



ABU DHABI GLOBAL MARKET COURTS
محاكم سوق أبوظبي العالمي

ADGM COURTS

PRACTICE DIRECTION 2

MAKING AND ANSWERING A CLAIM



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PRACTICE DIRECTION 2

MAKING AND ANSWERING A CLAIM

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This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016. Except as provided otherwise in this Practice Direction, terms have the meanings set out in those Rules.

This Practice Direction must be read in conjunction with **Practice Direction 4 - Particular Claims other than Small Claims**.

A. CLAIM FORM [r.27]

- 2.1. A claim form which commences proceedings shall be in accordance with **Form CFI 1**.

Requirements

- 2.2. A claim form must:
- (a) state what final orders the claimant seeks;
 - (b) include particulars of the claimant's case in numbered paragraphs within the form, including particulars of any sum sought by way of interest from a date earlier than the date of judgment, and the propositions of law which the claimant will contend entitle the claimant to the final orders sought;
 - (c) have attached to it for employment claims, all documents which record the terms of employment between the claimant and the defendant; and
 - (d) state whether the claimant sues in person, by authorised officer or, if represented by a lawyer, the name, address and email address of that lawyer.
- 2.3. As a general rule, a claim form should not exceed 50 pages. If the claim is of such complexity that it is necessary to exceed this page limit, the claimant must include an index of topics within the particulars of claim.
- 2.4. Rules 15, 16 and 17 prescribe how a claim form may be served.



B. RULE 30 PROCEDURE [r.30]

Requirements

- 2.5. If a claimant seeks to use the Rule 30 procedure, the claimant must:
- (a) use the claim form in accordance with **Form CFI 3**; and
 - (b) identify what issue or issues the claimant says are to be decided by the Rule 30 procedure as an issue or as issues unlikely to involve a substantial dispute of fact.
- 2.6. The Rule 30 procedure may not be used in relation to the following claims or questions:
- (a) fraud; or
 - (b) libel, slander, malicious prosecution or false imprisonment.
- 2.7. Claimants seeking to use the Rule 30 procedure must have regard to Rules 31 to 34 inclusive of the Rules which provide for the written evidence to be filed and served under the Rule 30 procedure, the procedure where a defendant objects to the use of the Rule 30 procedure and modifications to the Rules regarding the filing of a defence and certain time limits.

C. SERVICE OUT [r.23, r.24 and r.28]

- 2.8. A claimant who serves a claim form on a defendant out of the jurisdiction and the Emirate must first file and serve with the claim form a copy of a notice containing a statement of the grounds on which the claimant is entitled to serve the claim form out of the jurisdiction or the Emirate.
- 2.9. The notice shall be in accordance with **Form CFI 32**.
- 2.10. A claimant who serves a claim form on a defendant out of the jurisdiction and the Emirate must serve the claim form and the notice on that defendant personally.

D. ANSWERING A CLAIM [r.35, r.36, r.37 and r.44]

- 2.11. The Rules require that a defendant must file and serve an acknowledgement of service within 14 days after service of the claim form.
- 2.12. An acknowledgment of service shall be in accordance with **Form CFI 7**.



- 2.13. The Rules also require that a defendant who wishes to defend all or part of a claim must file and serve a defence within 28 days after service of the claim form.

Requirements

- 2.14. The defence must set out, in numbered paragraphs corresponding to the relevant paragraph of the claimant's statement of case, the defendant's answer to the particulars of the claim and the propositions of law advanced by the claimant.

- 2.15. A defence shall be in accordance with **Form CFI 8**.

E. MAKING A COUNTERCLAIM [r.50]

Requirements

- 2.16. A defendant who wishes to make a counterclaim must set out, in summary form and in numbered paragraphs:

- (a) the final orders the defendant seeks by counterclaim; and
- (b) the particulars of the counterclaim, including particulars of any sum sought by way of interest from a date earlier than the date of judgment, and the propositions of law which the defendant will contend entitle the defendant to the final orders the defendant seeks by counterclaim.

- 2.17. A counterclaim shall be in accordance with **Form CFI 9**.

F. REPLY TO A DEFENCE [r.45]

- 2.18. A claimant who seeks to reply to a defence must file and serve the reply within 21 days after service of the defence and must set out, in numbered paragraphs corresponding to the relevant paragraph of the defence, the claimant's reply to the particulars of the defence and the propositions of law advanced by the defendant.

- 2.19. A reply shall be in accordance with **Form CFI 10**.

G. DEFENCE TO ANY COUNTERCLAIM [r.44]

- 2.20. A claimant or any additional party who wishes to defend all or part of any counterclaim must file and serve the defence within 28 days after service of the counterclaim and must set out, in numbered paragraphs corresponding to the relevant paragraph of the counterclaim, that party's



answer to the particulars of the counterclaim and the propositions of law advanced by the defendant.

H. INTEREST [r.179]

- 2.21. Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 9 per cent from the date that judgment is given until payment.¹

¹ Amended 18 February 2018.