

Decree No. (31) of 2023
Amending Decree No. (23) of 2020
Regulating the
Sale by Heirs of Residential Real Property in the Emirate of Dubai¹

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

After perusal of:

Federal Law by Decree No. (42) of 2022 Issuing the Civil Procedure Code;

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

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

Decree No. (25) of 2023 Establishing the Probate Court in the Emirate of Dubai,

Do hereby issue this Decree.

Superseded Articles

Article (1)

Articles (1), (6), (7), (8) and (9) of the Original Decree are hereby superseded by the following:

Definitions

Article (1)

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

Emirate: The Emirate of Dubai.

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¹Every 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.

Decree No. (31) of 2023 Amending Decree No. (23) of 2020 Regulating the Sale by Heirs of Residential Real Property in the Emirate of Dubai

Government:	The Government of Dubai.
DLD:	The Land Department.
MBRHE:	The Mohammed bin Rashid Housing Establishment.
Director General:	The director general of the DLD.
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.
Probate Court:	The probate court established pursuant to the above-mentioned Decree No. (25) of 2023.

Non-Consent to the Sale of Residential Real Property

Article (6)

- a. Where the period referred to in paragraph (c) of Article (3) of this Decree lapses without receiving a response from the heirs to the notification of the Residential Real Property sale application, after verifying receipt or knowledge by the heirs of the notification; or where any of the heirs declines to consent to the Residential Real Property sale application, the DLD will mediate an amicable settlement among the heirs, where possible, in accordance with the relevant rules, procedures, and time frames prescribed by the DLD.
- b. Where all heirs accept the amicable settlement mediated by the DLD in accordance with the provisions of paragraph (a) of this Article, the settlement will be documented in a contract executed by all the heirs or their legal representative(s), and will be attested by the DLD in accordance with the legislation in force. In this case, the DLD will proceed with the procedures for sale of the Residential Real Property, in accordance with the provisions of Article (4) hereof.

- c. Where any of the heirs persists in declining to consent to the Residential Real Property sale application in spite of the DLD amicable settlement endeavours undertaken in accordance with the provisions of paragraph (a) of this Article, the DLD will issue an official document in favour of the applicant heir stating that an amicable settlement among the heirs cannot be reached, in order to enable that applicant to file a claim before the Probate Court for the sale of the Residential Real Property.

Appeals against Decisions of the DLD

Article (7)

Any affected party may file an appeal with the Probate Court against any decisions issued, or actions taken, by the DLD or the MBRHE under this Decree. The appeal must be filed within ten (10) working days from the date on which the affected party is notified of the contested decision or action. The appeal will be considered and determined by the Probate Court in accordance with the relevant procedures, time frames, rules, and conditions prescribed by the Probate Court.

Considering Residential Real Property Sale Disputes

Article (8)

- a. The Probate Court will consider the applications, claims, or disputes that arise among heirs in respect of the sale of Residential Real Property in accordance with the provisions of this Decree. This includes appeals against the decisions issued, or actions taken, by the DLD or the MBRHE under this Decree.
- b. The Probate Court will have jurisdiction to consider and determine the applications, claims, disputes, and appeals referred to in paragraph (a) of this Article, in accordance with the procedures, rules, and regulations stipulated in the above-mentioned Decree No. (25) of 2023.

Sale of Residential Real Property through the Probate Court

Article (9)

- a. The Probate Court will deliver a judgement to sell the 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, in which case the plaintiff must litigate against all the

- heirs. Where the Probate Court decides to sell the Residential Real Property by auction, it may restrict the auction to the heirs if they request this unanimously.
- b. In issuing a decision to sell the Residential Real Property, in accordance with the provisions of this Article, the Probate Court must 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.
 - c. The Probate Court may not admit any application or claim in respect of the sale of Residential Real Property in accordance with the provisions of this Decree, unless the applicant or plaintiff submits the official document referred to in paragraph (c) of Article (6) of this Decree.
 - d. The Probate Court will distribute the Residential Real Property sale proceeds among the heirs based on their respective shares in the Residential Real Property.
 - e. In any event, the Probate Court must, in issuing its decision to sell the Residential Real Property, take into consideration the case study conducted in accordance with the provisions of paragraph (b) of Article (3) of this Decree, and comply with the rules and procedures stipulated in the above-mentioned Federal Law by Decree No. (42) of 2022.

Repeals Article (2)

Any provision in any other legislation is hereby repealed to the extent that it contradicts the provisions of this Decree.

Publication and Commencement Article (3)

This Decree will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 14 June 2023
Corresponding to 25 Thu al-Qidah 1444 A.H.