nonexistent. This shall not prohibit seizing the document later, if possible.

Article (240)

A transcript containing the condition and adequate descriptions of the documents shall be executed and signed by the chairman of hearing, the clerk and the opponents. The document itself shall be signed by the chairman of hearing and the clerk and shall be kept at the process server department.

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Article (241)

If allegation of forgery is effective in the dispute and the facts and documents of the claim are insufficient to persuade the court of the authenticity or forgery of the document and the court thinks that the investigation requested by the claimant in his memorandum is effective and permissible, the court shall order conducting investigation.

Article (242)

The judgment that orders the investigation shall contain the facts which the court accepts to investigate and the procedures to be proved. The operative part shall include:

1. Appointment of one expert or three experts.
2. Determination of the day and time of conducting the investigation.
3. Order lodging the document to be investigated at the process server department, after indicating its status as set out in Article (240).
4. Appointment of a judge at the court to handle the investigation, if formed of more than one judge.

Article (243)

The process server department shall summon the expert before the judge on the day and at the time fixed for initiating the investigation.

Article (244)

Opponents shall appear on the specified date to present the papers of comparison in their hands and to agree on those eligible for this purpose. If the opponent assigned to

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provide evidence is absent without excuse, his right to evidence may lapse. If his opponent is absent, the papers presented for comparison may be considered valid for comparison.

Article (245)

The opponent contending in the authenticity of the document shall be present personally to be dictated on such date specified by the judge. If the opponent abstains from appearing without accepted excuse, the authenticity of document may be judged.

Article (246)

Handwriting, signature, stamp or fingerprint shall be compared with the handwriting, signature, stamp or fingerprint on the document.

Article (247)

No comparison shall be accepted, if no agreement is made by the opponents, unless:

(a) Handwriting, signature, stamp or fingerprint affixed to official documents.

(b) The part of the document to be investigated is recognized as authentic by the opponent.

(c) Handwriting or signature written, or fingerprint affixed before the judge.

Article (248)

The court may order to bring the official documents required for comparison by the body where the documents exist or visit the place thereof with the expert to be reviewed without moving such documents.

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Article (249)

If the official documents are delivered to the process server department, the photocopy of which copies are made shall be equivalent to the origin, if signed by the judge, clerk and the employee who delivers the origin. If the origin is returned to its place, the photocopy taken from the origin shall be returned to the process server department and shall be cancelled.

Article (250)

The expert, opponents, judge and clerk shall sign the papers of comparison before the investigation is initiated and this shall be stated in the transcript.

Article (251)

The rules set out in the Section of Expert Witness Task shall be observed in relation to the experts.

Article (252)

Testimony of witnesses shall be heard only in proving the occurrence of the writing, signature, stamp or fingerprint on the document to be investigated from the person to which the same is attributed.

In this case, the rules set out in the Section of Testimony of Witnesses shall be observed.

Article (253)

Judging investigation pursuant to Article (241) shall abolish the eligibility of the document for execution, without prejudice to the interim procedures.

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Article (254)

If the forgery of document is evident, the document together with copies of the transcripts related thereto shall be sent by the court to the police to take necessary actions.

If the right of the forgery claimant lapses in his allegation is judged or rejected, the claimant shall be sentenced to pay penalty of not more than five hundred Riyals. If a part of the claimant's allegation is evident, nothing shall be judged against the claimant.

Article (255)

The respondent in the allegation of forgery may complete the allegation of forgery, whatever the status thereof, by the waiver of asserting the contested document.

In this case, the court may order seizing the document, or keep the document in custody, if requested by the forgery claimant for a legitimate interest.

Article (256)

Even if no allegation of forgery is filed before the court in the foregoing procedures, the court may order the return and annulment of any document, if it is clearly indicated from the status thereof or the circumstances of the claim that the document is forged.

In this case, the court shall indicate in the judgment the circumstances and presumptions from which this conclusion is reached.

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Article (257)

If the court judges the authenticity or return of document or judges the lapse of right to prove authenticity of the document, the merits of claim shall be immediately considered or the nearest hearing shall be scheduled to hear the same.

Article (258)

Everyone has unofficial document in hand may sue the person whom such document addresses in order to admit that it is made by his handwriting, signature, stamp or fingerprint, even if the obligation stated therein has not fallen due. This shall be made by an original claim filed in the usual procedures.

If the respondent appears and admits, the court shall record his admission. All charges shall be incurred by the claimant. The document shall be considered recognized, if the respondent keeps silence, does not deny or attribute the document to another person.

If the respondent is absent, the court shall judge the authenticity of handwriting, signature, stamp or fingerprint in his absence. However, this judgment may be appealed.

If the respondent denies the handwriting, signature, stamp or fingerprint, an allegation of forgery shall be made by the respondent. In this case, investigation shall be conducted based on the foregoing rules.

Article (259)

Everyone has the apprehension that a forged document may be invoked against him may sue the person who has such document in possession, and anyone benefits thereof

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to hear the judgment of forgery of document. This shall be made by an original claim filed on the usual conditions.

The aforementioned rules shall be observed by the court in the investigation and judgment in this claim.

Section 3

Testimony of Witnesses

Article (260)

In other than the commercial matters, if the value of disposition exceeds five thousand Riyals or it is of unspecified value, the existence or termination of disposition shall be evident only by writing, unless there is agreement or provision that provides otherwise. The obligation shall be evaluated considering the value thereof at time of the disposition.

Evidence may be made by testimony of witnesses if the increase of the obligation beyond five thousand Riyals is made by incorporating the accessories to the principal. If the claim contains many requests arising from many sources, evidence may be made by testimony of witnesses in each request which value is not more than five thousand Riyals, even if such requests in total exceed such value, and created from relations between the same opponents or dispositions of the same nature.

Performance shall be reliable if it is partially of the value of the principal obligation.

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Article (261)

Evidence by testimony of witnesses shall not be made, even if the value is not more than five thousand Riyals:

(a) If it violates or exceeds the written evidence.

(b) If the requirement is the remainder or a part of a right that can be evident only by writing.

(c) If an opponent in the claim requests more than five thousand Riyals then his request is changed to an amount of not more than such value.

Article (262)

By way of exception from the previous Article, evidence by proof may be made for the amount of more than five thousand Riyals in the following cases:

1. If the principle of proving by writing is established. Each writing made by the opponent that may render the claimed disposition possible shall be considered a principle of proving by writing.
2. If there is a tangible or intangible impediment that hinders obtaining written evidence.
3. If the written evidence is lost by the creditor for a foreign cause beyond his control.

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Article (263)

Everyone has not reached the age of fourteen shall not be eligible for testimonial. However, the statements of everyone has not reached this age may be heard without oath, for purpose of inference.

Further, everyone of improper perception and those sentenced by criminal judgments shall be ineligible for testimonial.

Article (264)

Employees, workers and civil servants shall not testify, even after quitting employment, regarding the information, accessed during performing their work, that was not published in the legal way and which the competent authority did not permit their disclosure. However, such authority may permit them to testify at request of the court or an opponent.

Article (265)

A lawyer, attorney, doctor or others who is acknowledged of an event or information, through his profession or capacity, shall not disclose the same even after the termination of his service or loss of capacity, unless the same is mentioned to him for the intention of committing a felony or a misdemeanor.

However, such persons may testify for such events or information, if requested by the disclosing party, without prejudice to the provisions of their laws.

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Article (266)

Neither spouse may disclose, without consent of the other, the information informed thereby during marriage even after their separation, unless in case of a claim filed by either of them against the other, or a claim filed against either of them due to a felony or misdemeanor committed against the other.

Article (267)

The testimony of the ascendant shall not be accepted for the descendant and vice versa. Further, the testimony of either spouse to the other shall not be accepted, even after termination of marriage.

The testimony of the guardian, trustee or administrator for the person subject to guardianship, trusteeship or administration, the testimony of the agent for his principal, the testimony of the partner regarding the company and the testimony of the guarantor regarding the obligations of debtor shall be invalid.

Article (268)

The opponent who requests evidence by testimony of witnesses, in the permissible cases, shall inform the court in writing or orally at the hearing of the incidents to be proved and the names and addresses of the witnesses.

The court may order evidence by testimony of witnesses, if the court thinks it is useful for revealing the truth.

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Article (269)

Firsthand testimony shall be accepted only in the following cases:

1. Death.
2. Filiation.
3. If accepted by the opponents as evidence, provided that the court approve their agreement.

The agreement shall be attached to the transcript of hearing, having recorded the contents of the agreement in the transcript.

Article (270)

Permitting one opponent to prove an incident by testimony of witnesses shall always require that the other opponent has the right to refute the testimony in this way.

Article (271)

The court may automatically order evidence by testimony of witnesses in the cases where the same is permitted by the law, if the court thinks it is useful to reveal the truth. At all events, if the court orders evidence by testimony of witnesses, the court may summon anyone for testimony whom the court thinks necessary to hear his testimony to reveal the truth.

Article (272)

The operative part that orders evidence by testimony of witnesses shall indicate each of the incidents to be proved or it shall be null and void. The judgment shall also

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indicate the day on which the investigation is initiated and the period during which the investigation shall be completed.

Article (273)

Investigation shall be conducted before the court. If the court is formed of more than one judge, the court may appoint one of its judges to conduct the investigation.

Article (274)

Investigation shall continue until all witnesses for prosecution and rebuttal witnesses are heard during the period. Rebuttal witnesses shall be heard at the same hearing at which the witnesses for prosecution are heard, unless prevented by an impediment.

If the investigation is postponed to another hearing, pronouncing the postponement shall be equivalent to summons for the present witnesses to appear at such hearing, unless exempted from appearance by the court or the judge pro tempore.

Article (275)

If an opponent applies, during the period specified for investigation, for extension of the period, the court or the judge pro tempore shall immediately entertain the application by a decision to be recorded in the transcript of hearing.

If the judge rejects extension of the period, grievance may be filed at the court based on an oral request recorded in the transcript of investigation. The court shall decide on the application without delay. The court's decision shall not be appealed in any way.

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Article (276)

Witnesses shall not be heard, at request of the opponents, after the expiration of the investigation period.

Article (277)

If the opponent fails to bring or summon his witness at the scheduled hearing, the court or the judge pro tempore shall order that the witness is brought or summoned at another hearing, as long as the period specified for investigation is not expired. Failing, the right to seek testimony of his witness shall lapse. This shall not prejudice any other procedure set by the law as a result for such delay.

Article (278)

If the witnesses reject to appear in response to the invitation of the opponent or the court, the opponent or the process server department, as the case may be, shall summon the witnesses to testify at least twenty four hours before the date fixed for hearing them, except periods of distances.

In urgent cases, such period may be reduced and the witness may be summoned by telegram sent by the process server department by order of the court or the judge pro tempore.

Article (279)

If the witness is validly summoned but he fails to appear, the court or the judge pro tempore shall sentence the witness to pay penalty of two hundred Riyals. The judgment shall be recorded in the transcript and shall not be appealed.

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In highly urgent cases, the court or the judge may order bringing the witness by police. In other than those cases, a witness shall be re-summoned if required and the charges of summons shall be incurred by the witness. If the witness is absent, the double of the said penalty shall be judged. The court or the judge may order bringing the witness.

The court or the judge pro tempore may exempt the witness from the penalty if he appears and expresses an acceptable excuse.

Article (280)

If the witness appears and abstains without legal ground from taking oath or answering, the witness shall be sentenced based on the foregoing conditions to pay penalty of not more than one thousand Riyals.

Article (281)

If either opponent applies for summoning of a person for testimony who appears to be present at the court, the court may order him to testify.

Article (282)

Witnesses shall be heard before the court in presence of the opponents.

If the witness has an excuse that prevents him from appearance, of which the court is persuaded, the court may move to the witness to hear his statements. If the court is formed of more than one judge, the court may delegate one judge for this purpose. Opponents shall be called upon to be present during the testimony. A transcript of the testimony shall be executed and shall be signed by the judge and the clerk.

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Article (283)

A person incapable to speak shall testify, if he can express his will, by writing or by sign.

Article (284)

Each witness shall individually testify in presence of the opponents and in absence of the remaining witnesses whose testimony has not been heard.

The court may order the dismissal of the opponents or either of them upon testifying by the witness to secure freedom of the witness.

Article (285)

Witness shall mention his name, surname, profession, age and domicile and shall indicate his relation or relation by marriage, if he is a relative or relative by marriage of an opponent. Witness shall also indicate if he works for either opponent.

Article (286)

Witness shall take oath to say the truth and nothing but the truth, or his testimony shall be invalid. Oath shall be taken according to the conditions of the witness's religion, if requested.

Article (287)

Questions shall be directed to the witness by the court. The witness shall first answer the questions of the opponent who summoned him then the questions of the other opponent. Neither opponent shall interrupt the other opponent or the witness during the testimony.

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Article (288)

If the opponents finish the examination of witness, no new questions shall be asked by the opponent unless by the leave of court.

Article (289)

Chairman or any member of hearing may ask the witness directly the questions that he thinks useful in revealing the truth.

Article (290)

The court may reject directing any question by either opponent to the witness, if the court thinks that the question is malicious and irrelevant to the subject. The question shall be however recorded in the witness hearing transcript.

Article (291)

Testimony shall be given orally at the hearing. No written statements shall be used in testimony unless by the leave of court and where permitted by the nature of claim.

Article (292)

The answer of the witness shall be recorded in the transcript then shall be read out to the witness and signed thereby after correction of anything necessary. If the witness abstains from signature, the abstention and its reason shall be stated in the transcript.

Article (293)

The court shall estimate the charges of witnesses and the consideration of their inaction at their request. The witness shall be given a photocopy of the estimation order enforceable against the opponent who summons him.

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Article (294)

The investigation transcript shall contain the following particulars:

(a) Day of investigation, place and time of beginning and end of investigation and the hearings taken therein.

(b) Names, surnames, professions and domiciles of opponents, their appearance or absence, and the orders issued in their regard.

(c) Testimony of witnesses and stating their taking the oath.

(d) Questions asked to the witnesses, the asking person and the resulting incidental questions and the answer of the witness to each question.

(e) Signature by the witness of his answer, having recorded that the answer is read out to the witness and his notes thereon.

(f) Decision of estimation of charges of the witness, if requested thereby.

(g) Signature of the chief of circuit or judge pro tempore and the clerk.

Article (295)

If investigation is conducted before the judge pro tempore and not before the court, or if conducted before the court but there is no pleading presented at the same hearing where the witnesses are heard, the opponents shall be entitled to review the investigation transcript.

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Article (296)

Upon the completion of investigation or the expiration of the period specified for the completion thereof, the judge pro tempore shall schedule the nearest hearing to hear the claim. The process server department shall notify the absent opponent.

Article (297)

Everyone has the apprehension that the opportunity to summon a witness to testify in a matter not raised before the court and can be possibly raised, may be lost, may apply against the concerned parties to hear such witness.

This application shall be filed in the usual ways to the judge of interim matters. All charges of the witness shall be incurred by the applicant. If necessary, the judge may order hearing the witness, if the incident can be evident by testimony of witnesses.

In this case, a photocopy of the investigation transcript shall not be delivered or presented to the court, unless the Trial Court thinks that proving the incident by testimony of witnesses is permissible, upon hearing the merits.

The other opponent may, upon hearing the merits, object to accepting the statements of the witness as evidence, or apply to hear rebuttal witnesses in his favor.

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Section 4

Presumptions and Res Judicata

Chapter 1: Presumptions

Article (298)

If presumption is established in the law, such legal presumption shall supersede any other way of evidence for the party in whose favor the presumption is established. However, presumption may be refuted by counter-evidence, unless otherwise is provided.

Article (299)

Judicial presumptions are those not provided in the law. Judge may infer each presumption thereof from the claim circumstances and evaluate the significance thereof. Evidence by such presumptions may be made only in the cases where evidence by testimony of witnesses is permissible.

Chapter 2: Res Judicata

Article (300)

Judgments establishing *res judicata* doctrine shall be reference for the decided rights. No evidence that contradicts such *res judicata* shall be accepted. However, such judgments shall be reference only in a dispute that arises between the same litigants

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without change of their capacities and is related to the same right in terms of object and cause.

The court shall automatically judge claim preclusion.

Article (301)

Civil judge shall be bound to the criminal judgment only in the incidents adjudicated on by such judgment and such adjudication is necessary.

Section 5

Acknowledgement and Interrogation of Opponents

Chapter 1

Article (302)

Judicial acknowledgement is the confession by the opponent or anyone acts for him by a special power of attorney before the court, of a legal incident claimed against the opponent, during the course of claim related to such incident.

For the validity of acknowledgement, the acknowledger shall be mature, adult, free-willed and not interdicted. None of these shall be required for the person to whom the acknowledgement is made. The acknowledgement of the interdicted but not for prodigality, shall be accepted in everything in which the interdicted in not lawfully subject to interdiction.

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Article (303)

Acknowledgement shall form conclusive evidence against and confined to the acknowledger.

Acknowledgement shall not be divisible for the acknowledger, so that the harmful part may not be considered and the useful part may be ignored, the acknowledgement shall be taken as a whole.

However, the acknowledgement shall be divided if focused on many incidents and the existence of an incident thereof does not require inevitably the existence of other incidents.

Article (304)

Non-judicial acknowledgement is the acknowledgement not made before the court or made before the court in other than the claim filed for the acknowledged incident.

Non-judicial acknowledgement shall be subject to discretion of the judge and shall be proved according to the general rules in evidence.

Chapter 2: Interrogation of Opponents

Article (305)

The court may interrogate either present opponent. Each opponent may request the interrogation of his present opponent.

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Article (306)

The court may also summon an opponent for interrogation either automatically or at request of his opponent. The opponent to be interrogated shall appear by himself at the hearing scheduled in the decision.

Article (307)

If the opponent is incompetent or incapacitated, a person acting in his place may be interrogated. The court may discuss him, if he is of sound mind in the matters he is permitted in.

For juristic person, interrogation shall be directed to the legal representative thereof.

At all events, it shall be stipulated that the interrogated person is eligible to dispose of the disputed right.

Article (308)

If the court thinks that the claim needs no interrogation, the application for interrogation shall be rejected.

Article (309)

The court shall ask the questions it thinks fit, and the questions requested to be asked by the opponent. The answer shall be made at the same hearing unless the court fixes a period for answer.

Article (310)

Answer shall be made against the interrogation applicant. However, the interrogation shall not be suspended on the applicant's appearance.

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Article (311)

Questions and answers shall be taken down in detail and accurately in the transcript of hearing. After the transcript is read out to the interrogated person, the transcript shall be signed by the chairman of hearing, clerk and interrogated person.

If the interrogated person abstains from answering or signing, the abstention and the reason thereof shall be taken down in the transcript and the court may infer whatever it thinks fit from the same.

Article (312)

If the opponent has an acceptable excuse that prevents him from appearance for interrogation, the court may move to interrogate him or delegate one of members thereof.

If the opponent fails to appear for interrogation without accepted excuse or abstains from answering without legal ground, the court may infer whatever it thinks fit from the same and this may be considered a ground to reckon the facts for which the opponent shall be interrogated as evident, or accept evidence by testimony of witnesses and presumptions in the cases where it is not permitted to do so.

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Section 6

Oath

Chapter 1: Assertory Oath

Article (313)

Assertory oath is the oath directed by one opponent to the other opponent to decide the dispute.

Article (314)

Each opponent may, whatever the status of the claim, direct assertory oath to his opponent. However, the judge may bar directing the oath if the opponent is arbitrary in directing the oath.

The opponent to whom the oath is directed may direct the oath back to his opponent. However, the oath shall not be directed back, if the oath is related to an event in which both opponents are not involved, rather the opponent to whom the oath alone is involved.

The opponent to whom the oath is directed or directed back shall not retract, if his opponent accepts to take oath.

Article (315)

Assertory oath shall not be directed in an event that violates the public order or morals. The event related to the oath shall be pertinent to the person to whom the oath is directed. If the event is not personal to the opponent, it shall be focused on his mere knowledge thereof.

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Article (316)

The guardian, trustee or attorney of the absent may direct the assertory oath regarding the object of which he is permitted to dispose. However, the attorney in litigation shall not direct, accept or direct back to the other opponent the assertory oath unless by a special power of attorney.

Article (317)

The opponent who directs oath to his opponent shall indicate accurately the facts for which the oath is taken and mention the form of oath directed in clear phrase. The court may amend the form of oath set by the opponent in order to indicate clearly and accurately the event for which the oath is taken. No agency shall be made in taking oath.

Article (318)

If the opponent to whom the oath is directed neither contends in the permissibility of oath, nor association of oath with the claim, the opponent shall, if present in person, immediately take the oath or direct back the oath to his opponent or the opponent shall be retracting.

The court may determine a date for taking oath, if there is a ground for that.

If the opponent is not present in person, the opponent shall be summoned to take oath in such form accepted by, and on the date scheduled by the court. If the opponent appears and abstains without contention or fails to appear without excuse, the opponent shall be considered retracting as well.

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Article (319)

If the opponent to whom the oath is directed contends in the permissibility of oath, or association of oath with the claim, the court shall reject his contention and order him to take oath. The form of oath shall be stated by the court in the operative part of the judgment. The operative part shall be served on the opponent, if he is not present in person and the previous Article shall apply.

Article (320)

If the opponent to whom the oath is directed has an excuse that prevents him for appearance, the court shall move to him or delegate one the judges thereof to take his oath.

Article (321)

Oath shall be taken by saying "I swear by Almighty God" by the sworn person, then the form accepted by the court shall be stated. The sworn person shall take the oath according to the conditions set in his religion, if requested.

Article (322)

The usual sign of the dumb, if illiterate, shall be considered in taking oath and retraction. If the dumb is literate, then literacy shall be considered in taking oath and retraction.

Article (323)

A transcript of taking oath shall be executed to be signed by the chairman of hearing, judge pro tempore, sworn person and clerk.

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Article (324)

Direction of assertory oath shall entail the waiver of other proofs related to the event of taking oath. The opponent shall not prove the falsity of oath, after being taken by the opponent to whom the oath is directed or directed back. However, if the falsity of oath evident by a criminal decision, the opponent harmed thereby may claim remedy, without prejudice to his right to appeal the judgment delivered against him due to the false oath.

Article (325)

Judgment shall be delivered in favor of everyone to whom the assertory oath is directed and takes the oath. However, if such person retracts taking the oath without directing the oath back to his opponent, such person shall lose his claim, as well as everyone to whom such oath is directed back and retracts taking the oath.

Chapter 2: Suppletory Oath

Article (326)

Suppletory oath is the oath directed automatically by the court to either opponent to establish thereon the judgment on the merits of the claim or in the value of the judged object.

To direct such oath, there shall be no complete evidence and the claim is not void of any evidence.

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The opponent to whom the court directs the suppletory oath shall not direct the oath back to the other opponent.

Article (327)

The judge shall not direct the suppletory oath to the plaintiff to determine the value of the claimed object, unless it is impossible to determine such value in another way.

Even in this case, the judge shall set a maximum limit for the value of which the judge is persuaded by the plaintiff under the taken oath.

Article (328)

The provisions of Articles from (317) through (323) hereof shall apply to the suppletory oath, in consistency with the provisions set out in this Chapter.

Section 7

Inspection

Article (329)

The court may automatically or at request of an opponent inspect or move to inspect the disputed object or delegate one of the judges thereof for inspection.

There is no need to serve the said decision, if issued against the opponents. If the decision is not issued against the opponents, the decision shall be served on the absent opponent by the process server department at least twenty four hours before the specified date.

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A transcript stating all works of inspection shall be executed by the court, or the work shall be null and void.

Article (330)

The court or judge pro tempore may, upon movement, solicit an expert to seek his assistance in the inspection. The court and the judge pro tempore may hear the witness whom the court or the judge thinks fit. Such persons shall be summoned even if orally by the court clerk.

Article (331)

Everyone apprehends the obliteration of outlines of an event that may possibly become disputable before the court shall request the judge of summary proceedings to move for inspection against the concerned parties in the usual methods. In this case, the provisions set out in the previous Articles shall be observed.

Article (332)

The judge may, in the case stated in the previous Article, appoint an expert to move, inspect and hear witnesses without taking oath. The judge shall then schedule a hearing to hear notes of opponents to the expert report and works.

The rules described in the Section of Expert Witness Task shall be followed.

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Section 8

Expert Witness Task

Article (333)

If required, the court may judge the appointment of one expert or three experts. The following shall be stated in the operative part of the judgment:

(a) Accurate description of the expert task and the urgent measures that he is permitted to take.

(b) The charges to be deposited in the treasury of court for the expenses and fees of the expert, the opponent ordered to deposit the amount, the period in which the charges shall be deposited and the amount that the expert can withdraw for his expenses.

(c) The period specified to lodge the report.

(d) The date of the hearing to which the case is postponed for pleading, if the charges are deposited, and another closer hearing to hear the claim, if not deposited.

If the charges are deposited, the claim shall not be struck out before the opponents are notified of lodging the report by the expert according to the procedures set out in Article (350).

Article (334)

If the opponents agree on the choice of one expert or three experts, their agreement shall be approved by the court.

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Save for this case, the court shall choose the experts to whom the task shall be assigned. If the appointment is assigned to an employee expert, the administrative body shall, upon being notified of the deposit of charges, appoint the expert to whom the task is assigned and notify the court of such appointment. Article (338) shall apply to such expert.

Article (335)

If the charges are neither deposited by the opponent ordered to deposit the same nor by other opponents, the expert shall not be bound to perform the task. The court shall decide the lapse of right of the opponent who fails to pay the charges to assert the judgment that appoints the expert, if the court finds that the expressed reasons are not accepted.

Article (336)

On the two days following the deposit of charges, the process server department shall call upon the expert by registered letter to review the papers lodged in the claim file without collection thereof, unless permitted by the court or the opponents. A photocopy of the judgment shall be delivered to the expert.

Article (337)[40]

The expert shall take oath before the court, yet the appearance of the opponents is unnecessary, to perform his work honestly and sincerely, or the work shall be null and

[40] Amended upon Law No. 3 of 2019.

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void, unless he took the oath when he was appointed to his job, or he was registered in the expert registration list.

Article (338)

The expert may within the five days following the date of receiving the photocopy of judgment from the process server department, request his relief of the performance of the task. The chief of circuit that appoints the expert or the appointing judge may relieve the expert of his task, if it is thought that the expressed reasons are accepted. If the expert fails to perform his task and he is not relieved of the performance thereof, the appointing court may order him to pay all the expenses spent thereby uselessly and remedy, if there is a ground for that. Moreover, the court may order the expert to pay penalty of not more than five hundred Riyals, without prejudice to the disciplinary sanctions.

Judgment of penalty shall not be appealable in any way of appeal. The court may disqualify the expert, if an accepted reason is expressed.

Article (339)

The expert may be recused:

(a) If the judge is a relative or relative by marriage of an opponent within the fourth degree of relation, or if the judge or judge's spouse has an outstanding dispute with an opponent or opponent's spouse in the claim, unless such claim is filed by the opponent or opponent's spouse after appointment of the expert for recusal.

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(b) If the judge is the attorney of an opponent in the private business thereof, guardian or trustee thereof or the judge is possibly an heir thereof after death, or if the judge has within the fourth degree kinship or kinship by marriage relation with a guardian or trustee of the opponent or with a director of board or manager of the opponent company, and such director or manager has a personal interest in the claim.

(c) If the judge or judge's spouse or one of his relatives or relatives by marriage in lineal consanguinity, or anyone for whom the judge acts as attorney, guardian, trustee, curator or heir has an interest in the current claim.

(d) If the judge works for an opponent, if the judge is accustomed to eat or reside with an opponent, or if the judge receives a gift from an opponent, or if there is animosity or cordiality between the judge and an opponent that would render the judge incapable to judge without bias.

Article (340)

The application for recusal shall be made by summoning the expert before the court within the three days following the date of judgment of his appointment, if the judgment is delivered in presence of the recusal applicant, or within the three days following the service of the operative part thereon.

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Article (341)

The right to apply for recusal shall not lapse, if the causes thereof emerge after the period specified in the previous Article or if the opponent provides evidence that he was aware thereof after the expiration of such period.

Article (342)

The application for recusal of the expert appointed by choice of the opponents, shall not be accepted from the opponents, unless the reason of recusal happened after his appointment.

Article (343)

The court that appoints the expert shall judge in the application for recusal. The judgment delivered therein shall not be appealable in any way. If the application for recusal is rejected, the applicant shall be ordered to pay penalty of not more than five hundred Riyals.

Article (344)

The expert shall specify a date for commencement of his work of not more than fifteen days following the assignment stated in Article (336). The expert shall invite the opponents by registered letters to be sent at least seven days before such date to inform them of the place, day and time of the first meeting.

In urgency cases, the judgment may state that the work is commenced within the three days following the date of assignment at maximum. The opponents shall be then invited by telegram sent at least twenty four hours before the first meeting. In highly

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urgent cases, the judgment may state the immediate commencement of task and invitation of the opponents by telegram for immediate appearance.

The failure to invite the litigants shall entail the annulment of the expert work.

Article (345)

The expert shall initiate his works, even if in absence of the opponents, if they are validly invited.

Article (346)

The expert shall hear statements and notes of the opponents. If either opponent fails to appear before the expert, to present documents or to take any of the expert task procedures on the specified dates so that the expert cannot perform his works or his works are delayed, the expert may apply to the court to order one of the sanctions set out in Article (67) of this Law against the opponent. The provisions stated in the said Article shall apply to such judgment.

The expert shall hear statements of the summoned opponents, or whoever the expert thinks fit to hear his statements, without taking oath, if permitted by the judgment.

If either of the persons mentioned in the previous paragraph fails to appear albeit he has been summoned, the court may, at request of the expert, order such absent opponent to pay penalty of not more than five hundred Riyals. The court may relieve such opponent of the penalty, if he appears and expresses an accepted excuse.

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Article (347)

No ministry, governmental department, public authority, public institution, company, cooperative society or sole proprietorship may abstain without legal ground from granting access to the expert to review the books, records, documents or papers in possession thereof to execute the judgment of the expert appointment.

Article (348)

The transcript of the expert works shall contain appearance, statements and notes of opponents signed thereby, unless there is an impediment which shall be stated in the transcript. The transcript shall also contain the works of the expert in detail and statements of the persons whom the expert heard, automatically or at request of the opponents, and their signatures.

Article (349)

The expert shall submit a report signed thereby of the finding of his works, his opinion and the aspects on which the expert relied briefly and accurately. If the experts are three, each of them may submit an independent report of his own opinion, unless they agree on the submission of one report in which the opinion of each expert and causes thereof are stated.

Article (350)

The expert shall lodge his report and transcripts of work at the process server department as well as all papers delivered to him. The expert shall notify the opponents

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of lodging within the twenty four hours following the occurrence thereof by registered letter.

Article (351)

If the report is not lodged by the expert during the period specified in the judgment of his appointment, a memorandum shall be lodged by the expert at the process server department before the expiration of such period to explain the performed works and the reasons that precluded the completion of his task.

At the hearing scheduled to hear the claim, if the court finds in the memorandum of the expert a justification of his delay, an extension of period shall be granted to the expert to complete his task and lodge his report.

If there is no reason for the expert's delay, the expert shall be ordered by the court to pay penalty of not more than two thousand Riyals and shall be granted another period of time to complete his task and lodge his report. Otherwise, the expert shall be substituted and ordered to return the charges collected thereby to the process server department, without prejudice to the remedies, if there is a ground for that.

The appeal of the judgment delivered on the substitution of the expert and the order to refund the received charges shall not be appealed.

If the delay results from the opponent's mistake, the opponent shall be ordered to pay penalty of not more than one thousand Riyals. The lapse of right to assert the judgment of the expert appointment may be judged.

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The judgment of the penalty shall not be appealable in any way. The court may disqualify the expert or reduce the penalty if an accepted excuse is expressed.

Article (352)

The court may summon the expert at a scheduled hearing to discuss his report, if the court thinks necessary. The expert shall express his opinion supported by the causes of the report. The court may direct the questions thought to be useful in the claim, automatically or at request of the opponent.

Article (353)

The court may return the task to the expert to correct or examine the mistakes or deficiency of work. The court may assign another expert or other three experts who may utilize the information of the previous expert.

Article (354)

The court may appoint an expert to express his opinion orally at the hearing without submission of report. The expert's opinion shall be recorded in the transcript.

Article (355)

The expert's opinion shall not be binding to the court but the court shall be guided by his opinion. If the court judges as opposed to the expert's opinion, the reasons of discarding all or part of such opinion shall be explained.

Article (356)

Fees and expenses of the expert shall be estimated by an order issued on a petition by the judge of the appointing court, upon the delivery of judgment on the merits of claim.

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If such judgment is delivered within the three months following the submission of the report for reasons beyond control of the expert, his fees and expenses shall be estimated without awaiting the judgment on the merits of claim.

Article (357)

The expert shall collect the charges estimated to him. The order of estimation beyond such amount shall be enforceable by the opponent who applied for the expert appointment and the opponent ordered to pay the expenses.

Article (358)

The expert and each opponent in the claim may file grievance against the estimation order within the eight days following the service thereof.

Article (359)

Grievance shall not be accepted from the opponent against whom the estimation order may be executed unless the remaining estimated amount is deposited in the treasury of court to be allocated to the charges payable to the expert.

Article (360)

Grievance shall be filed by a report lodged at the process server department. Filing grievance shall result in the stay of execution of the estimation order. Grievance shall be entertained after the expert and the opponents are summoned at request of the process server department within three days. If the expenses of claim are finally decided by judgment, the opponent who requests the appointment of expert and is not ordered to pay the expenses shall not file the grievance.

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Article (361)

If it is judged in the grievance that the expenses estimated to the expert is reduced, the opponent may invoke such judgment against his opponent who paid to the expert the amount payable thereto on the basis of the estimation order, without prejudice to the right of such opponent to recourse to the expert.

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Book Three

Execution

Section 1

General Provisions

Chapter 1: Writ of Execution and Related Provisions

Article (362)[41]

Forced execution shall be made only by a writ of execution to collect a certainly existing right of specified amount and immediately falling due.

Writs of execution are judgments and orders issued by the courts of justice and agreements of composition recorded in or appended to transcript of hearing and the official papers given the force of execution by law.

No execution shall be made in other than the cases excluded by a law provision, unless by a photocopy of the writ of execution that contains the following form of execution: "The body tasked with the execution shall perform the execution, whenever requested. Each authority shall assist the performance of execution, even if by using force, whenever requested according to the law".

Article (363)[42]

Execution shall be carried out by a department established at the headquarters of the Court of First Instance called "Execution Department."

[41] Amended upon Law 13 of 2005.
[42] Amended upon Law 13 of 2005 and upon Law 3 of 2019.

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The implementation department is headed by a judge with a degree no less than a judge at the Court of Appeal, assisted by a sufficient number of judges selected by the Supreme Judicial Council. A sufficient number of employees shall be attached to the Department, who shall have the capacity of a judicial officer in the crimes committed in the course of their work, and a sufficient number of police officers and personnel shall be assigned to it.

The execution judge shall have the exclusive jurisdiction to settle all substantive and temporary execution disputes, whatever they may be, and to issue decisions and orders related to implementation.

The execution judge shall decide temporary enforcement disputes in his capacity as a judge for urgent matters.

Article (364)

The execution procedure shall not be appealed before the execution judge, unless the appeal is established on the appeal of the judgment to be executed or reversed.

Execution judge shall not amend the interlocutory or final character of judgments. Further, execution judge shall not interpret the judgment to be executed or clarified, if such judge involves ambiguity or vagueness.

Article (365)

The judgments delivered by the execution judge shall be appealable, unless the law provides the impermissibility of appeal thereof. Appeal shall be filed before the

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competent court of appeal within seven days that begin by observation of the rules set out in Article (157).

Article (366)[43]

Each of the High Court or the District Court shall prepare a special table in which execution requests are recorded, and the applicant shall be delivered a receipt stating the number and date of registration of application.

A file in which all papers are lodged shall be created for each application. The extract of application shall be stated on the title of file including the type, date and issuing body of the writ of execution and names and addresses of execution parties.

If there are multiple applications from different creditors submitted for execution against one debtor, one file shall be created for all applications.

The file shall be laid before the execution judge after each procedure where the issued decisions, orders and judgments are recorded.

Article (367)[44]

Execution shall be made by an officer of the execution department at the court or by the police, subject to the periods and provisions set out in Article (4) of this Law.

The execution officer shall be bound to perform execution at request of the concerned party, upon the delivery of the writ of execution. If the employee abstains from taking any of the execution procedures, the concerned party may file a petition to the competent execution judge.

[43] Amended upon Law No. 3 of 2019.
[44] Repealed upon Law No. 3 of 2019

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Article (368)

If the execution officer faces resistance or transgression, all interim measures shall be taken and the assistance of public force shall be sought, if required.

Article (369)

Execution shall be preceded by the service of the writ of execution on the person or at domicile of the debtor, or it shall be invalid.

The served notice shall contain the description of the requirement, the order of the debtor's performance, domicile of choice of the executor in the State of Qatar, if he has no domicile therein, and the date of hearing scheduled to hear the execution before the execution judge.

Execution shall be made after the lapse of at least one day from the service of the writ of execution.

Article (370)

The execution officer shall, upon the service of the writ of execution or performing execution, collect the debt upon presenting thereof and give an acquittal without need for special authorization.

If neither the creditor nor his attorney is present, the officer shall deposit the collected amounts in the treasury of the court in favor of the executor on the same day or the following day at maximum.

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Article (371)

Everyone subrogates the creditor in his right by law or agreement shall subrogate the creditor in the execution procedures.

Article (372)

If the debtor is deceased or becomes incompetent or the person who takes procedures on his behalf is incapacitated before commencement or completion of the execution. The executor may apply to the execution judge to perform execution on his heirs or whoever administers estate properties. Execution shall be performed within limits of the aforesaid persons of properties of the deceased person.

Execution shall be performed against the heirs or estate administrator after the expiration of ten days from the date of service of the writ of execution thereon.

Before the expiration of three months from the date of the debtor's death, the execution papers may be served on all heirs at their last domicile of their testator without stating their names and capacities.

Article (373)

A third party shall not perform under the writ of execution or be forced to perform unless the debtor is notified of the intention to perform such execution at least ten days before the occurrence thereof.

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Chapter 2: Self Execution

Article (374)[45]

Self-execution without a guarantee shall be obligatory by the force of law for all judgments issued in urgent matters and orders issued on petitions unless the judgment or order provides for the provision of a guarantee.

Self-execution shall be obligatory by force of law for judgments issued in commercial matters, provided that a guarantee is provided by the judge, without prejudice to the provisions of the Commercial Law.

Article (374/ Bis)[46]

Judgments shall not be executed forcibly, as long as appealing them by appeal is permissible, unless expedited enforcement is stipulated in the law or ordered in the judgment, however, precautionary measures may be taken according to it.

Article (374/ Bis 1)

An order for Self-execution may be ordered, with or without bail, in the following cases:

1- Judgments issued for the payment of expenses, wages and salaries.

2- If the judgment was issued in implementation of a previous judgment that has the force of the res judicata or is covered by expedited execution without bail, or if it was based on an official document that was not challenged for

[45] Amended upon Law No. 3 of 2019.
[46] Added upon Law No. 3 of 2019.

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forgery, when the convicted person was an opponent in the previous judgment or a party to the bond.

3- If the convicted person acknowledges the creation of the obligation.

4- If the judgment is based on a customary document that the convict did not deny.

5- If the judgment is issued in favor of the execution request in a dispute related to it.

6- If the delay in execution results in a serious harm to the interests of the convicted person.

Article (375)

Grievance may be filed before the competent court of appeal against the self-executing judgment in the usual procedures of filing the claim. Appearance period shall be three days.

Such grievance shall be raised at the hearing while the appeal filed for the judgment is heard. Grievance shall be decided independently from the merits.

The court of appeal may order the stay of the self-execution, if the court thinks that the judgment is likely to be set aside or it is apprehended that the execution would result in an irreparable material damage. The court may, if the stay of self-execution is ordered, require the provision of guarantee, or order whatever the court thinks sufficient to guarantee the right of the prevailing party.

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Article (376)

In the cases where the execution of judge or order shall be executed only by guarantee, the party bound to pay the guarantee shall have the choice either to provide a solvent guarantor or to deposit sufficient money or securities in the treasury of court, to accept the deposit of the objects collected from the execution in the treasury of court or to deliver the object of which he is ordered to deposit in the judgment or order to a solvent receiver.

Article (377)

The person bound to provide guarantee shall be served either by independent notice, within the writ of execution or the order of performance paper.

At all events, the service of choice shall contain the domicile of choice of the executor to be served thereon containing the papers of the dispute regarding the guarantee.

Article (378)

The concerned parties may within the three days following the service, contend in the solvency of the guarantor or receiver or the adequacy of the lodged object. The claim of contention shall be served during the period of summoning of the opponent before the execution judge whose judgment shall be final in the contention.

If no contention is filed during the period or filed and rejected, an undertaking shall be written by the receiver at the process server department to accept receivership or by the guarantor to accept the guarantee.

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The transcript containing the undertaking of the guarantor shall be equivalent to the writ of execution against the guarantor for the obligations resulting from the undertaking.

Chapter 3: Execution of Foreign Judgments, Orders, and Official Documents

Article (379)[47]

Judgments and orders issued in a foreign country may be executed in Qatar on the same conditions provided in the law of that country for the execution of the Qatari judgments and orders therein.

Writ of execution shall be applied for by summoning of the opponent before the execution judge at the High court, on the usual conditions of filing the claim.

Article (380)

Execution shall be ordered after the following is verified:

1. Courts of the State of Qatar do not hold jurisdiction alone to decide on the dispute in which the judgment or order is issued. The foreign courts that delivered the same hold jurisdiction as well according to the international jurisdiction rules provided in the law thereof.
2. Opponents in the claim in which the judgment is delivered are validly summoned and represented.

[47] Amended upon Law No. 13 of 2005.

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3. The judgment or order established claim preclusion doctrine according to the law of the issuing court.
4. The judgment or order is consistent with a judgment or order previously issued by a court in Qatar and that nothing in violation of the public order or morals is involved.

Article (381)

The provisions of the two previous Articles shall apply to the awards of arbitrators issued in a foreign country. The award shall be issued in a question where arbitration is permissible according to the laws of the State of Qatar.

Article (382)

The execution of executable official documents written in a foreign country may be ordered on the same conditions provided in the law of this country for the execution of the executable official documents written in Qatar.

Application for execution shall be filed in a petition submitted to the execution judge. Execution shall be ordered after the fulfillment of the required conditions for the document officiality and executiveness are verified according to the law of the country in which execution is made and its consistency with the public order and morals in Qatar.

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Article (383)

Application of the rules provided in the previous Articles shall not violate the provisions of the treaties concluded or to be concluded by Qatar and other countries in this regard.

Chapter 4

Properties Subject to Execution

Article (384)

An amount of money may be deposited by the attachee or the garnishee equivalent to the debts for which attachment is imposed and their interests and charge to be allocated for the payment thereof alone, whatever the status of the procedures, before the sale is affected.

Such depositing shall result in lifting the attachment of properties and passing the attachment to the deposited amount. If new attachments are imposed afterwards on the deposited amount, this shall have no effect on the right of the parties to whom this amount is allocated.

Article (385)

The attachee or the garnishee may apply summarily to the execution judge, whatever the status of the procedures, to estimate an amount to be deposited in the treasury of court for payment to the attachor. Such depositing shall lift the attachment imposed on the attached properties and passing the attachment to the deposited amount.

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The deposited amount shall be allocated for performance of the requirement of the attachor, when admitted to the attachor or its existence is judged.

Article (386)

If the value of the right of attachment is out of proportion to the value of the attached properties, the debtor may apply to the execution judge to judge summarily to confine the attachment to certain properties by a claim filed in the usual procedures, where the attachor creditors are sued.

Attachor creditors, before the confinement of attachment, shall have the priority to collect their rights from the properties to which the attachment is confined.

Article (387)

The following properties of the debtor shall not be attached:

1. Furniture, cloths and utensils required by the debtors, debtor's spouse, children, relatives and relatives by marriage in lineal consanguinity residing with the debtor in one place.
2. The money needed by the debtor and his family for a whole one month.

Article (388)

The following objects shall not be attached, unless for the collection of its price or charges of preservation or for an established maintenance:

1. Books, tools and materials required by the debtor to transact his profession or handicraft by himself.

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2. Cattle necessary for the debtor and his family for living and the feed of cattle for one month.

Article (389)

The amounts decided or ordered by the court provisionally to expend or spend from for a particular purpose shall not be attached. Further, the properties granted or devised to be a maintenance shall not be attached, unless the quarter thereof to discharge a debt of an established maintenance.

Article (390)

Granted or devised properties with the stipulation of non-attachment shall not be attached by the creditors of the grantee or the legatee whose debt is created before the grant or the will, unless for an established maintenance, in such proportion described in the previous Article.

Article (391)

Only the quarter of wages, salaries and pensions may be attached. Upon multiplicity, half of such quarter shall be allocated for payment of debts of the established maintenance and the other half for other debts.

Article (392)

The house owned by the debtor in which the debtor and his family live, if appropriate to his condition, shall not be attached. However, the house shall not be a security for the debt for which it is attached, or that the debt arises from the price of this house.

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If the house is in excess of need of the debtor, it shall be sold and an amount of its price shall be left to the debtor to buy a house appropriate to his condition. The remainder of the price shall be attached.

Article (393)

Neither the debtor, judges or employees of courts of justice nor lawyers representing the persons handling the procedures or the debtor, shall take part in the auction by themselves or through others, or the sale shall be invalid.

Execution judge may, at request of the creditor who handles procedures, permit the creditor to take part in the auction.

Chapter 5: Objections to Execution and Other Related Disputes

Article (394)

If an objection raised upon execution where a provisional procedure is applied for and it is requested to be submitted to the judge, the execution officer may order the stay of execution or proceed in the execution in alternative. Opponents shall in both cases be summoned before the execution judge at the earliest, even if within one hour at his house if necessary. It shall be sufficient to record the summons in the transcript in connection with the objection applicant. At all events, the execution officer shall not execute before the judge hands down his judgment.

The execution officer shall issue photocopies of the transcript insofar the number of opponents and a photocopy for the process server department to which the papers of

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execution and documents presented by the objection applicant are attached. The process server department shall record the objection on the day of receipt of the photocopy in the record prepared for that.

If the continuation of execution is judged, the filing of any other objection shall not give rise to the stay of execution, unless ordered by the execution judge.

At all events, the obligor in the writ of execution shall be sued in the objection filed by a third party. If the obligor is not sued, the previous Article shall not apply to the first filed objection.

Article (395)

The real offer of the required object in the writ of execution shall not give rise to the stay of execution, if the offer is disputable.

Execution judge may order the stay of execution temporarily together with depositing the offered object or a greater amount in the treasury of court.

Article (396)

If the opponents are absent and the judge orders the strike out of the objection, the effect causing the stay of execution resulting from filing the objection shall be abolished.

Article (397)

If the objection applicant loses the claim, the applicant may be sentenced to pay penalty of not more than one thousand Riyals, without prejudice to remedies, if there is a ground for that.

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Section 2

Provisional Attachment of Movables

Article (398)

Subject to the provisions of Article (401), the creditor may impose provisional attachment on the movables of his debtor in the following cases:

1. If the creditor holds a bill of exchange or promissory note and the debtor is a trader and has a signature on the bill of exchange or note that obligate the debtor to pay according to the Commerce Law.
2. If the debtor has no stable domicile in Qatar, or the creditor apprehends for serious reasons the fleeing of the debtor or smuggling or concealment of his monies.
3. In every other case where the creditor apprehends the loss of the guarantee of his right.

Article (399)

Landlord of property may impose provisional attachment against the tenant on the movables existing in the leased property to guarantee the due rent.

Landlord may also do the same, if such movables are transferred without his consent from the leased property, unless thirty days pass after the transfer thereof.

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Article (400)

The movable's owner may impose provisional attachment on the movable held by the possessor thereof.

Article (401)

Provisional attachment shall be imposed in the foregoing cases only to collect a certainly existing right and falling immediately due.

If the creditor has no writ of execution or enforceable judgment, or his debt is of unspecified amount, attachment shall be imposed by the order of the execution judge only in which the judge permits the attachment and provisionally estimates the debt of the attachor.

The order shall be filed by a justified petition. In the case described in the previous Article, the petition shall contain an adequate statement of the movables to be attached.

Before the issue of the order, the judge may conduct a brief investigation, if the documents supporting the application are insufficient.

If the claim is filed for the right previously before the competent court, the permission of attachment may be requested from the chief justice.

Article (402)

The rules and procedures provided in Chapter 1 of Section 4 of this Book, except those related to the determination of the day of sale, shall apply to the provisional attachment of movables.

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The attachment transcript and the writ of attachment shall be served on the attachee, if not served previously, within not more than two weeks from the date of imposition, or it shall be null and void.

In the cases where the attachment is ordered by the execution judge according to the second paragraph of the previous Article, the attachor shall within the two weeks referred to in the previous paragraph, file the claim of establishment of right and validity of attachment before the court of ratione materiae jurisdiction, or the attachment shall be null and void.

Article (403)

If the validity of attachment is judged, the procedures of sale described in Chapter 1 of Section 4 of this Book shall be followed or the movable shall be delivered in the case referred to in Article (400).

Article (404)

If the provisional attachment is judged to be invalid or cancelled for the lack of ground, the attachor shall be sentenced to pay penalty of not more than five hundred Riyals in addition to remedies to the attachee.

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Section 3

Debtor's Travel Ban

Article (405)

Creditor may apply to the execution judge to order the travel ban of the debtor, if there are serious reasons giving rise to the apprehension that the debtor may flee from the litigation or smuggle his money.

The debtor may file grievance against and apply for the cancellation of the order, if the value of debt is deposited in the treasury of court, the debtor provides a sufficient guarantee, or there are serious reasons that require the cancellation thereof.

Article (406)

The application for travel ban shall be filed by a justified petition. The issue of travel ban order and the grievance filed against the order shall be governed by the rules and procedures provided in Section 9 of Book One of this Law.

Article (407)

The issue of the travel ban order shall not violate the power of the administration to terminate the residence of the non-Qatari debtor or to order the departure of the country or deportation thereof, if required by the public interest.

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Section 4

Executive Attachments

Chapter 1: Execution of Attachment and Sale of Movable with the Debtor

Article (408)

Attachment shall be imposed by a transcript executed at the place of imposition thereof, or it shall be invalid. The transcript shall include the following in addition to the particulars that should be stated in the notice:

1. Order the debtor of performance again if the debtor is present.
2. Writ of execution.
3. Domicile of choice of the attachor in the State of Qatar, if he has no domicile therein.
4. Place and date of attachment, the procedures taken by the execution officer, the obstacles and objections faced during the attachment and the actions taken in their regard.
5. Detailed description of the attached objects and stating their type, descriptions, amounts, weight or measurement and estimated value.
6. Determination of day, time and place of sale.

Transcript of attachment shall be signed by the execution officer, and the debtor if present. The signature of the debtor shall not be deemed an acceptance of the judgment.

Article (409)

Attachment shall not be imposed in presence of the executor.

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Article (410)

Execution officer shall not break doors or open locks by force to impose attachment, unless in presence of a police officer. The attachment transcript shall be signed by the police officer or it shall be invalid. Execution officer shall not inspect the debtor to impose the attachment on the objects in his pockets, unless by prior permission of the execution judge.

Article (411)

Attachment shall not require the relocation of the attached objects.

Article (412)

If the attachment is imposed on jewellery or bars of gold, silver or other precious metal, jewels or precious stone, the same shall weighed and described accurately in the attachment transcript.

If it is required to transfer the same for weighing or appraisal, the same shall be placed in a sealed seized article and this shall be stated in the transcript with a description of seals.

Such objects shall be appraised by an expert appointed by the execution judge at request of the execution officer or at request of the attachor or attachee. In this way, other precious objects can be appraised. At all events, the expert report shall be attached to the attachment transcript.

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Article (413)

If attachment is imposed on money or paper currency, the execution officer shall indicate their descriptions and amounts in the transcript and deposited in the treasury of court.

Article (414)

If the attachment is not imposed on one day, it may be completed on the following consecutive day or days. The execution officer shall take necessary actions to maintain the objects attached and to be attached until the attachment is imposed. The transcript shall be signed whenever the attachment procedures are halted.

However, if it is required that the execution officer continues the attachment procedures after the periods set out in Article (4) hereof, or on holidays, the transcript may be completed without need to have a permission from the judge.

Article (415)

If the attachment is made in presence of or at domicile of the debtor, a photocopy of the transcript shall be delivered to the debtor in the way described in Article (7). If the attachment occurred at other than the domicile of, and in absence of the debtor, the transcript shall be served on the debtor within no later than the three days following the attachment.

Article (416)

Objects become attached once described in the attachment transcript, even if no receiver is appointed.

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Article (417)

Execution officer shall immediately after, closing the attachment transcript, affix on the place where the attached objects exist and, on the board, prepared for that at the court, notices signed thereby that indicate the day, time and place of sale, and type and global description of the attached objects. This shall be stated in a transcript to be annexed to the attachment transcript.

Article (418)

Execution officer shall appoint a receiver for the attached objects. The receiver shall be chosen by the execution officer, if no capable person is chosen by the attachor or the attachee.

The attachee shall be appointed, if requested thereby, unless dissipation is apprehended for reasonable grounds stated in the transcript.

The receiver shall not be one of those working for the attachor or the execution officer or a spouse, relative or relative by marriage within fourth degree of relation of either of them.

Article (419)

If the execution officer finds no one at the place of attachment who accepts receivership and the debtor is present, the debtor shall be tasked with receivership and his rejection thereof shall not be considered. If the debtor is not present, the execution officer shall take all possible measures to preserve the attached objects and refer the matter promptly to the execution judge to order either transfer and lodging thereof at a trustee

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who accepts receivership to be chosen by the attachor or the execution officer or assigning a policeman to be tasked with receivership provisionally.

Article (420)

The attached objects shall be delivered to the receiver at the place of attachment. If the receiver is absent at time of attachment or is appointed later, the attached objects shall be subject to inventory then delivered thereto after signing the inventory report and a photocopy thereof shall be delivered to the receiver.

Article (421)

The attachment transcript shall be signed by the receiver. If the receiver abstains, the reasons thereof shall be stated in the transcript. A photocopy of the transcript shall be delivered to the receiver. If the receiver rejects, the reasons shall be stated in the transcript that shall be delivered to the police station.

Article (422)

Non-debtor or non-possessor receiver shall be entitled to a wage for his receivership. Such wage shall have the privilege of judicial charges on the attached movables.

Wage of the receiver shall be estimated by an order issued by the execution judge, based on a petition filed thereto.

Article (423)

The attached objects shall not be used, exploited, altered or exposed to damage by the receiver. Otherwise, the receiver shall not be paid the receivership wage and shall be ordered to grant remedies. If the receiver is the owner of, or has the right to benefit of

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the attached objects, the receiver may use the same in the purposes for which the objects are made.

If the attachment is imposed on cattle, offerings, tools or equipment necessary to manage or exploit a plot, factory, workshop or establishment, the competent execution judge may, at request of a concerned party, task the receiver with the management or exploitation, if the receiver is eligible for that or substitute him by another receiver.

Article (424)

The receiver shall not request his relief of the receivership before the day fixed for sale, unless for serious reasons. Application shall be filed by the summoning of the attachee and the attachor before the execution judge within one day. The delivered judgment shall not be appealable.

The attached objects shall be subject to inventory conducted by the execution officer, when the new receiver receives his task. The inventory shall be recorded in a transcript to be signed by the receiver and a photocopy thereof shall be delivered to the receiver.

Article (425)

If the execution officer moves to impose attachment on objects that have been attached previously, the receiver shall present the photocopy of the attachment transcript and the attached objects to the execution officer. Such objects shall be subject to inventory conducted by the execution officer in a report and the officer shall attach the objects that have not been attached previously. The former receiver shall be a receiver on such objects, if the objects are still in the same place.

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The report shall be served during no later than the following day on the former attachor, debtor and receiver, if not present, and on the execution officer who imposed the former attachment.

Such notice shall keep the attachment in favor of the second attachor, even if assigned by the former attachor. Further, it shall be considered an attachment imposed by the execution officer on the amounts collected for sale.

Article (426)

If the attachment imposed on movables is null and void, this shall not affect the subsequent attachments on the same movables, if validly imposed by themselves.

Article (427)

Receiver shall be subject to the punishment prescribed in Article (233) of the Qatari Penalty Law, if the receiver deliberately rejects to present the photocopy of the previous attachment transcript to the execution officer which results in harming either attachor.

Article (428)

The creditor may, even if there is no writ of execution, attach under supervision of the execution officer the price collected from the sale, without need to apply for the issue of judgment on the validity of attachment.

In such attachment, the garnishment procedures shall be followed. Attachment may be made before or after the sale until the price of the attached properties is delivered to the attachor creditor.

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If the attachment is imposed after the sale is completed, attachment shall be imposed only on the price in excess that discharges the debts of creditors before the sale is completed.

Article (429)

Attachment shall be considered null and void, if the sale is not made within three months from the date of imposition, unless the sale is suspended by agreement of opponents, court order or by law.

Postponement of sale for more than three months from the date of agreement shall not be agreed.

Article (430)

Sale shall be effective at least ten days after the date of giving, or serving the debtor with a photocopy of the attachment transcript, and after the lapse of at least one day from the date of completing the procedures of affixing and publication.

However, if the attached objects are perishable, subject to price fluctuation or their value is lower than the charges of preservation thereof, the execution officer may order the sale at such place and time he thinks fit, as the case may be, based on a petition filed by the receiver or a concerned party.

Article (431)

Sale shall be effective at the place where the attached objects exist or at the nearest market.

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Execution judge may order the sale to be effective at another place based on a petition filed by a concerned party, having served a notice of date and place of sale.

Article (432)

If the value of the objects to be sold, as appraised in the attachment transcript, exceeds one hundred thousand Riyals, the sale shall be published once in a daily newspaper at expense of the attachor creditor. The announcement shall indicate the day, time and place of sale and type and global description of the attached objects.

The attachor creditor or the attachee may apply for further publication in newspapers by a petition filed to the execution judge. Either of them may also apply to the process server department to publish at its expense, if the value of objects exceeds fifty thousand Riyals.

Article (433)

If the sale is not effective on the day specified in the attachment transcript, affixing shall be repeated in the way set out in Article (417). Publication in newspapers may be repeated in the way set out in the previous Article.

Article (434)

Sale shall be made by the execution officer at a public auction. Sale shall be commenced after the attached objects are subject to inventory and a report thereof shall be executed in which the status of such objects and any deficit thereof are stated.

The successful bidder shall immediately pay the price offered for purchase. If the price is not paid, the attached object shall be offered for a new auction.

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Article (435)

Jewellery, golden or silver bars or jewels and precious stones shall not be undersold, as appraised by an expert appointed by the execution judge whose name shall be mentioned in the transcript. If no one offers the purchase, the same shall be kept in the treasury of court, as well as the money. The execution officer shall postpone the sale to the following day, if not a holiday. If no purchaser offers the appraised value and the attachor rejects to take such objects to discharge his debt in this value, sale shall be postponed to another day and publication and affixing shall be repeated as set out in Articles (417) and (432). The objects shall be then sold to the successful bidder, even if in a price less than the appraised price.

Article (436)

It shall be sufficient for the continuity or postponement of sale, that it is publicly stated and recorded this in the sale transcript by the sale officer.

Article (437)

If the price is not immediately paid by the successful bidder, the sale shall be effective again in any price. The sale transcript shall be considered a writ of execution for the difference of price, for the successful bidder.

Execution officer shall be committed to pay the price, if not collected from the purchaser immediately and fails to make it effective the sale again. The sale transcript shall be considered a writ of execution for the execution officer as well.

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Article (438)

Sale officer shall discontinue the sale, if a sufficient amount of money is collected from sale to discharge the debts of attachment in addition to the expenses. Attachments imposed later by the execution officer or others on the price collected from the sale shall be made only on the amounts sufficient to discharge more than the said debts.

Article (439)

Sale transcript shall contain all sale procedures, the objections and obstacles faced by the execution officer during the sale and the actions taken in their regard, the presence or absence and signature of the attachee, if present, or abstention from signing, the price of awarding the auction and name and signature of the successful bidder.

Article (440)

If an action of replevin is filed, sale shall be suspended, unless the competent execution judge orders that execution is continued with or without depositing the price.

Article (441)

Action of replevin shall be filed against the attachor creditor, attachee and intervenor attachors. Statement of replevin shall contain an adequate description of title deeds. The claimant shall lodge the documents in his possessions upon lodging the statement of claim at the process server department, or the execution shall be continued at request of the attachor without awaiting that the claim is decided. Such judgment shall not be appealable.

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Article (442)

Attachor may continue the execution, if the court decides to strike out or suspend the action of replevin pursuant to Article (67), or if it is considered null and void or it is judged to consider the claim null and void. The attachor may as well continue the execution, if dismissal, lack of jurisdiction, inadmissibility, invalidity of statement, termination of litigation, acceptance of abandonment is judged in the action, even if the judgment is appealable.

Article (443)

If a second action of replevin is filed by another claimant or if previously filed by the same claimant and is considered null and void or judged to consider the action null and void, struck out, inadmissible, court's lack of jurisdiction, invalidity of statement, termination of litigation or acceptance of abandonment. Sale shall be suspended, if the suspension is judged by the execution judge for serious reasons.

Article (444)

If the claimant of replevin loses the action, the claimant may be sentenced to pay penalty of not more than one thousand Riyals, all or part of which shall be granted to the creditor, without prejudice to the remedies, if there is a ground for that.

Chapter 2: Garnishment

Article (445)

Each creditor of a certainly existing and immediately falling due debt may garnish the movables or debts, even if postponed or suspended on a condition.

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Garnishment shall be imposed regarding each debt created for the debtor owed by the garnishee until such time of presenting disclosure form, unless imposed on a specific debt.

Article (446)

If the creditor has no writ of execution or his debt is of unspecified amount, garnishment shall be imposed only by order of the competent execution judge in which the judge orders the garnishment and provisionally estimates the debt of the attachor, based on a petition filed by the garnishment applicant.

Article (447)

Garnishment shall be imposed, without need to serve a prior notice on the debtor, by a notice served on the garnishee that contains the following particulars:

1. Photocopy of the judgment or official document whereby the garnishment is imposed, permission of the judge for garnishment or his order of debt estimation.
2. Principal amount of garnishment and its interests and charges.
3. Prohibition of the garnishee to pay or deliver the object in his possession to the attachee.
4. Order the garnishee to present disclosure form to the debtor at the process server department of the competent court within fifteen days from the date of serving the writ of garnishment thereon.

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If the particulars stated in clauses (1), (2) and (3) are not included in the notice, the garnishment shall be null and void.

Article (448)

If the garnishee is resident outside Qatar, the garnishment shall be served according to paragraph 8 of Article (10) hereof.

Article (449)

Garnishment shall be served on the attachee by a notice that contains the occurrence and date of garnishment at the garnishee, the judgment or official document whereby the garnishment is imposed and the garnished amount.

Notice of garnishment shall be served within the ten days following the service thereof on the garnishee, or the garnishment shall be considered null and void.

Article (450)

In the cases where the garnishment is imposed by order of the execution judge according to Article (446), the attachor shall, within the ten days referred to in the previous Article, file claim of establishment of right and validity of garnishment before the competent court, or the garnishment shall be considered null and void.

Article (451)

If the garnishee is sued in the claim of validity of garnishment, the garnishee shall not request to be exited from the claim. Judgment in the claim shall not be invoked against the garnishee, unless in connection with the validity of the garnishment procedures.

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Article (452)

Attachee may file claim to lift the garnishment before the execution judge. Filing this claim shall not be invoked against the garnishee unless served thereon. Service of the claim on the garnishee shall prohibit the garnishee from payment to the attachor unless after the claim is decided.

Article (453)

Garnishee may in any way pay the owed debt by depositing the debt in the treasury of the competent court, even if a claim of annulment of garnishment is filed, unless garnishment is lifted by agreement or by court order.

Article (454)

Garnishment shall remain outstanding on the amounts deposited in the treasury of court in enforcement of the previous Article. The process server department of the court shall notify the attachor and the attachee of the deposit within three days by a registered letter with return receipt.

Deposit shall be accompanied by a statement signed by the garnishee of the imposed garnishments and dates of service thereof, names, capacities and domiciles of attachors and attachees, the documents whereby garnishments are imposed and the garnished amounts.

Such deposit may be presenting a disclosure form, if the deposited amount is sufficient to discharge the debt of the attachor.

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If a new garnishment is imposed on the deposited amount that becomes insufficient for payment, the attachor may demand the garnishee to present disclosure form within fifteen days from the date of demand.

Article (455)

If the garnishee is a debtor of the attachee, the garnishee shall pay the amount not subject to garnishment to the attachee albeit the attachment, without need for a judgment.

Article (456)

If no deposit is made according to Articles (384) and (385), the garnishee shall present disclosure form at the process server department of the competent court within fifteen days from the date of being served with the garnishment. The disclosure form shall state the amount, reason and reasons of remission of debt, if remitted, and all garnishments imposed. The garnishee shall lodge the certified papers supporting the disclosure form or photocopies thereof.

If there are movables in possession of the garnishee, a detailed statement thereof shall be attached to the disclosure form.

The garnishee shall not be relieved of the duty of disclosure, if the garnishee is not a debtor of the attachee.

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Article (457)

If the garnishment is imposed at a governmental body, public authority, public institution or an affiliated unit, a certificate equivalent to the disclosure form shall be issued thereby to the attachor, at his request.

Article (458)

If the garnishee is deceased or incompetent or incapacitated or his representative his incapacitated, the attachor may serve the heirs or anyone acting in place thereof with a photocopy of the garnishment paper and order him to present disclosure form within fifteen days.

Article (459)

The claim of contending in the garnishee disclosure form shall be filed before the execution judge.

Article (460)

If the garnishee fails to present the disclosure form in such manner and within such period set out in Article (456), the attachor may apply to the execution judge to present disclosure form on such a date specified thereby, but of not more than fifteen days. If the garnishee fails to present the disclosure form on the specified date, the judgment shall sentence the garnishee to pay penalty of not more than a quarter of the garnished amount which shall be granted in whole or in part to the attachor as a remedy.

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Article (461)

If the garnishee keeps abstaining from presenting the disclosure form albeit the garnishee is ordered to do so in the manner set out in the previous Article, presents false information or conceals the papers to be lodged to support the disclosure form, the garnishee may be sentenced to pay the garnished amount to the creditor who has a writ of execution of his debt. At all events, the garnishee shall be ordered to pay the remedies resulting from his default or delay.

Article (462)

Garnishee shall, fifteen days after presenting the disclosure form, pay the disclosed amount or the amount that discharges right of the attachor, if the right of the attachor at time of payment is evident by a writ of execution and the procedures set out in Article (373) are observed.

If a new garnishment is imposed after expiration of the said period, if shall have effect only on the amount in excess of the debt of the former attachor. If there are multiple attachors while the disclosed amount is insufficient to discharge all their debts, the garnishee shall deposit the amount in the treasury of court for division.

Article (463)

Garnishee shall at all events deduct the charges spent thereby from the amount in his possession, having been estimated by the competent judge.

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Article (464)

If the garnishee validly discloses the amounts in his possession and abstains from making payment or depositing according to Article (462), the attachor may execute on properties of the garnishee under the writ of execution with an attached official photocopy of the disclosure form of the garnishee.

Article (465)

If garnishment is imposed on movables, the movables shall be sold by the procedures set for the sale of movable attached at the debtor, without need for a new attachment to be imposed on such movables.

Article (466)

Creditor may impose garnishment by himself on the debt owed to his debtor. Garnishment shall be imposed by a notice served on the debtor that contains the particulars to be stated in the notice of garnishment provided in Article (449) hereof.

In the cases where the garnishment is imposed by order of the execution judge, the attachor shall within the ten days following the service of writ of garnishment on the debtor, claim of establishment of right and validity of garnishment shall be filed before the competent court, or the garnishment shall be considered null and void.

Article (467)

The garnishment imposed at a governmental body, public authority, public institution or an affiliated unit shall have effect for three years only from the date of service, unless the garnishee is served during this period of preservation of garnishment. If the writ of

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garnishment is not served or not renewed every three years, garnishment shall be considered null and void, whatever the procedures, agreements or judgments made or issued in its regard.

The aforesaid three years period, for the treasury of court, shall begin from the date of depositing the garnished amounts.

Article (468)

Execution judge may, whatever the status of procedures, judge summarily to permit the attachee against the attachor to collect his debt from the garnishee albeit the garnishment, in the following cases:

1. If garnishment is imposed without writ of execution, judgment or order.
2. If the writ of garnishment is not served on the attachee within the period specified in Article (449), or the claim of validity of garnishment is not filed during the period specified in Article (450).
3. If deposit and allocation are made according to Article (384).

Article (469)

Garnishee shall be subject to the punishments prescribed in Article (233) of the Qatari Penalty Law, if the garnished shares, bonds and other movables are dissipated to the detriment of the attachor.

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Chapter 3: Attachment and Sale of Shares, Bonds, Revenues and Stock

Article (470)

If the shares and bonds are bearer or endorsable shares and bonds, it shall be attached on such conditions prescribed for the attachment of movables.

Article (471)

Revenues, nominal shares, share of partners in the capital and profits payable by juristic persons, and rights of silent partners, shall be attached on such conditions prescribed for garnishment.

The attachment of the rights referred to in the previous paragraph shall result in the attachment of proceeds thereof, the proceeds that fell or that may fall due until the day of sale.

Article (472)

Shares, bonds, and others provided in the two previous Articles shall be sold by a bank or a banker appointed by the execution judge. The judge shall state in the order the necessary service procedures to be taken for the sale.

Chapter 4: Execution on Property

Article (473)

After service of the writ of execution on the debtor and demanding him to make payment according to Article (369), the applicant of execution on property or anyone

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acts for him shall apply to the competent execution judge that contains the following particulars:

1. Name, capacity and domicile of the execution applicant and his domicile of choice in Qatar, if he has no domicile therein.
2. Name and domicile of the debtor.
3. Type and date of writ of execution, date of service of writ of execution on the debtor and demanding him to make payment and the amount of debt to be paid.
4. Description, real estate area, location, area, perimeters and everything that helps determination of the property to execute on.

Application shall be recorded in the table of applications of execution at the competent court.

Article (474)[48]

The execution judge shall issue an order to impose an attachment on the real estate, within two weeks at most from the date of submitting the execution request and the documents attached to it, and based on this order, the attachment shall be imposed on the real estate, with a minutes drawn up by the execution officer at the real estate site, on the next day at most, from the issuance of the order to impose the attachment, in addition to the data stipulated in the previous Article, the minutes must include the following data:

[48] Amended upon Law No. 7 of 1995.

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1- The name and signature of the person charged with execution, and the date and place of attachment.

2- A statement of the executive document, its date and the amount of the required debt.

3- A warning to the holder and its date, if the property has a holder.

4- The order issued by the execution judge to seize the property and its date.

5- The location of the property, its area, boundaries and descriptions, and all other data that are useful in designating it, as well as its contents, the names of its occupants, their capacity for occupancy, the documents supporting their aforementioned capacity, and the amount of rent or usufruct they pay.

The person in charge of execution, in order to obtain these particulars, has the right to enter the property and accompany someone to assist him in obtaining it.

Article (475)

Process server department shall immediately upon imposing attachment on property, notify the department of property registration and notarization to register the attachment on the property in the property records.

When the attachment on the property is registered, any disposition thereon shall be restricted without consent of the execution judge. Each disposition made to the contrary, after the date of registration of attachment, shall not be enforced against the attachor.

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Article (476)

Revenues of the property shall be annexed thereto for the period following the registration of attachment.

Article (477)

If the property is not leased, the debtor shall be considered a receiver until the sale is effective, unless his removal from receivership or determination of his power is ordered by the execution judge, at request of the attachor creditor or any creditor holds a writ of execution.

The debtor inhabitant in the property may remain inhabitant therein without rent, until the sale is effective.

If the property is leased, the due rent for the period following the registration of attachment shall be considered attached by the lessee, once the lessee is demanded by the attachor or any creditor holds a writ of execution not to pay the rent to the debtor.

If the rent is paid by the lessee before such demand, his payment shall be deemed valid and the debtor, as a receiver, shall be held be accountable for such rent.

Article (478)

Penalties prescribed in Articles (233) and (248) of the Qatari Penalties Law shall apply to the debtor, if the revenues annexed to the attached property are embezzled or such property is damaged.

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Article (479)

If the property is burdened with a security in rem then passes to a possessor by a registered contract before registration of attachment, such possessor shall be notified of payment of debt or eviction of property or execution shall be made against the possessor.

Everyone to whom the title to such property or any other pledgable right in rem for any reason shall be considered a possessor of property burdened with security in rem, without being personally responsible for the debt secured by the security in rem.

The notice served on the said possessor shall be accompanied by a certificate from the department of property registration on the registration of attachment on property, or the attachment shall be null and void. Service of notice shall give rise to the application of all provisions described in Articles from (476) through (478) to the possessor.

Service of notice on the possessor shall be registered at the department of property registration and notarization and a notation shall be made on the margin of registration of attachment within fifteen days from the date of registration of attachment, or the registration of attachment shall be abated.

Article (480)[49]

Attachment transcript shall be submitted to the execution judge within seven days from the date of imposing the attachment. The judge shall issue a list of the sale conditions and shall define the basic price at which the auction is initiated at the session of sale

[49] Amended upon Law No. 7 of 1995.

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Within thirty days at most from the date on which the minutes of attachment was presented to him. The judge may seek experts to estimate the price. Further, the judge shall schedule the date of hearing held to consider the objections that may be raised to the list, provided that it does not exceed the period of thirty days from the date of specifying the basic price.

The process server department shall within the fifteen days following the issue of the list, serve such list on the attachee, whether it is the debtor, possessor or guarantor in rem, as well as creditors holders of rights registered on the property before registration of attachment, basic price and date of hearing scheduled to consider the objections to the list. If either of such persons is deceased, the list shall be served on all heirs at the last domicile of such person. The notice served on the attachee shall include order of performance to pay the debt and its interests and charges within fifteen days from the date of deciding on the objections to the list, or the sale of property in a public auction shall be ordered by the judge.

Article (481)

The list of sale conditions shall contain the following:

1. Writ of execution whereby the execution is made.
2. Date of transcript of attachment imposed on the property and date of registration.
3. Determination, site, area, lengths and perimeters of the attached property and other particulars that help in its determination.

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4. Inclusions of the property, whether the property is occupied by the attachee or others and capacity of occupants.
5. Sale conditions offered by the judge to the concerned parties on which basis the sale is effective.
6. Estimate value of property as a basic price at which the auction begins at the session of sale.
7. Division of the property into deals, if this has a ground, and stating the basic price of each deal.

Article (482)

Objections to the list of sale conditions shall be filed by a report filed at the process server department at least three days before the hearing scheduled to hear the objections, or the right to assert the same shall lapse.

Each interested party other than the parties mentioned in Article (480) may express the aspects of annulment or notes, by objection to the list or by intervention upon hearing the objection.

Article (483)[50]

The execution judge shall decide on all the objections submitted to the list of conditions of sale, within a period not exceeding fifteen days from the date of the session set for its consideration, and then determine the session for the sale of the property, provided that it is within thirty days from the date of deciding on all objections.

[50] Amended upon Law No. 7 of 1995.

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The Registry shall notifie the persons mentioned in Article (480) of the date and place of the sale session.

The Registry also announces the date and place of the sale session before the day specified for its conduct, no less than fifteen days and not more than thirty days, by having advertisements glued on the door of the property, on the court notice board, and by having them published once in one of the daily newspapers.

Article (484)

Sale shall be effective at the court, and the person in charge of the procedures, the attachee and every interested party may issue a permission from the execution judge to effect the sale at the same property or elsewhere.

Article (485)[51]

Execution judge shall on the day scheduled for sale hold the auction.

The auction shall be commenced at the session of sale by calling upon the basic price and charges. The auction shall be awarded to person who offers the highest bid. The bid which is not outbid within five minutes shall end the auction.

If the judge finds that the offered price is much less than the basic price or for other serious reasons, the judge may postpone the auction at the same basic price to the next day.

If, in the second session, a buyer does not present the basic price, the judge shall postpone the sale to the next day, with a decrease in the basic price by 5%, then to a

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subsequent session, and so on with a decrease in the price by 5% each time, until the decrease reaches 25% of the basic price.

Article (486)[52]

If the total decrease reaches 25% of the basic price, the sale shall be postponed for a period of thirty days following a repeat of the announcement procedures, in which case the property shall be sold with the highest bid, regardless of its value.

Article (487)[53]

The person whose bid is accepted by the judge shall pay the whole accepted price, charges and registration fees upon holding the session. The judge shall then award the sale thereto. If the whole price is not paid, at least one fifth of the price shall be deposited or the auction shall be held again at the same session on the basis of the basic price in which the auction is awarded.

If the whole price is not deposited, sale shall be postponed to a following session scheduled by the judge. If the bidder deposits the remaining price, the judge shall award the sale to the bidder, unless a person offers at this session the purchase with an increase of one tenth of price at which the auction was awarded in the previous session accompanied by the whole increased price. In this case, the auction shall be held again at the same session on the basis of such increased price.

If no one offers purchase at the following session for the one tenth of increase and the former bidder fails to deposit the whole price, the auction shall be immediately held

[52] Amended upon Law No. 7 of 1995.
[53] Amended upon Law No. 7 of 1995.

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again. At this session, any bid not accompanied by the whole value thereof shall be unreliable.

Article (488)

If the successful bidder is a creditor, and his debt amount and class account for his relief of the deposit, the creditor shall be relieved thereof by the judge.

Article (489)

The successful bidder may disclose at the process server department, before expiration of the three days following the day of sale, that he purchased by power of attorney for a particular person, if this is approved by the principal.

Article (490)

The judgment of sale shall be issued in the introduction of judgments and the causation thereof shall not be required, unless an incidental question laid before the judge is decided therein. The judgment shall contain a photocopy of the list of sale conditions, the procedures followed in the determination and service of day of sale and photocopy of the transcript of hearing. The operative part shall contain the order issued to the debtor, possessor or guarantor in rem to deliver the property to the successful bidder. The original copy of the judgment shall be lodged in the execution file on the day following the issue thereof.

Article (491)

The judgment of sale shall not be served and shall be executed by force. The successful bidder, attachee whether the debtor, possessor, guarantor in rem or receiver, as the case

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may be, shall be ordered to appear at the place of delivery on the day and at the time specified in the summons. Service of summons shall be made at least two days before the day specified for delivery.

If there are movables to which a right of other than the attachee is related, in the property, the delivery applicant shall apply to the judge summarily to take necessary measures to maintain rights of the concerned parties.

Article (492)

The process server department shall notify the department of property registration of a photocopy of the judgment of sale within the three days following the issue thereof for registration in name of the successful bidder. The rules set out in the Property Registration Law and Executive Regulations thereof shall apply to the registration of this judgment.

The property shall be registered in name of the successful bidder after expiration of fifteen days from the date of this judgment. The registered judgment shall constitute a title deed for the successful bidder. However, the judgment shall convey only the rights in the sold property of the debtor, possessor or guarantor in rem.

Article (493)

The debtor and each interested party may, until before the registration of the judgment of sale, according to the previous Article, recover the sold property after paying the debt and all charges incurred by the successful bidder, by consent of the execution judge.

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Article (494)

The registration of the judgment of sale shall relieve the sold property of lien rights, official mortgages and pledges whose holders have been served with the list of sale conditions and the date of session of sale and their right shall pass to the price.

Article (495)

The judgment of sale shall not be appealed unless for a defect in the auction procedures or in the form of judgment or for the issue thereof after rejection of the application for stay of procedures, if the stay thereof is legally required.

Appeal shall be filed on the usual conditions within the five days following the date of pronouncing the judgment.

Chapter 5

Entitlement Counterclaim

Article (496)

The application for annulment of execution procedures with the application for entitlement to the attached property, in whole or in part, may be filed, even after expiration of the period specified for objection to the list of sale conditions, by a claim filed on the usual conditions before the execution judge. The person taking procedures, the debtor, the possessor, guarantor in rem and the first registered creditor shall be sued in this claim. The judgment delivered in this claim shall not be invoked among the opponents, unless in the scope of procedures of execution on the property.

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Article (497)

The judge shall order the stay of sale procedures, if the applicant deposits in the treasury of court the amount estimated by the process server department against the attorney's fees and the necessary charges to conduct the sale procedures again if required, in addition to the charges of claim. The statement of claim shall contain the supporting documents, accurate description of title deeds or facts of possession on which the claim is established.

If the day specified for sale falls before the judge orders the stay of sale, the claimant may apply to the judge to suspend the sale at least three days before the session scheduled for sale.

The judgments delivered according to the previous two paragraphs of the stay or continuation of sale shall not be appealed in any way.

Article (498)

If the entitlement claim addresses only a part of the attached properties, sale shall not be stayed for the remaining parts.

However, the judge may order the stay of sale for all premises, at request of the concerned parties, if there are serious reasons.

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Chapter 6

Distribution of Execution Proceeds

Article (499)

If money in possession of the debtor is attached, the attached property is sold, or fifteen days lapse from the date of presenting disclosure form in the garnishment, the attachor creditors and the creditors considered parties in the procedures shall be entitled to collect the execution proceeds without any other procedure.

Article (500)

If the execution proceeds are sufficient to discharge all rights of attachor creditors and the creditors considered parties to the procedures, whoever has such amounts shall pay to each creditor his debt, having provided his writ of execution, and the remainder thereof shall be handed to the debtor.

If neither creditor has a writ of execution and the claim of establishment of right and validity of attachment is pending, and the debtor rejects payment to this creditor, an amount equivalent to his debt of attachment shall be allocated and deposited in the treasury of court for his benefit under final adjudication of the claim.

Article (501)

If there are multiple attachors and equivalent parties, and the execution proceeds are insufficient to discharge their rights, whoever has such proceeds shall deposit the same in the treasury of court. The depositor shall deliver the process server department a statement of the imposed attachments.

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Article (502)

If the party committed to make deposit abstains, every concerned party may apply to the execution judge summarily to order such party to make deposit within a specific period. If the deposit is not made during this period, forced execution may be imposed on the abstaining parties in his personal properties.

Article (503)

If the execution proceeds are insufficient to discharge all rights of attachors, and the attachors, the debtor or possessor do not agree on distribution among them within the fifteen days following the day of depositing the proceeds in the treasury of court, the process server department shall submit the matter to the execution judge within three days to distribute the execution proceeds among them on the conditions provided in the following Articles.

Article (504)

Execution judge shall, within fifteen days from submission of the matter to him, prepare a provisional distribution list, after deduction of charges of attachment and sale and expenses of distribution procedures from the execution proceeds. The priority of distribution to the preferential creditors as per their classes shall be observed in the distribution of the amount to be distributed. The remainder shall be then distributed to the ordinary creditors in proportion to the amount of debt of each. This list shall be lodged by the judge at the process server department. The process server department shall serve the debtor, possessor, attachor creditors and creditors of registered rights

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with a notice of scheduled hearing of not more than thirty days from lodging the provisional list, within appearance period of ten days to reach amicable settlement.

Article (505)

At the hearing scheduled for amicable settlement, the concerned parties referred to in the previous Article shall discuss the provisional list, and their notes shall be recorded in the transcript. The judge shall have complete power to review the validity of notices, powers of attorney, acceptance of intervention by each concerned party that was not served or his service was invalid, combination of a distribution to another or appointment of experts to appraise the single items of properties sold in bulk. Additionally, the judge may take any other measure required by the course of.

Article (506)

If the concerned parties are present and reach an agreement on distribution by amicable settlement, the judge shall record their agreement in the transcript to be signed by the clerk and the turnout. The transcript shall have the force of the writ of execution.

The judge shall within the following five days prepare the final distribution list of the debt payable to each creditor. The judge shall order the delivery of the notes payable at the treasury of court. The judge shall also strike out the entries whether related to debts inserted in the list or debts not included in the distribution.

Article (507)

If amicable settlement is not reached at the session due to the objection by certain concerned parties, the judge shall record their objections in the transcript to be

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considered immediately and the judge's decision shall be issued therein. Objections shall be raised with the supporting reasons and documents of debt. No new objections shall be raised after this hearing.

Article (508)

The period of appealing the judgment delivered in the objection shall be seven days that begin subject to the rules set out in Article (157). All concerned parties shall be sued in the appeal. The process server department shall within three days from the delivery of the appellate judgment notify the process server department of the court of the appealed judgment of the operative part of the appellate judgment.

Article (509)

Execution judge shall within seven days from the notification referred to in the previous Article or expiration of the period of appeal of the judgment delivered in the objections, lodge the final list executed on the basis of the provisional list and the final judgment delivered in the objection, if any. The procedures shall be continued then according to Article (506).

Article (510)

Objections to the list shall not inhibit the judge from the order to deliver notes payable to the beneficiary creditors of priority classes over the creditors of disputed debts.

Article (511)

Every concerned party not summoned before the execution judge may apply for the annulment of procedures until such time of delivery of notes payable either by

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intervention at the session of settlement or by an original lawsuit filed in the usual ways of application for annulment of the final list and the distribution. The annulment shall not be ordered unless for a damage that sustained the rights of claimant thereof. If annulment is ordered, the procedures shall be conducted again at expense of the party that causes the same and shall be ordered to grant remedies, if there are grounds for that.

Article (512)

The bankruptcy of attachee debtor, after expiration of the period referred to in Article (499), shall not result in the stay of distribution procedures, even if a date prior to the commencement of distribution is determined for suspension of payment.

Article (513)

After delivery of notes payable to the beneficiaries, the party who is not served or not sued shall not be entitled to annul the distribution procedures. Rather, such party may recourse to the party causing the same for remedies, if there is a ground for that.

Section 5

Incarceration of Debtor in the Debt

Article (514)

If the judgment debtor abstains from executing the final judgment delivered against him, the judgment creditor may apply for his incarceration. Application shall be filed

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to summon the judgment debtor before the competent execution judge in the usual procedures of filing the claim.

Article (515)

Execution judge may order the incarceration of the judgment debtor, if it is evident that the judgment debtor is capable to pay the judged debt and the judgment debtor is ordered to pay but fails to. The period of incarceration shall not exceed three months. If the debtor is a private juristic person, the order of incarceration shall be issued against the abstaining person.

Article (516)[54]

It shall not be permissible to issue an order to imprison the debtor in the following cases:

1- If he is under eighteen or over seventy years of age.

2- If he is a spouse of the creditor or one of his ascendants or descendants unless the debt is an established alimony.

3- If he submits a bank guarantee, or a capable guarantor accepted by the execution judge, to repay the debt on the specified dates, or if he reports on funds he has in the state; It may be executed, and it is sufficient to pay off the debt.

[54] Amended upon Law No. 7 of 1995.

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4- If it is proven by a report from the competent medical authority that the debtor has a chronic disease with no hope of recovery, and he is not liable for imprisonment.

5- If the debt executed is less than one thousand riyals unless it is a financial fine or an established alimony.

The execution judge may also postpone the detention of the debtor in the following two cases:

A- If it is established by a report from the competent medical authority that the debtor has a temporary illness that does not bear imprisonment, and the postponement shall be until his recovery.

b- If the debtor is a pregnant woman. The postponement shall be until two years after the delivery of the pregnancy, to the care of the infant.

Article (517)

The incarcerated judgment debtor shall be released, if the judgment debtor or another person pays the judged debt, brings an accepted guarantor or the creditor applies for his release.

Article (518)

The application of the previous Articles shall not prejudice the right of the judgment creditor to take the procedures set out for the execution of the judgment delivered in his favor.

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Book Four

Offering and Deposit

Article (519)

If the debtor wishes to discharge his debt, the debtor may make real offer of such debt to his creditor under a transcript of offer to be served on the creditor. The transcript of offer shall state the offered object and the acceptance or rejection of the offered object. The objects that cannot be delivered to the creditor at his domicile shall be offered by an order to the creditor to take delivery thereof by a notice served by the debtor.

Article (520)

If the offer is rejected and the offered object is money, the process server who serves the offer transcript shall deposit the money in the treasury of court no later than the day following the date of transcript. The process server shall serve a photocopy of the transcript of deposit on the creditor within three days from the date thereof.

If the offered object is not money and the offer is rejected, and the object can be transferred, the debtor may apply to the competent execution judge to specify a place to lodge such object. If the object is prepared to remain where it is, the debtor may apply for placing the object under receivership.

Article (521)

Real offer may be made at the hearing before the court without procedures, if the person to whom the offer is directed is present.

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When the offered money is rejected, money shall be delivered to the clerk to be deposited in the treasury of court. The offer and the rejection thereof recorded in the transcript of hearing shall be recorded in the transcript of deposit.

If the offered object is not money, the offerer shall apply to the court to specify a place to lodge the offered object, if it can be transferred, or to appoint a receiver, if the object is prepared to remain where it is. The judgment delivered in this regard shall not be appealed. The offerer may apply immediately to judge the validity of offer.

Article (522)

The judgment of validity or annulment of offer and validity or invalidity of deposit may be applied for in the usual ways of filing the principal or incidental applications.

The validity of offer not followed by deposit shall be judged only, if the offered object is deposited. The court shall judge the validity of offer together with the discharge of debtor from the day of offer.

Article (523)

If the debtor does not retract his offer, the creditor may accept an offer that was previously rejected and receive the deposited object, when the creditor proves to the bailee that the debtor is served with his intention to take delivery at least three days before the occurrence of delivery. The creditor shall deliver the bailee a photocopy of the deposit transcript delivered thereto with an acquittal of the received object.

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Article (524)

The creditor may retract an offer that is not accepted by the creditor and recover the deposited object from the treasury of court, if the debtor proves that his creditor was served with the retraction of offer, and three days pass after serving the creditor.

Article (525)

Offer shall not be retracted and the deposited object shall not be recovered after the creditor accepts the offer or after the delivery of the final judgment of validity of offer.

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Book Five

Charges

Section 1

General Provisions

Article (526)

No charges shall be charged for the claims filed by the government. If the other party is ordered to pay the charges in the claim, the charges shall be collected from the opponent.

Further, no charges shall be charged for photocopies, certificates, summaries and translation from the government.

Article (527)

If the claim is filed by the government or a person exempted from the charges, and the judgment is delivered against the defendant who wishes to appeal the judgment, the charges of appeal only shall be collected from the defendant.

Article (528)

In valuation of claims and charges, fractions of Riyal shall be considered one Riyal.

Article (529)

Without prejudice to the contravening provisions contained in this Law, no work shall be performed unless the due charges are collected in advance.

All due charges shall be collected upon filing the statement of claim, appeal, application or order or the paper or photocopy thereof for which the charges fall due.

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The process server department shall reject the statement of claim, appeal, application, order or issue of paper, if either of which is not accompanied by the proof of full payment of the charges according to the provisions of this Law. The court shall exclude the claim or application or reject the issue of the order if the due charges are not paid.

Article (530)

The process server department shall take down on the margin of each judgment delivered by the court the due charges, the collected charges and the remaining charges. The process server department shall indicate this as well on the margin of the requested photocopies and other instruments. In both cases, the date and number of receipt of payment of charges shall be stated in numbers and letters.

In case of exemption from charges, a notation thereof shall be made.

The process server department officer shall affix his signature to the particulars and notations made thereby.

Section 2

Charges of Claims

Chapter 1: Valuation of Due Charges

Article (531)

The charges levied on the claim shall include all judicial procedures beginning from filing the claim until the delivery and service of judgment including photocopies of petitions and expert reports necessary for execution, photocopies of interlocutory

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judgments, service of judgments of financial penalties delivered against opponents, witnesses and experts, charges of movement of the court and its employees, experts, interpreters and execution officers and the compensation paid against their movement.

Article (532)

A proportional charge of 3% (three percent) of the amounts requested to be judged shall be imposed in the claims of specified value, if it is not more than 20,000 (twenty thousand) Riyals. The charge shall be 2% for the amounts that exceed this amount.

The charge shall under no circumstances be less than fifty Riyals or more than three thousand Riyals.

Article (533)

The requests of the plaintiff in the statement of claim only shall be considered in the valuation of the claim. If the plaintiff amends his requests during the course of claim to higher requests, the claim shall be valuated based on the amended requests.

Article (534)

If the dispute is pertinent to a movable or a property, the claim shall be valuated of the value of the disputed property. The plaintiff shall indicate the value of property. No procedure shall be taken in the claim before presenting this clarification.

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Article (535)

Claim shall be valuated as follows:

(a) Claims of application for judging validity, annulment or termination of contracts shall be valuated of the value of the object of contract. If the contract is a contract of exchange, the valuation shall be the same as the higher consideration.

(b) Claims of application for judging validity, annulment or termination of ongoing contract shall be valuated of the total cash consideration for the entire term of contract. If the claim is filed for termination of contract after performance of a part thereof, it shall be valuated of the cash consideration for the remaining term. If the claim is related to extension of contract, the claim shall be valuated of the cash consideration of the term to which extension the dispute arises. If the claim involves the claim of cash consideration and termination, the higher charge shall be collected.

(c) Claims of claiming revenue, rent and daily wage shall be valuated of the due amounts until the day of filing the statement of claim. After judgment, the due charge shall be completed from the date of filing the claim until the day of delivery of judgment, either by acceptance or rejection. Upon application for execution, the charge shall be completed to the amount payable on the object of execution for the period subsequent to the judgment until the day of execution, in addition to the due execution charges.

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(d) Claims between the creditor and the debtor regarding official mortgage, pledge or right of lien shall be valuated of the value of secured debt. If claims are filed by a third party of entitlement to the properties burdened with the said rights, claims shall be valuated of the value of such properties.

(e) Claims of validity or invalidity of attachment of movable between the attachor creditor and the debtor shall be valuated of the debt of attachment. If claims are filed by a third party for entitlement to the attached properties, claims shall be valuated of the value of such properties.

(f) The value of applications of the debtor's property distribution or division among the creditors shall be valuated considering the total properties to be distributed or their value.

(g) Possessory actions shall be valuated of the value of right to be possessed.

Article (536)

If the claim cannot be valuated, the claim shall be considered of unknown value. A fixed charge of one hundred Riyals shall be charged in unknown claims.

Article (537)[55]

A fixed fee of one hundred riyals shall be charged for all kinds of personal status lawsuits and disputes, unless they are lawsuits expenses, for which no fees are due.

[55] Amended upon Law No. 13 of 2005.

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Article (538)

The following claims shall be of unknown value:

1. Claims of signature validity.
2. Original claims of forgery.
3. Claims of eviction or delivery of leased premises not involving an application for termination of contract.
4. Summary proceedings and objections to execution.
5. Claims of objection to the list of sale conditions, if related to execution procedures.
6. Appeal of judgment delivered in the objection to distribution of execution proceeds.
7. Claims of declaration of bankruptcy or applying for preventive composition and all counterclaims of bankruptcy.
8. Applications for execution of awards of arbitrators and judgments of foreign courts of unknown value.
9. Applications for execution of judgments of unknown value.
10. Grievance filed against petitions.
11. Claims of interpretation and correction of judgments.
12. Applications for recusal of judges, experts and arbitrators.

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Article (539)

If one claim includes multiple applications of known value arising from one legal cause, the entire value thereof shall be considered in valuation. If the applications arise from different legal causes, the value of each shall be considered in valuation.

Additional applications shall be combined into the principal applications and the charge shall be collected for the total thereof.

If the claim includes applications considered to be combined in the principal application, it shall be valuated of the value of principal application alone.

Article (540)

If the claim includes multiple applications, all of which are of unknown value, the fixed charge shall be collected for each application. If there is an association among the applications so that they are equivalent to one application, one charge shall be collected.

If applications of known value and others of unknown value are combined in one claim, charge shall be paid for each of them. If all applications arise from one legal cause, in this case the higher charge shall be levied.

Article (541)

If an application is amended in the claim of unknown value while the claim is proceeding, to an application of known value or vice versa, and no interlocutory judgment on the merits of claim or a conclusive judgment in a branch question is delivered, the higher charge shall be levied. If a conclusive judgment in a branch

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question or an interlocutory judgment on the merits is delivered, a new charge shall be levied on the application.

Article (542)

If the claim is filed by one party or more against one party or more under one legal cause, the claim shall be valuated of the value of the claimed object regardless the share of each.

Article (543)

If a part of a right is claimed in the claim, the claim shall be valuated of the value of such part. If the whole right is disputed and the required part is not remaining thereof, the claim shall be valuated of the value of the whole right.

Article (544)

If the intervenor in the claim joining the plaintiff has independent applications, a charge for such applications shall be levied.

Article (545)

A proportional charge shall be levied for the appeal of judgments delivered in the claims of known value on the basis of the categories set out in Article (532). The value of appeal shall be observed in the valuation of charge.

The fixed charge set out in Article (536) shall be levied on the appeal of the judgments delivered in the claims of unknown value.

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Article (546)

Charges, whether proportional or fixed, shall be reduced to the half in the following cases:

1. Claims of division among partners.
2. Distribution among creditors and distribution of bankruptcy properties.
3. Restoration of claim after judging the abatement of litigation, annulment of summons, considering the claim null and void or considering the plaintiff to abandon his claim.
4. Objection to lists of charges and expenses and filing grievance against the fees of experts.
5. Grievance filed against petitions.
6. Compromise before the court.

Article (547)

Charges shall be reduced to the quarter in the following cases:

1. Application for the execution of awards of arbitrators or judgments of foreign courts.
2. Restoration of claim within the period specified in Article (51) after striking out, provided that the merits or opponents are the same.

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Chapter 2: Valuation of Charges and Objection thereto

Article (548)

Charges shall be valuated by an order issued by the judge of the competent court, at request of the process server department. Such order shall be served by the process server department on the party to pay such charges.

Article (549)

The concerned party may object to the sum of charges in the order referred to in the previous Article by a report lodged at the process server department within the eight days following the service of the order. The process server department shall determine the day on which the objection is entertained.

Article (550)

Judgment shall be delivered in the objection after hearing statements of the representative of process server department and the objection applicant, if he appears. This judgment may be appealed within fifteen days from the date of delivery or the right to appeal shall lapse.

Chapter 3: Exemption from Charges

Article (551)

Everyone is proved to be incapable to make payment shall be exempted from all or part of the judicial charges. Exemption shall include the charges of judicial papers, execution charges and expenses of publication of judicial notices and other expenses

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incurred by opponents. It shall be stipulated for exemption that the claim is likely to be won.

Article (552)

Application for exemption from charges shall be filed at the process server department of the competent court. The process server department shall schedule a hearing to entertain the application and shall be served on the other opponent within at least three days.

The application shall be decided by the court, having reviewed the papers and documents of the applicant and having heard the statements of the present opponents, the representative of process server department and everyone the court thinks fit to be guided by his opinion in this regard.

Article (553)

If the incapability condition of the party exempted from charges lapses while hearing the claim or during the execution, the court may cancel the exemption. The cancellation of exemption shall suspend all procedures until the prescribed charges are paid.

If the opponent exempted from charges is deceased, the effect of exemption shall apply to the heirs thereof or anyone acts in his place, unless otherwise is decided by the court.

Article (554)

If a judgment that orders the exempted opponent to pay charges is delivered, the charges shall be collected by the process server department. Failing, the process server

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department may recourse to the exempted opponent for charges, if his incapability condition lapses.

Section 3

Charges of Photocopies, Certificates and Orders

Article (555)

A charge of one Riyal shall be charged for each paper of the required photocopies of records, tables and judicial papers including photocopies of execution transcripts and each order or paper of clerks or papers of notices irrelevant to any claim, whether original or photocopy.

Article (556)

A charge of ten Riyals shall be charged for the following papers:

1. Petitions, whether the application is accepted or rejected. If the orders are applied for upon filing the claim, the charge prescribed for the origin only shall be collected while the photocopy and service thereof shall be subject to the proportional charge collected upon filing the claim.
2. Orders issued in acceleration applications, whether the application is accepted or rejected.

Article (557)

A charge of ten Riyals shall be levied on the translation of each paper of the origin to be translated in addition to the charge prescribed in Article (555).

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Article (558)

The paper mentioned in this Law consists of two pages, the page consists of twenty five lines, the line consists of twelve words in Arabic and twelve sections in English.

The full charge shall be levied on the first paper whatever the number of written lines.

A charge shall be levied on the last paper, if the number of written lines exceeds eight lines in addition to signatures and date.

Article (559)

Photocopy, summary, certificate or translation of any claim, table, record, book or paper shall be given after the charges payable on the claim or the original papers are paid, unless the photocopy applicant is the defendant and the dismissal of claim is judged in his favor.

Section 4

Charges of Deposit

Article (560)

A proportional charge of 0.5% (half percent) of the value of cash, bonds, jewellery and accessories deposited in the treasury of court shall be levied.

This value shall be calculated for the bonds considering their price upon the deposit.

A fixed charge of one hundred Riyals shall be levied, if the deposit is of unknown value.

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The charge shall include the transcript of deposit and its photocopy. The due charge shall be levied on the service of the transcript of deposit.

Article (561)

A charge of deposit shall be levied on the following:

First: Charges collected by execution officers to execute judgments from the beneficiaries.

Second: Price of property deposited by the bidders.

Third: Amounts deposited by attorneys of creditors in the bankruptcy.

Fourth: Amounts deposited by the governmental authorities for the concerned parties.

If a dispute arises in the deposit or the deposited object is attached or divided, the charge of deposit shall be payable.

Article (562)

No proportional charge shall be payable on the acquittals presented to the process server department for the amounts deposited in the treasury of court.

Section 5

Charges of Notices and Execution

Article (563)

Except the notices whereby claims are filed and required for execution, a charge of five Riyals shall be levied on the notices served in the course of the claim at request or

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because of the opponents, for each paper of the original notice. Half of this charge shall be levied on each paper of photocopies of such notices.

This charge shall not be levied on the service of submissions ordered by the court, service of resumption of the claim in which discontinuation of litigation is ordered due to death or change of capacities of opponents, and the notices served at request of the process server department. This charge shall be levied again, if the notice is served again, if the service is repeated due to the action of the applicant. However, no charge shall be re-levied on the photocopy, if not delivered to the notified party.

Article (564)

All expenses required for the service of papers abroad shall be collected from the service applicant.

Article (565)

Proportional charges on the execution of judgments and orders shall be valuated by considering the value for which execution is requested, if their value is known. If the value is unknown, a fixed charge shall be levied.

Article (566)

Charges on the execution of orders of execution of awards of arbitrators and judgments of foreign courts shall be valuated considering the judged object until the issue of the execution order.

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Article (567)

A charge of fifty Riyals shall be levied on the judgments and certificates on which fixing the executive form is applied for, by a body other than the issuing body.

Article (568)

One third of the proportional or fixed charges shall be collected when the execution of judgments of executive form delivered by the courts or arbitrators is applied for, including the judgments of financial penalties delivered against opponents, experts and witnesses.

This charge shall be reduced to one third thereof in the following cases:

First: Upon applying for repeating the execution on the same attached objects.

Second: To approve the increase of one tenth.

Third: Renewal of the claim of expropriation of indebted property by the creditor after striking out.

Article (569)

The execution charge shall include only the charge of execution procedures and service of notices thereof that follow the service of judgment. The registrations of property attachment and the judgment of sale of property shall be excluded.

Article (570)

A proportional charge of 2% (two percent) shall be levied on the judgment of property sale, if the price of awarding the auction is not more than one million Riyals.

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The charge shall be 1% for the amounts that exceed this amount, in addition to the prescribed registration charges.

Article (571)

If a party subrogates the direct creditor for execution procedures, a new charge of half of the paid proportional fee shall be charged.

Charge shall be levied as aforementioned on the application for effecting the sale again by the former successful bidder, in addition to the charges payable on awarding the latter auction.

Article (572)

Distribution charge shall include all procedures from the time of application until the completion of procedures, except the branch questions arising from distribution.

Article (573)

The concerned party may apply for refunding the execution charge, if the execution is not actually commenced. The amount in excess of twenty Riyals shall be then refunded from the paid charges. The proportional charges collected for the judgment of sale shall be refunded in case the judgment is set aside.

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