

**Resolution No. (6) of 2022**  
**Establishing the Probate Court<sup>1</sup>**

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**We, Maktoum bin Mohammed bin Rashid Al Maktoum, Deputy Ruler of Dubai,  
Chairman of the Judicial Council,**

After perusal of:

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

Federal Law No. (28) of 2005 Concerning Family Affairs and its amendments;

Cabinet Resolution No. (57) of 2018 Concerning the Regulatory Bylaw of Federal Law No. (11) of 1992 Issuing the Civil Procedure Code and its amendments;

Law No. (9) of 2007 Establishing the Awqaf and Minors Affairs Foundation and its amendments;

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 its amendments;

Law No. (9) of 2020 Regulating Family Property in the Emirate of Dubai;

Law No. (13) of 2020 Regulating Expert Witness Work before the Judicial Authorities in the Emirate of Dubai;

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

Decree No. (35) of 2021 Designating the Head of the Local Judiciary in the Emirate of Dubai for the Purposes of Implementing Federal Legislation;

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

Resolution No. (3) 2020 Forming the Committee for Temporary Assignment of Judges of the Dubai Courts,

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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. (6) of 2022 Establishing the Probate Court

**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.
Judicial Council:	The Judicial Council of the Emirate.
Courts:	The Dubai Courts, including the Court of Cassation, the Court of Appeal, the Courts of First Instance, and any other court to be established therein.
Probate Court:	The probate court established pursuant to this Resolution.
Estate:	Any property or rights left by a deceased person.
Estate Claim:	Any dispute relating to the inventory or liquidation of an Estate or the division of its property among the heirs. This includes any civil, real property, or commercial claim arising in relation to the Estate and involving the heirs, or involving the heirs and others; and any interlocutory applications arising out of or indivisibly connected to the Estate, for the exclusion or inclusion of an heir; for Wills; or for equal distribution of gifts among heirs.
Division:	A judicial division formed at the Probate Court in accordance with the provisions of this Resolution to consider Estate Claims.
Special Tribunal:	A tribunal formed in the Emirate, pursuant to a resolution of the Ruler, to hear and render a judgement determining any issue, case, or matter assigned to it.
Probate Judge:	A Family Court of First Instance Judge who has jurisdiction over conducting the inventory count of an Estate, and issuing decisions in respect thereof, in accordance with the

above-mentioned Federal Law No. (28) of 2005 and the relevant legislation.

Reporting Judge: A Judge assigned to register and prepare an Estate Claim; manage it before the Probate Court; and perform all the functions assigned to him under the above-mentioned Federal Law No. (11) of 1992, its Regulatory Bylaw, and this Resolution.

### **Establishment of the Probate Court Article (2)**

A single-level court named the "Probate Court" is hereby established at the Courts.

### **Seat of the Probate Court Article (3)**

The principal seat of the Probate Court will be at the Courts. Some hearings of the Probate Court may, pursuant to a resolution of its Chief Justice, be held outside of the Courts.

### **Objectives of the Probate Court Article (4)**

The Probate Court will have the following objectives:

1. to maintain social and family ties, and protect them from disputes that may arise over Estates;
2. to consolidate the claims and applications related to, or arising out of, any Estate into a single lawsuit before one judicial body instead of being heard by multiple judicial bodies as a result of applying the rules of jurisdiction;
3. to simplify litigation proceedings by limiting them to a single level of courts;
4. to ensure the expeditious determination of Estate Claims without prejudice to the requirements of prompt justice;

5. to serve as a specialized judicial body capable of determining Estate Claims and their ancillary claims and applications; and
6. to adopt flexible procedures in Estate Claims, which require innovative judicial solutions.

### **Jurisdiction of the Probate Court**

#### **Article (5)**

- a. Without prejudice to the rules of jurisdiction of the federal and local judiciary in the United Arab Emirates, the Probate Court will have exclusive jurisdiction to hear and determine Estate Claims with an estimated value of not less than the minimum amount required for filing a cassation appeal. These do not include Estate Claims falling within the jurisdiction of Special Tribunals.
- b. The Probate Court will hear and determine any Estate Claim in accordance with the substantive rules stipulated in the above-mentioned Federal Law No. (28) of 2005 and Law No. (9) of 2007, and any other applicable legislation relevant to the subject matter of the claim.

### **Formation of Probate Court Divisions**

#### **Article (6)**

- a. The Probate Court will be comprised of one or more Divisions, each of which will be presided over by a cassation Judge and will have an appellate Judge and a First Instance Judge as members. These Judges will be appointed or temporarily assigned in accordance with the provisions of the above-mentioned Law No. (13) of 2016. In forming Divisions, it must be ensured that Judges have diverse specialisations as required to accommodate the nature of the Estate Claims filed with the Probate Court.
- b. Divisions will be formed pursuant to a resolution of the Chief Justice of the Probate Court.

**Chief Justice of the Probate Court  
Article (7)**

- a. A chief justice whose grade is not lower than cassation Judge will be appointed to the Probate Court pursuant to a resolution of the Judicial Council.
- b. The Chief Justice of the Probate Court will supervise the work of the Probate Court, and may preside over any of its Divisions.

**Bringing Estate Claims and Cases before the Probate Court  
Article (8)**

An Estate Claim and case will be brought before the Probate Court by way of:

1. a written agreement between the parties to the dispute to file the Estate Claim directly with the Probate Court, in which case the jurisdiction of the Probate Court will extend to any dispute that arises or results from the original Estate Claim, even if this dispute is not expressly covered by the agreement;
2. referral by the Probate Judge, where the parties to the dispute fail to reach Conciliation or settlement, or to agree on the transfer of the share belonging to an heir to the other heirs (*Takharuj*), provided that the Estate Claim falls within the jurisdiction of the Probate Court in accordance with the provisions of Article (5) of this Resolution; or
3. referral by a Special Tribunal upon obtaining the approval of the Ruler.

**Litigation Procedures and Applicable  
Legislation before the Probate Court  
Article (9)**

The rules stipulated in the above-mentioned Federal Law No. (11) of 1992 and its Regulatory Bylaw, and any procedural rules stipulated in the legislation in force, apply to the litigation procedures before the Probate Court.

## **Functions of Reporting Judges**

### **Article (10)**

- a. Estate Claims will be registered with, and managed before, the Probate Court by one or more Reporting Judges. A Reporting Judge's grade may not be lower than senior First Instance Judge.
- b. A Reporting Judge will have all the powers and responsibilities of a supervising Judge and a case manager under the above-mentioned Federal Law No. (11) of 1992, its Regulatory Bylaw, this Resolution, and other legislation in force.
- c. In the Estate Claims registered with the Probate Court, a Reporting Judge will have the same powers of a Probate Judge in respect of conducting an inventory count of, liquidating, and managing the Estate; seeking to divide it among heirs; and proposing settlement in respect thereof, in accordance with the procedures stipulated in the above-mentioned Federal Law No. (28) of 2005 and other relevant legislation.
- d. Where an Estate Claim is brought before the Probate Court by way of referral by a Probate Judge or a Special Tribunal in accordance with Article (8) hereof, the Reporting Judge will complete the procedures, and follow up the progress, of the Estate Claim based on the stage at which it was referred. In any event, the Reporting Judge must propose a settlement to the parties to the Estate Claim.
- e. Pursuant to a resolution of the Chief Justice of the Probate Court, a Reporting Judge may be appointed as a member of any Division, in which case he must not consider any Estate Claim in respect of which he has undertaken preparatory or management work, or provided opinion.

## **Approval of Settlement Agreements**

### **Article (11)**

The Reporting Judge will propose a settlement to the parties to the Estate Claim; and if they accept the settlement, the following procedures will apply:

1. A settlement agreement will be drafted under the supervision of the Reporting Judge, and will be signed by all the parties to the Estate Claim.
2. The settlement agreement will be ratified, approved, and documented by the Reporting Judge. The agreement will have the force of a writ of execution.

3. A copy of the settlement agreement will be delivered to each party to the Estate Claim, and a copy will be maintained by the Probate Court.

### **Presentation of Estate Claims to Competent Divisions**

#### **Article (12)**

Where the Reporting Judge fails to conclude a settlement agreement among the parties, he will register the Estate Claim with the competent Division of the Probate Court. The Reporting Judge must complete all the Estate Claim preparatory proceedings and provide opinion on the claim within thirty (30) working days from the date of the registration.

### **Determining Estate Claims**

#### **Article (13)**

- a. The Probate Court will hear and determine an Estate Claim within a period not exceeding one (1) year from the date on which the claim is registered with it. However, this period may, upon the approval of the Chief Justice of the Probate Court, be extended for any further period determined by him based on the circumstances of the claim and progress of its proceedings.
- b. The Probate Court must prepare a schedule indicating the requirements and procedures for determination of the Estate Claim within the period stipulated in paragraph (a) of this Article. This schedule must be communicated to the parties to the claim at the first hearing.

### **Expert Witness Work before the Probate Court**

#### **Article (14)**

- a. The provisions of the above-mentioned Law No. (13) of 2020 apply to regulating Expert Witness Work before the Probate Court.
- b. The Probate Court will determine the time limit for the Expert Witness to complete his assignment and submit his report. This time limit may be extended only at the discretion of the Probate Court based on substantial grounds, provided that the extension period does not exceed the originally prescribed period and does not conflict with the schedule approved by the Probate Court for determination of the Estate Claim.

## **Legal Effect and Appeal of Judgements**

### **Article (15)**

- a. A judgement rendered by the Probate Court will be deemed final, enforceable, and not subject to appeal except by way of a petition for review in any of the cases stipulated in the above-mentioned Federal Law No. (11) of 1992, or in the case of nullity of judgement for reasons related to serving the statement of claim.
- b. A judgement rendered by the Probate Court may be vacated in accordance with the rules and procedures stipulated in the above-mentioned Law No. (11) of 1992.

## **Enforcement of Probate Court Judgements**

### **Article (16)**

A judgement rendered by the Probate Court is immediately enforceable through the regular methods of enforcement of judgements by the Courts, and do not require serving any notification. A challenge or grievance against that judgement may be admitted, or its execution may be stayed, only pursuant to a decision of the Probate Court based on an appeal of the judgement in any of the cases referred to in Article (15) hereof.

## **Providing Administrative and Financial Support to the Probate Court**

### **Article (17)**

The Courts will provide the administrative, financial, and technical support required to enable the Probate Court to exercise its functions under this Resolution.

## **Review**

### **Article (18)**

The Probate Court will have the duty to review the provisions of this Resolution every three (3) years, or where required; propose any necessary amendments thereto; and submit the same to the Judicial Council to take the appropriate action in this respect.

**Publication and Commencement**  
**Article (19)**

This Resolution will be published in the Official Gazette and will come into force on 1 September 2022.

**Maktoum bin Mohammed bin Rashid Al Maktoum**  
**Deputy Ruler of Dubai**  
**Chairman of the Judicial Council**

Issued in Dubai on 15 April 2022  
Corresponding to 14 Ramadan 1443 A.H.