

**Resolution No. (8) of 2021**  
**Forming a Special Tribunal<sup>1</sup>**

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**We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,**

After perusal of:

Federal Law No. (5) of 1985 Issuing the Civil Code of the United Arab Emirates and its amendments;

Federal Law No. (11) of 1992 Issuing the Civil Procedure Code, its Regulatory Bylaw, and their amendments;

Law No. (4) of 2011 Establishing the Mohammed bin Rashid Housing Establishment;

Law No. (7) of 2013 Concerning the Land Department;

Law No. (21) of 2015 Concerning Judicial Fees of the Dubai Courts and its amendments;

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai; and

Decree No. (23) of 2020 Regulating the Sale by Heirs of Residential Real Property in the Emirate of Dubai,

**Do hereby issue this Resolution.**

**Definitions**

**Article (1)**

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate:                   The Emirate of Dubai.

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*<sup>1</sup>Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

Resolution No. (8) of 2021 Forming a Special Tribunal

Government:	The Government of Dubai.
Decree:	Decree No. (23) of 2020 Regulating the Sale by Heirs of Residential Real Property in the Emirate of Dubai.
Judicial Council:	The Judicial Council of the Emirate.
DLD:	The Land Department.
MBRHE:	The Mohammed bin Rashid Housing Establishment.
Tribunal:	The special tribunal formed pursuant to this Decree.
Residential Real Property:	A vacant land plot, or a dwelling constructed in the Emirate on a granted or freehold land plot, which is co-owned in undivided shares by heirs to whom a certificate of freehold title is issued by the DLD, whether it was originally granted by the Government to their legator or was owned by him through any other means of acquisition of ownership.

### **Formation of the Tribunal Article (2)**

Pursuant to this Resolution, a special tribunal is formed. The Tribunal will be comprised of a chairman, and a number of members who are experienced and specialised in legal, financial, and real property fields. The chairman and members of the Tribunal will be appointed pursuant to a resolution of the Chairman of the Judicial Council.

### **Functions of the Tribunal Article (3)**

- a. The Tribunal will have exclusive jurisdiction to:
  1. consider and determine, in accordance with the provisions of the Decree, the applications, claims, and disputes arising among heirs as a result of the sale of Residential Real Property;

2. consider and determine the appeals filed against the decisions issued, or the actions taken, by the DLD or the MBRHE, in accordance with the provisions of the Decree and the relevant procedures, time frames, rules, and conditions prescribed by the Tribunal;
  3. sell Residential Real Property by auction where it cannot be partitioned in kind or where the in-kind partition would result in any prejudice or significant decrease in the value of the Residential Real Property;
  4. deposit the Residential Real Property sale proceeds into the DLD account to enable the DLD to distribute it among the heirs based on their respective shares in the Residential Real Property; and
  5. consider and determine, at its own discretion and as it deems appropriate, any other civil dispute which arises among heirs in respect of Residential Real Property, with a view to resolving disputes among heirs over Residential Real Property.
- b. In delivering a judgement or decision to sell Residential Real Property, the Tribunal must:
1. observe the rules and procedures stipulated in the above-mentioned Federal Law No. (11) of 1992 and its Regulatory Bylaw;
  2. ensure that none of the heirs will suffer any harm as a result of the sale, especially the elderly and minors; unmarried, divorced, and widowed female heirs; and persons with disabilities; and
  3. conduct a study on the case being considered, in accordance with the provisions of the Decree.
- c. The Tribunal will, in accordance with the legislation in force in the Emirate, approve the regulatory procedures and the rules and principles to be followed by it when considering and determining the civil claims and disputes and the applications that fall within its jurisdiction pursuant to this Resolution.

**Registering Claims with the Tribunal**  
**Article (4)**

The Tribunal may not register any case, or admit any application or claim, in respect of the sale of Residential Real Property in accordance with the provisions of the Decree unless the plaintiff, applicant, or claimant holds an official document issued by the DLD stating that an amicable settlement among the heirs cannot be reached in respect of the sale of that Residential Real Property.

**Powers of the Tribunal**  
**Article (5)**

In performing its duties and functions under Article (3) of this Resolution, the Tribunal may:

1. restrict the auction for sale of Residential Real Property under subparagraph (a)(3) of Article (3) of this Resolution to the heirs if they request this unanimously;
2. consider and determine, by one or more members of the Tribunal assigned by its chairman, ordinary and summary applications;
3. issue interim and summary orders and decisions. This includes obliging any person to perform or desist from a specific act;
4. offer mediation and reconciliation among parties to disputes;
5. seek assistance from experts and specialists as it deems appropriate, provided that they do not have a vote in the Tribunal's deliberations. This includes forming sub-committees and determining their duties and tenures; and
6. take any other action the Tribunal deems appropriate and required for enabling it to perform its duties and functions under this Resolution.

**Obligations of Courts, Judicial Authorities, and  
Execution Departments  
Article (6)**

- a. All courts and Judicial Authorities in the Emirate, including the Dubai International Financial Centre Courts and special tribunals, may not consider any applications, claims, or appeals that fall within the jurisdiction of the Tribunal and are filed with them after the effective date of this Resolution. Where such applications, claims, or appeals were filed before the effective date of this Resolution, the Courts and Judicial Authorities must cease to consider them; and must refer the same to the DLD, which will in turn present them to the Tribunal to deliver the relevant decisions, orders, and judgements in respect thereof.
- b. Execution of judgements delivered, or partially executed, before the effective date of this Resolution by all courts and Judicial Authorities in the Emirate, including the Dubai International Financial Centre Courts, in relation to matters which fall within the jurisdiction of the Tribunal, must be discontinued. Execution departments must cease the execution of these judgements and decisions, and must refer the same to the DLD, which will in turn present them to the Tribunal to determine the process, procedures, and time frames for the execution thereof.

**Meetings and Delivery of Judgements of the Tribunal  
Article (7)**

The Chairman of the Judicial Council will determine the procedures for holding the meetings of the Tribunal and for delivering its judgements.

**Finality and Execution of Judgements  
Article (8)**

The judgements, decisions, and orders delivered by the Tribunal will be final, irrevocable, and not subject to any form of appeal; and will be executed by the competent execution court in the Emirate in accordance with the rules it adopts in this respect.

**Applicable Sources of Law**  
**Article (9)**

Subject to the provisions of this Resolution, the Tribunal will exercise its powers pursuant to:

1. the legislation in force in the Emirate;
2. the provisions of Islamic Sharia;
3. custom, provided that such custom does not contradict the legislation in force, public order, or public morals; and
4. the principles of natural justice, truth, and fairness.

**Providing Administrative Support**  
**Article (10)**

The Chairman of the Judicial Council will issue a resolution assigning an entity to provide administrative and technical support to the Tribunal.

**Collection of Judicial Fees**  
**Article (11)**

Legally prescribed judicial fees will be collected in respect of the applications, claims, and appeals that fall within the jurisdiction of the Tribunal.

**Commencement and Publication**  
**Article (12)**

This Resolution comes into force on the day on which it is issued, and will be published in the Official Gazette.

**Mohammed bin Rashid Al Maktoum**  
**Ruler of Dubai**

Issued in Dubai on 3 March 2021  
Corresponding to 19 Rajab 1442 A.H.