



ADGM Court Procedure Rules 2016

Amendment No 1 of 2025

**ADGM COURT PROCEDURE RULES 2016
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Date of Enactment: 17 October 2025

The Chief Justice of the ADGM Courts, having power under section 187 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 to make court procedure rules, makes the following Rules –

Amendments to ADGM Court Procedure Rules 2016

The ADGM Court Procedure Rules 2016 are amended as follows:

- (1) In Rule 3(1)(a), after the words “the ADGM Founding Law,” the words “as expanded territorially by Cabinet Resolution No. 41 of 2023,” shall be inserted.
- (2) In Rule 3(1), the following new sub-rules shall be inserted:
 - (a) “(ll)(a) “short-term residential lease” means for the purpose of these Rules a lease of real property for use as a residential dwelling with a term of less than 4 years;”.
 - (b) “(ll)(b) “short-term residential lease claim” is a claim or dispute arising under or in relation to a short-term residential lease;”.
- (3) In Rule 3(1)(mm), after the words “a claim form, a defence,” the words “a claim under the Rule 30 procedure,” shall be deleted.
- (4) In Rule 7(5), after the words “doing any act” the words “at the registry” shall be deleted, and after the words “a day on which the” the word “office” shall be deleted and replaced with the word “registry”.
- (5) In Rule 15(2)(a), after the words “served on the claimant by the defendant” the words “in accordance with Rule 15(7)” shall be inserted.
- (6) Rule 15(2)(b) shall be amended to read as follows:

“(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.”
- (7) Rule 21(2) shall be amended and new sub-rules 21(a), (b), (c), (d), (e) and (f) shall be inserted such that Rule 21(2) shall read as follows:

“(2) The claimant must file a certificate of service:

 - (a) in relation to a claim form filed in the Commercial and Civil Division other than in relation to sub-paragraph (b), within 21 days of service of the claim form, unless all other parties to the proceedings have filed acknowledgments of service within that time;

- (b) in relation to a claim form filed in the Commercial and Civil Division in respect of which the claimant proposes that the case be placed on the Fast Track, within 14 days of service of the claim form, unless all other parties to the proceedings have filed acknowledgments of service within that time;
- (c) in relation to a claim form filed in the Real Property Division other than in relation to sub-paragraph (d), within 28 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time;
- (d) in relation to a claim form filed in the Real Property Division in respect of a short-term residential lease claim, within 14 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time;
- (e) in relation to a claim form filed in the Employment Division, within 21 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time; or
- (f) in relation to a claim form filed in the Small Claims Division, within 14 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time.

and may not obtain judgment in default under Rules 39, 312, 318, 331 or 340 unless a certificate of service has been filed.”

- (8) In Rule 24, paragraphs (2), (3) and (4) shall be deleted and the subsequent paragraph shall be renumbered accordingly.
- (9) In the renumbered Rule 24(2) (previously Rule 24(5)), after the words “to which Part 38 applies” the words “, or to a claim filed in the Real Property Division to which Part 41 applies” shall be inserted.
- (10) In Rule 28(1), after the words “to which Part 38 applies” the words “, or to a claim filed in the Real Property Division to which Part 41 applies” shall be inserted.
- (11) In Rule 28(2), after the words “within the jurisdiction” the words “or elsewhere in the United Arab Emirates” shall be inserted.
- (12) In Rule 28(3), after the words “Where the claim form is to be served out of the” the words “United Arab Emirates” shall be inserted and the word “jurisdiction” shall be deleted.
- (13) Rule 30 shall be replaced with the words “[Not used]”.
- (14) Rule 31 shall be replaced with the words “[Not used]”.
- (15) Rule 32 shall be replaced with the words “[Not used]”.
- (16) Rule 33 shall be replaced with the words “[Not used]”.
- (17) Rule 34 shall be replaced with the words “[Not used]”.
- (18) In Rule 35(1)(a), after the words “to which Part 38 applies” the words “, or to a claim form filed in the Real Property Division to which Part 41 applies, or to a case that has been placed on the Fast Track to which Part 40 applies” shall be inserted.

- (19) In Rule 35(2), after the words “specified in Rule 37” the words “unless the claimant proposes in the claim form for the case to be allocated to the Fast Track, in which case the time period in Rule 326(1)(a) applies” shall be inserted.
- (20) In Rule 36(1)(a), after the words “to which Part 38 applies” the words “, or to a claim form filed in the Real Property Division to which Part 41 applies” shall be inserted.
- (21) In Rule 36(2), after the words “in accordance with Rule 37” the words “unless the claimant proposes in the claim form for the case to be allocated to the Fast Track, in which case the time period in Rule 326(1)(a) applies” shall be inserted.
- (22) In Rule 36(4), after the words “within the period specified in Rule 37” the words “, or in Rule 326(1)(a) if the claimant proposes in the claim form for the case to be allocated to the Fast Track,” shall be inserted.
- (23) Rule 36(5) shall be deleted.
- (24) A new Rule 37(1) shall be inserted as follows:

 “(1) This Rule does not apply to a case that is proposed by a claimant in the claim form to be allocated to the Fast Track to which Rule 326(1)(a) applies.”,

 and the subsequent paragraph shall be renumbered accordingly.
- (25) In Rule 38(1), after the words “to which Part 38 applies” the words “, or to a claim form filed in the Real Property Division to which Part 41 applies” shall be inserted.
- (26) In Rule 38(5), after the words “supported by written evidence” the words “, unless the case has been placed on the Fast Track to which Rule 328 applies” shall be inserted.
- (27) In Rule 38(8), after the “of the defence” the words “or, in case of a claim under the Rule 30 procedure, any written evidence” shall be deleted.
- (28) In Rule 38(9), after the words “file a defence” the words “or, in case of a claim under the Rule 30 procedure, any other written evidence” shall be deleted.
- (29) In Rule 39(1), the word “, or” shall be inserted after the words “to which Part 37 applies”, and after the words “to which Part 38 applies” the words “, or to a default judgment in the Real Property Division to which Part 41 applies” shall be inserted.
- (30) In Rule 40(1), the word “or” shall be deleted before the words “Rule 318” and after the words “Rule 318” the words “, Rule 331 or Rule 340” shall be inserted.
- (31) Rule 40(1)(d) shall be deleted and the subsequent paragraph shall be renumbered accordingly.
- (32) In Rule 41(1), the word “or” shall be deleted before the words “Rule 318” and after the words “Rule 318” the words “, Rule 331 or Rule 340” shall be inserted.
- (33) In Rule 41(2), the word “or” shall be deleted before the words “Rule 318” and after the words “Rule 318” the words “, Rule 331 or Rule 340” shall be inserted.
- (34) In Rule 44(1), after the words “to which Part 38 applies” the words “, or to a defence filed in the Real Property Division to which Part 41 applies” shall be inserted.
- (35) In Rule 44(2), after the words “service of the claim” the words “, unless the case has been placed on the Fast Track to which Rule 328 applies” shall be inserted.

(36) Rule 44(4) shall be deleted and the subsequent paragraph shall be renumbered accordingly.

(37) A new Rule 45(1) shall be inserted as follows:

“(1) This Rule does not apply to a reply filed in the Small Claims Division to which Part 37 applies, or to a reply filed in the Employment Division to which Part 38 applies, or to a reply filed in the Real Property Division to which Part 41 applies, or to a case that has been placed on the Fast Track to which Rule 329 applies.”,

and the subsequent paragraph shall be renumbered accordingly.

(38) In the renumbered Rule 45(2) (previously Rule 45), the words “Subject to any relevant practice direction ,” shall be deleted.

(39) In Rule 47(1), after the words “to which Part 38 applies” the words “, or to a claim filed in the Real Property Division to which Part 41 applies” shall be inserted.

(40) In Rule 47(2) before the word “months”, the number “6” shall be replaced by “4”.

(41) In Rule 50(1), after the words “any other time with the Court’s permission” the words “in accordance with the relevant practice direction” shall be inserted.

(42) In Rule 50(3), after the words “added as an additional party” the words “in accordance with the relevant practice direction” shall be inserted.

(43) In Rule 68(4) after the words “Part 37 applies” the word “or” shall be deleted and a comma shall be inserted, and after the words “Part 38 applies” the words “, or to a claim filed in the Real Property Division to which Part 41 applies” shall be inserted.

(44) Rule 78 (including the title) shall be amended to read as follows:

“78. Court-annexed mediation

(1) A party may, when filing their pleadings or their completed directions questionnaire, or at any other stage of the proceedings, make a written request for the proceedings to be referred to court-annexed mediation or stayed to allow the parties to try to settle the case by alternative dispute resolution or other means.

(2) If all parties request a referral of the proceedings to court-annexed mediation or request a stay, the Court will make such orders or directions as it considers appropriate in relation to the parties’ request.

(3) If a request is made that the proceedings be referred to court-annexed mediation or stayed by one or some, but not all, of the parties to the proceedings, the Court will make such orders or directions as it considers appropriate in relation to the request.”

(45) In Rule 83(1)(a), after the words “appropriate to do so; and” the word “/or” shall be deleted.

(46) In Rule 89(1), after the words “which it is disclosed” the words “or as the Court orders” shall be inserted.

(47) In Rule 108(2), after the words “or a declaration” the word “and/” shall be deleted.

(48) In Rule 136(2), after the words “GCC convention” the word “and/” shall be deleted.

(49) A new Rule 184(2) shall be inserted as follows:

“(2) An application made by a party seeking any form of relief under paragraph (1) must be made in accordance with the relevant practice direction.”,

and the subsequent paragraph shall be renumbered accordingly.

(50) The title of Rule 191 shall be amended to read “Engagement or Change of lawyer – duty to give notice”.

(51) In Rule 191(1), after the words “Where a” the words “self-represented party wishes to engage a lawyer, or a” shall be inserted.

(52) The title of Rule 205 shall be amended to read “Appeals from the Small Claims Division or from a judgment or order made on a short-term residential lease claim in the Real Property Division to the Commercial and Civil Division”.

(53) In Rule 205(1), after the words “Small Claims Division of the Court of First Instance” the words “or from a final judgment or order made on a short-term residential lease claim in the Real Property Division” shall be inserted.

(54) In Rule 205(3), after the words “Small Claims Division” the words “or on an appeal from a final judgment or order made on a short-term residential lease claim in the Real Property Division” shall be inserted.

(55) In Rule 205(4), after the words “Small Claims Division” the words “or any judgment or order given or made on a short-term residential lease claim in the Real Property Division” shall be inserted.

(56) In Rule 205(5), after the words “Small Claim Division” the words “or any case management or interim order made in relation to a short-term residential lease claim in the Real Property Division” shall be inserted.

(57) In Rule 205(6), after the words “Small Claims Division” the words “or a final judgment or order made on a short-term residential lease claim in the Real Property Division” shall be inserted.

(58) Rule 205(9) shall be amended to read as follows:

“Rules 209C to 211 and 213 apply to appeals to the Commercial and Civil Division from the Small Claims Division or appeals from a final judgment or order made on a short-term residential lease claim in the Real Property Division in the same way as they apply to appeals from the Commercial and Civil Division, the Employment Division or the Real Property Division (other than in relation to a short term residential lease claim) to the Court of Appeal.”

(59) In the title of Rule 206, after the words “except for the Small Claims Division” the words “or a short-term residential lease claim in the Real Property Division” shall be inserted.

(60) In Rule 206(2)(a), after the words “or interim order, be” the word “made” shall be deleted and the words “filed and served” shall be inserted.

(61) In Rule 206(2)(b), after the words “to apply for judicial review, be” the word “made” shall be deleted and the words “filed and served” shall be inserted.

(62) In Rule 206(2)(c), after the words “in any other case, be” the word “made” shall be deleted and the words “filed and served” shall be inserted.

- (63) In Rule 206(4), after the words “may be made to the Court of Appeal” the words “by filing and serving the application” shall be inserted.
- (64) Rule 216(c) shall be amended to read as follows:
- “the judicial review procedure” means the procedure set out in this Part and the relevant practice direction;”
- (65) Rule 230A(2) shall be amended to read as follows:
- “Any such application is to be brought in accordance with the relevant practice direction.”
- (66) In Rule 231(2), after the words “in accordance with” the words “Rule 30 procedure, which must include such matters and statements as are set out in” shall be deleted.
- (67) In Rule 231(3), after the words “an arbitration claim form” the words “issued in accordance with the Rule 30 procedure” shall be deleted.
- (68) A new Rule 234(1) shall be inserted as follows:
- “(1) This Rule applies to an order recognising or giving permission to enforce an award that was made without notice to the defendant.”,
- and the subsequent paragraph shall be renumbered accordingly.
- (69) In Rule 234(5) (previously 234(4)), after the words “enforcement under paragraph” the number “3” shall be replaced by “4”.
- (70) In Rule 276(2), after the words “The claimant must” the words “use the Rule 30 procedure” shall be deleted, and after the words “ensure that his” the words “written evidence” shall be deleted and replaced with the word “claim”.
- (71) In Rule 290(3), after the words “penalty application must be made” the words “by a Rule 30 claim form, which” shall be deleted and replaced with the words “in accordance with the relevant practice direction and”.
- (72) In Rule 303, the following sentence is to be inserted at the end of the paragraph: “This part is to be read together with Rule 78.”
- (73) In Rule 310(1)(a), after the words “by the claimant” the words “in accordance with Rule 15(7)” shall be inserted.
- (74) Rule 310(1)(b) shall be amended to read as follows
- “(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.”
- (75) A new Rule 311A shall be inserted as follows:
- “311A. Reply to Defence**
- A claimant may file a reply to a defence in accordance with the relevant practice direction.”
- (76) In Rule 316(1)(a), after the words “by the claimant” the words “in accordance with Rule 15(7)” shall be inserted.

(77) Rule 316(1)(b) shall be amended to read as follows

“(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.”

(78) A new Rule 317A shall be inserted as follows:

“317A. Reply to Defence

A claimant may file a reply to a defence in accordance with the relevant practice direction.”

(79) A new PART 40 and PART 41 shall be inserted as follows:

“PART 40 – FAST TRACK FOR COMMERCIAL AND CIVIL CLAIMS

324. Application of this Part

- (1) This Part applies to any case in the Commercial and Civil Division that is placed on the Fast Track in accordance with paragraphs (2) and (3).
- (2) A practice direction will set out the circumstances in which it will be appropriate to allocate a case to the Fast Track.
- (3) Where a case is commenced in the Commercial and Civil Division, the Court may, on a request made by the claimant when filing his claim form, or the defendant when filing his acknowledgment of service, or at its own initiative, make an order on the papers placing the case on the Fast Track.
- (4) A Judge sitting in the Commercial and Civil Division has full discretion under their case management powers to allocate cases to the Fast Track or to remove them from the Fast Track at any stage of the proceedings.
- (5) Where a Judge sitting in the Commercial and Civil Division makes an order under paragraphs (3) or (4), the decision of the Judge is final.
- (6) Where a case is on the Fast Track, an appeal cannot be brought against any case management order of a Judge in the case.
- (7) Except as otherwise provided in this Part, all other Rules pertaining to the Commercial and Civil Division continue to apply to proceedings in the Fast Track.
- (8) In this Part —
 - (a) when the Court makes an order for a case to be placed on the Fast Track, this Part applies to that case on and from the date the order is made;
 - (b) when the Court makes an order for the removal of a case from the Fast Track, this Part ceases to apply to that case on and from the date the order is made; and
 - (c) references to the Fast Track, or to a case being placed on or removed from the Fast Track, are to be construed in accordance with sub-paragraphs (a) and (b).

325. The claim form and standard disclosure

In a case proposed by the claimant to be allocated to the Fast Track, the claimant must make standard disclosure of all documents on which he will rely at trial by listing and attaching those documents to the claim form.

326. Acknowledgment of service

- (1) In a case proposed by the claimant to be allocated to the Fast Track –
 - (a) the acknowledgment of service must be filed and served within 7 days of service of the claim form; and
 - (b) the acknowledgment of service must contain the defendant's response to the claimant's proposal that the case be placed on the Fast Track. Where the defendant contends that the case should not be placed on the Fast Track because the use of the Fast Track procedure is not appropriate for the case or permitted by a rule or practice direction, he must state his reasons when he files his acknowledgment of service.
- (2) If the claimant has not proposed that the case be allocated to the Fast Track, a defendant may propose that the case be allocated to the Fast Track in accordance with Rule 324(3) when filing his acknowledgement of service.

327. Directions for the conduct of the case

Where a party has proposed that a case be allocated to the Fast Track, within 3 days of the acknowledgment of service being filed, or the last acknowledgment of service being filed where there is more than one defendant, the Court may give directions or make an order in relation to the allocation of the case to the Fast Track. The Court may confirm whether the case is allocated to the Fast Track in accordance with Rule 324(3), or reserve its decision on the allocation of the case to the Fast Track until the defendant or defendants have answered the claim.

328. Answering a claim in the Fast Track

- (1) In a case that has been placed on the Fast Track, within 21 days after the defendant is served with the claim form, the defendant must file and serve in accordance with the relevant practice direction –
 - (a) an admission and any request for time to pay in accordance with Rules 42 and 43;
 - (b) an admission and any request for time to pay in accordance with Rules 42 and 43 and a defence, together with any counterclaim, if the defendant admits only part of the claim;
 - (c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

- (d) an application to dispute the Court's jurisdiction to decide the case in accordance with Rule 38.
- (2) Where the Court has reserved its decision on the allocation of the case to the Fast Track under Rule 327 until after the defendant has answered the claim, the defendant must file and serve an answer to the claim in accordance with Rule 328(1) within 28 days of being served with the claim form.
- (3) The parties may agree that the time period specified in paragraphs (1) and (2) for answering a claim shall be extended by up to 14 days.
- (4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.

329. Reply to Defence

In a case that has been placed on the Fast Track, if a claimant wishes to file a reply to the defence, he must file the reply and serve the reply within 14 days after service of the defence.

330. Disclosure

Unless the Court otherwise orders, where a case is placed on the Fast Track –

- (a) the party filing and serving any pleading must make standard disclosure of all documents on which he will rely at trial by listing and attaching those documents to the pleading (save for any documents that have previously been filed on the eCourts Platform);
- (b) where any party has filed and served a pleading before the case was placed on the Fast Track, that party must, within 14 days after the date on which the case is placed on the Fast Track, make standard disclosure of all documents on which he will rely at trial by filing and serving on every other party a list attaching a copy of all documents on which that party intends to rely at trial (save for any documents that have previously been filed on the eCourts Platform);
- (c) any application for specific disclosure under Rule 86(5) must be made within 7 days of the close of pleadings or where the time period for the close of pleadings has lapsed, whichever is earlier.

331. Default judgment

The Court may deliver default judgment for cases on the Fast Track in accordance with Rules 39, 40, 40A and 41.

332. Summary judgment

The Court may deliver summary judgment for cases on the Fast Track in accordance with Part 9 of these Rules.

333. Evidence of fact witnesses

- (1) Unless the Court otherwise orders, after pleadings have closed or the time period for the close of pleadings has lapsed (whichever is earlier), every party to the case must file and serve simultaneously –
 - (a) within 21 days, all witness statements for that party's witnesses; and
 - (b) within 14 days of receipt of witness statements under sub-paragraph (a), any witness statements in reply.
- (2) Each party may adduce witness evidence from a maximum of 2 fact witnesses, unless the Court orders otherwise.

334. Power to decide claim on the papers

The Court may decide the case on the papers without a hearing if –

- (a) the parties agree in accordance with the relevant practice direction; or
- (b) the Court considers that the case can be fairly determined on the papers and in all of the circumstances of the case it would be appropriate to do so.

PART 41 – REAL PROPERTY DIVISION**335. Application of this Part**

- (1) This Part contains special provisions dealing with cases in the Real Property Division ("real property claim").
- (2) Other Rules shall apply to real property claims except as otherwise provided for in this Part, as limited by any rule or practice direction, or if the Court orders otherwise.
- (3) A practice direction will set out simplified procedures for the determination of real property claims arising out of short-term residential leases.
- (4) For the purpose of this Part, a "short-term residential lease claim" is a claim or dispute arising under or in relation to a short-term residential lease.

336. The claim form

- (1) Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant's request.
- (2) The claim form must –
 - (a) include the details of the real property at issue, and attach, as set out in the relevant practice direction, all documents necessary to identify the real property at issue and which record the claimant's interest in it;

- (b) state what final orders the claimant seeks;
- (a) include the particulars of the claimant's case;
- (b) include the name and address for service of the defendant, together with any other available information. Where the defendant is a company, partnership or other entity the claimant shall state the defendant's registered office or any place of business of the defendant which has a real connection with the claim;
- (c) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant; and
- (d) contain any other matter that may be set out in the relevant practice direction.

337. Service of the claim form

- (1) The registry will serve the claim form on the defendant by any method permitted under Part 4 of these Rules, unless:
 - (a) a defendant is to be served outside the United Arab Emirates, in which case the claim form must be served on the defendant by the claimant in accordance with Rule 15(7); or
 - (b) any rule, practice direction, ADGM enactment or Court order provides otherwise.
- (2) Unless otherwise stated in Part 4 of these Rules or directed by the Court, the provisions of Part 4 apply to service of a claim form filed in the Real Property Division.

338. Responding to a real property claim

- (1) Subject to paragraph (2), within 21 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:
 - (a) an admission and any request for time to pay in accordance with Rules 42 and 43;
 - (b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;
 - (c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or
 - (d) an application to dispute the Court's jurisdiction to decide the claim or requesting that the Court should not exercise its jurisdiction.

- (2) In relation to a short-term residential lease claim, within 7 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:
 - (a) an admission and any request for time to pay in accordance with Rules 42 and 43;
 - (b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;
 - (c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or
 - (d) an application to dispute the Court's jurisdiction to decide the claim or requesting that the Court should not exercise its jurisdiction.
- (3) In relation to the time period for responding to a claim specified in paragraphs (1) and (2):
 - (a) the parties may agree that the time period shall be extended by up to 7 days; or
 - (b) the defendant may request, in accordance with the relevant practice direction, that the Court extend the time period by up to 7 days.
- (4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.

339. Reply to Defence

Unless otherwise ordered, a claimant may file and serve a reply to a defence:

- (a) within 14 days of a defence being filed and served, other than in relation to a short-term residential lease claim; or
- (b) within 7 days of a defence being filed and served in relation to a short-term residential lease claim.

340. Default judgment

- (1) In this Rule, "default judgment" means judgment without trial or a hearing where a defendant has failed to file a defence.
- (2) Unless the Court otherwise orders, default judgment only may be obtained in relation to a money claim.
- (3) Judgment in default of a defence may be obtained where the defendant:
 - (a) at the date on which judgment is entered has not filed a defence and the relevant time for doing so has expired; or

- (b) has filed a counterclaim and at the date on which judgment is entered a defence to the counterclaim has not been filed and the relevant time for doing so has expired.
- (4) A default judgment may include interest as provided for by a practice direction.
- (5) The provisions of Rules 40, 40A and 41 apply to default judgments entered in the Real Property Division.
- (6) A default judgment will be made available to the applicant through the eCourts Platform and will be served by the registry on all other parties to the proceeding where those parties are within the United Arab Emirates by any method permitted under Part 4 of these Rules.

341. Summary judgment

The Court may deliver summary judgment for a claim in the Real Property Division, including a short-term residential lease claim, in accordance with Part 9 of these Rules.

342. Case management

- (1) To resolve real property claims, a Judge in the Real Property Division shall have the same case management powers set out under these Rules, including the power contained in Rule 7(2) to extend or shorten the time for compliance set in any Rule or practice direction where appropriate.
- (2) These powers shall be exercised with the aim of expeditiously resolving real property claims in accordance with the relevant practice direction.
- (3) Where default judgment is not available or pursued under Rule 340, the Court shall manage the case as it considers appropriate in accordance with the relevant practice direction.

343. Power to decide claim on the papers

The Court may decide a real property claim on the papers without a hearing if –

- (a) the parties agree in accordance with the relevant practice direction; or
- (b) where the Court considers that the case can be fairly determined on the papers and in all the circumstances of the case it would be appropriate to do so.

344. Claim stayed if not defended or admitted

- (1) Where 3 months have expired since the end of the period for the defendant to file a response under Rule 338 and no response is filed and the claimant has not entered or applied for default judgment under Rule 340 or for summary judgment under Rule 341 and Part 9, the claim shall be stayed.
- (2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

345. Disclosure

- (1) In accordance with the relevant practice direction, every pleading filed and served by a party must list and attach a copy of every document referred to in that pleading or relied on by that party to prove any allegation contained in that pleading (to the extent that the document has not already been filed in the proceedings).
- (2) In accordance with the relevant practice direction, a party to a proceeding in the Real Property Division:
 - (a) must provide standard disclosure of any additional documents that it will seek to rely on at trial that were not attached to his pleadings; and
 - (b) may make an application for further or specific disclosure from any other party to the proceedings.

346. Expert evidence

- (1) No party may file expert evidence or call an expert without permission of the Court.
- (2) Any request by a party to use expert evidence in a case must be made in accordance with the relevant practice direction.

347. Real Property orders

- (1) In a real property claim, the Court may upon application by a party grant (without limitation):
 - (a) an order for possession; or
 - (b) a writ of possession.
- (2) In any real property claim relating to a lease of real property, the Court may, upon application by a party, make an interim or final order for relief against forfeiture on a summary basis.
- (3) In a real property claim relating to a short-term residential lease, the Court may, upon application by a party, grant an order to terminate the lease.
- (4) In a real property claim relating to a mortgage, the Court may, upon application by a party, make the following orders:
 - (a) an order allowing the exercise of a mortgagee's power of sale;
 - (b) an order restraining the mortgagee's power of sale;
 - (c) a foreclosure order; or
 - (d) an order appointing a receiver under a mortgage or charge to manage, secure and realise real property on the mortgagee's behalf, or otherwise deal with real property.

- (5) Nothing in this Rule prevents the Court from making such order as it considers appropriate in relation to a real property claim.

348. Appeal

Appeals against an order or judgment of the Real Property Division shall be governed by Part 25 of these Rules.”

- End -