**Form CFI 16**

**Rules 120, 121, 123 and 124**

**Application for Witness Summons**

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| --- | --- |
| **Court of First Instance** | |
| **Division\*** | [select division] |
| **Case number\*** | [case number] |

|  |  |
| --- | --- |
| **Title of Proceedings** | |
| **[First] Claimant\*** | [full name] |
| [Second Claimant] [number of Claimants (if more than two)] | [#full name #number |
| **[First] Defendant\*** | [full name] |
| [Second Defendant] [number of Defendants (if more than two)] | [#full name #number |

|  |  |
| --- | --- |
| **Filing Details** | |
| **Filed for\*** | [name], [role of party, e.g. claimant] |
| **Legal representative** | [name] |
| **Firm** | [name of firm] |
| **Firm reference** | [reference number] |
| **Contact name\*** | [name] |
| **Contact telephone\*** | [telephone] |
| **Contact email\*** | [email address] |

| **Details of Witness** | |
| --- | --- |
| **Name\*** | [name] |
| **Address\*** | [address] |
| **Nature of Order**\*  *(complete as applicable)* | [to attend Court to give evidence and/or documents] |

| **Date, time and place to attend to give evidence and/or produce documents** | |
| --- | --- |
| **Date** |  |
| **Time** |  |
| **Place** |  |

| **Documents to be produced** *(complete if applicable)* |
| --- |
| [clearly describe the documents to be produced by the witness] |

| **Permission of the Court** *(complete if applicable)* |
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| [Please indicate whether you need the Court’s permission to issue the Witness Summons.  Note: a party must obtain the Court’s permission where the party wishes to –   1. in the case of a witness domiciled or resident in the UAE (including ADGM), have a summons issued less than 7 days before the date of the trial; 2. in the case of a witness domiciled or resident in any other jurisdiction, have a summons issued less than 21 days before the date of the trial; or 3. have a summons issued for a witness to attend Court to give evidence or to produce documents on any date except the date fixed for the trial, or at any hearing except the trial.] |

| **Acknowledgment and Undertaking as to conduct money\*** |
| --- |
| “I acknowledge that I am required to offer or pay to the [witness] [deponent] the sum of:  [select an option]  at the time the [witness] [deponent] is served with the [witness summons] [examination order].  I undertake to pay such further sum as may be ordered by the Court” |

|  |  |
| --- | --- |
| **Signature\*** *(complete as applicable)* | |
| **Signature of legal representative** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Signature of party if not legally represented** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Capacity (if not legal representative or party)** | [e.g. authorised officer] |
| **Date of signature** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

| **Notice to Applicant** |
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* It is the responsibility of the applicant to serve the witness summons personally on the addressee. The witness summons must also be served on each other party to the proceedings as soon as practicable after the summons has been served on the addressee.
* Your attention is drawn to the methods of service set out in Part 4 of the ADGM Court Procedure Rules 2016 and **Practice Direction 6**.
* At the time of service of the witness summons, the witness must be offered or paid a sum reasonably sufficient to cover his expenses in travelling to and from the court and a sum by of compensation for loss of time and for costs otherwise incurred in compliance with the witness summons.