

IN THE NAME OF ALLAH, THE MOST GRACIOUS, THE MOST MERCIFUL

CIVIL PROCEDURE ACT OF 1983

(Act No. 35 of 1983) *(Enacted: July 29, 1983 / Shawwal 19, 1403 A.H.)*

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- **THIRD SCHEDULE:** Personal Status Matters for Muslims.

TEXT OF THE ACT

IN THE NAME OF ALLAH, THE MOST GRACIOUS, THE MOST MERCIFUL

CIVIL PROCEDURE ACT OF 1983

(Act No. 35 of 1983) *(Enacted on 19/10/1403 A.H., corresponding to 29/7/1983 A.D.)*

CHAPTER I: PRELIMINARY PROVISIONS

PART I: PRELIMINARY PROVISIONS

Article 1: Title of the Act

This Act may be cited as the "**Civil Procedure Act of 1983**".

Article 2: Repeal

The *Civil Procedure Act of 1974* is hereby repealed.

Article 2A: Interpretation

In this Act, unless the context otherwise requires, words and expressions defined in the *Judiciary Act of 1986* shall have the meanings assigned to them therein.

Article 3: Application

1. The provisions of this Act shall apply to all procedures relating to civil matters and personal status matters, and to procedures relating to other matters where no specific provision is made in any other law.
2. The provisions contained in the Third Schedule to this Act shall apply to Personal Status cases for Muslims.

Article 4: Provisions Governing Pending Procedures

The provisions of this Act shall apply to all pending actions that have not been decided upon, and to all procedural steps that have not been completed prior to the date on which this Act comes into force, with the exception of:

- **(a)** Provisions modifying jurisdiction, where the date of their coming into force occurs after the commencement of the hearing of the suit.
- **(b)** Provisions governing modes of appeal, in respect of judgments issued prior to the date of their coming into force, where such provisions create or abolish any of those modes of appeal.

Article 5: Applicable Law in Personal Status Matters for Muslims

If in any suit or proceeding before a Civil Court, any question arises regarding inheritance, wills, intestate estates, gifts, marriage, divorce, or family relations, or the creation of a *Waqf* (religious endowment), the rule of decision in respect of such question shall be:

- **(a)** The **Islamic Sharia**, if the parties to the suit are Muslims or if the marriage was contracted in accordance with Islamic Sharia.
- **(b)** Any **custom** prevailing among the parties concerned which is not contrary to justice, equity, and good conscience, and which has not been repealed or modified by or under the provisions of this Act or any other law, and has not been declared void by a decision of a competent court.

Article 6: Absence of a Specific Provision

1. If there is no provision capable of being applied to the procedure in a matter presented before the Court, the Court shall apply such rules as are calculated to achieve justice.

2. In matters not governed by any legislative provision, the Courts shall apply the principles of **Islamic Sharia**, judicial precedent settled in Sudan, custom, justice, and good conscience.

PART II: INTERNATIONAL JURISDICTION

Article 7: Actions Brought Against a Sudanese National

With the permission of the Court, an action may be instituted against a Sudanese national before Sudanese Courts, even if he has no domicile or residence in Sudan, except for actions relating to real property (immovable property) situated abroad.

Article 8: Actions Brought Against a Foreigner Domiciled or Resident in Sudan

Sudanese Courts shall have jurisdiction to hear actions brought against a foreigner who has a domicile or residence in Sudan, except for actions relating to real property situated outside Sudan.

Article 9: Actions Brought Against a Foreigner Neither Domiciled nor Resident in Sudan

Sudanese Courts shall have jurisdiction to hear actions brought against a foreigner who has neither a domicile nor a residence in Sudan, in the following cases:

- **(a)** If the subject-matter of the dispute relates to real property or real estate located in Sudan.
- **(b)** If the action relates to an obligation created, performed, or required to be performed in Sudan, or relates to acts that occurred in Sudan, or to a declaration of bankruptcy made in Sudan.

Article 10: Personal Status Actions Against Foreigners

Sudanese Courts shall have jurisdiction to hear actions brought against a foreigner who has neither a domicile nor a residence in Sudan in the following cases:

- **(a)** If the action relates to a petition for dissolution of marriage, divorce, or judicial separation, and the action is brought by a wife resident in Sudan against her husband whose domicile was in Sudan, where the husband abandoned his wife and established a domicile abroad after the cause for dissolution or separation arose, or if he was deported from Sudan.
- **(b)** If the action relates to a claim for maintenance for a minor resident in Sudan, or for a wife, or for one of the parents, provided that the husband or father had a domicile in Sudan.

- **(c)** If the action relates to the lineage (*Nasab*) of a minor residing in Sudan, or for the withdrawal, limitation, suspension, or restoration of guardianship over the person of such minor.
- **(d)** If the action relates to a Personal Status matter and the plaintiff is a Sudanese national or a foreigner, provided that the defendant has no known domicile abroad and Sudanese law is the law applicable to the suit.
- **(e)** If the action relates to guardianship over property, provided that the minor or person sought to be interdicted has a domicile or residence in Sudan, or Sudan was the last domicile or residence of the person sought to be interdicted.

Article 11: Plurality of Foreign Defendants

Sudanese Courts shall have jurisdiction to hear an action brought against a plurality of foreigners if any one of them has a domicile or residence in Sudan.

Article 12: Inheritance and Estate Matters

Sudanese Courts shall have jurisdiction over matters of inheritance and actions relating to an estate whenever the deceased was a Sudanese national, or when Sudan was his last domicile, or when all or part of the assets of the estate are located in Sudan.

Article 13: Submission to Jurisdiction (Acceptance of Jurisdiction)

Sudanese Courts shall acquire jurisdiction even if the subject matter of the suit does not fall within their jurisdiction, if the defendant accepts their jurisdiction explicitly or implicitly. The Court shall not rule on its own motion that it lacks jurisdiction under such circumstances.

Article 14: Determination of Venue (Territorial Jurisdiction)

Where Sudanese Courts have jurisdiction based on any ground provided in Articles 8, 9, and 12, the plaintiff shall have the choice to institute the action before the court within whose territorial jurisdiction his place of residence or work is situated, or before any of the courts of Khartoum State.

Article 15: Scope of Consideration by the Court (Incidental and Connected Claims)

If an action is brought before a Sudanese Court that falls within its jurisdiction, such Court shall be competent to adjudicate upon preliminary issues and incidental applications connected with the main suit, where proper administration of justice requires that they be heard together.

PART III: SUBJECT-MATTER JURISDICTION

Article 16: Jurisdiction of the Supreme Court

The Supreme Court shall have jurisdiction to adjudicate upon:

- **(a)** Appeals in Cassation against judgments and orders issued by the Courts of Appeal.
- **(b)** Appeals in Cassation against decisions of the Courts of Appeal in administrative disputes or claims for compensation arising therefrom.
- **(c)** Appeals against decisions issued by a judge of the Supreme Court authorized to adjudicate administrative disputes or claims for compensation arising therefrom.
- **(d)** Challenges against subsidiary legislation on the ground of inconsistency with the empowering statutes.
- **(e)** Adjudication on the constitutionality of laws.
- **(f)** Interpretation of constitutional provisions and statutory texts.
- **(g)** Actions for the protection of rights and freedoms guaranteed by the Constitution.
- **(h)** Jurisdictional disputes arising between Federal organs and State organs.
- **(i)** Examination of judgments for the purpose of ensuring compliance with Islamic Sharia legal principles.
- **(j)** Determination of jurisdictional disputes between courts.
- **(k)** Any other matter assigned to its jurisdiction by the Constitution or the law.

Article 17: Jurisdiction of the Court of Appeal

The Court of Appeal shall have jurisdiction to hear and determine:

- **(a)** Appeals filed against judgments and orders issued in a first-instance capacity by the General Civil Court and the Court of the District Judge of the First Class within its circuit.
- **(b)** Appeals filed against judgments and orders issued in an appellate capacity by the General Civil Court in cases originating from Courts of District Judges of the Second and Third Class.
- **(c)** Administrative challenges and decisions issued by any public authority other than the President of the Republic, the Federal Council of Ministers, or any Federal or State Minister.

Article 18: Jurisdiction of the General Civil Court

1. The General Civil Court shall have original jurisdiction to adjudicate as a court of first instance all civil suits without limitation as to value or nature, except matters excluded by a specific provision of law.
2. To the exclusion of other courts, the General Civil Court shall have jurisdiction over:
 - **(a)** First-instance adjudication of matters relating to commercial companies, trade marks, business names, bankruptcy, and protective composition (*as-Sulh al-Waqi*).
 - **(b)** Adjudication of Personal Status actions for non-Muslims.
 - **(c)** Appeals filed against judgments and orders issued by Courts of District Judges of the Second and Third Class within its territorial jurisdiction.
 - **(d)** Appeals against judgments and orders issued in an appellate capacity by Courts of District Judges of the First Class, and its decisions in this respect shall be final.
 - **(e)** (*Repealed*).

Article 19: Jurisdiction of the District Judge's Court

1. The Court of the District Judge of the First Class shall have original jurisdiction to hear any suit without limitation as to value, and shall hear appeals from judgments and orders of Town and Rural Courts and any other appeals explicitly assigned to it by law.
2. The Court of the District Judge of the Second Class shall have jurisdiction to adjudicate original suits whose financial value is defined by a circular issued by the Chief Justice.
3. The Court of the District Judge of the Third Class shall have jurisdiction to adjudicate original non-contentious suits whose financial value is defined by a circular issued by the Chief Justice, provided that it shall not hear suits relating to real property or suits brought against the Government.
4. **(a)** The District Court shall hear urgent or simple actions, or actions where evidence is readily available, in a summary manner, and shall not depart from the summary procedure except for compelling and fair reasons recorded in the record of proceedings.
(b) When hearing an action in a summary manner, the judge shall not be bound by formal initial pleadings, procedural limitations, or formal oral arguments, except as necessary for the fair determination of the suit.

Article 20: Jurisdiction of Town and Rural Courts

1. Town and Rural Courts shall have jurisdiction over simple actions, and their pecuniary jurisdiction shall be defined in their establishing orders.
2. Town and Rural Courts shall not hear actions:
 - **(a)** To which any government department, public corporation, public institution, or legal entity is a party.
 - **(b)** Relating to the ownership of registered land or real estate.
 - **(c)** Where the cause of action is based on a negotiable instrument.
 - **(d)** Excluded by an order issued by the Chief Justice from time to time.
3. If during the hearing of a suit before a Town or Rural Court a matter arises that falls outside its jurisdiction, the court shall transfer the matter to the competent court, which shall adjudicate it as if the suit had been originally instituted before it.

Article 21: Procedure for Institution of Suits Before Town and Rural Courts

1. A suit shall initially be instituted before the competent Town or Rural Court by presenting a statement of claim. If presented to a District Judge of any class, he may transfer it to such courts.
2. If it appears to a Town or Rural Court that it lacks jurisdiction, it shall transfer the suit to the competent District Judge.

PART IV: TERRITORIAL JURISDICTION (VENUE)

Article 22: Court Before Which Suits Are Usually Instituted

A suit shall ordinarily be instituted before the competent court of the lowest grade.

Article 23: Real Property Suits (Actions Relating to Immovable Property)

Jurisdiction in suits relating to real property (immovable property) shall belong to the court within whose territorial jurisdiction the real property or any part thereof is situated.

Article 24: Actions for Compensation for Harm / Damages

Jurisdiction in actions for compensation for harm or damages to persons or movable property shall belong to the court within whose jurisdiction the harmful act occurred, or the court within whose jurisdiction the defendant resides or works.

Article 25: Other Actions

1. Subject to Article 16, jurisdiction in other actions shall belong to any of the following courts:
 - **(a)** The court within whose jurisdiction the cause of action arose, wholly or in part.
 - **(b)** The court within whose jurisdiction the defendant resides or works at the time of instituting the suit.
 - **(c)** The court within whose jurisdiction one of the defendants resides or works at the time of instituting the suit, provided the court grants permission.
2. The place of business or principal head office of companies, associations, or institutions—or any of their branches—shall be deemed their place of residence.
3. In actions arising out of contracts, the cause of action within the meaning of paragraph (a) shall be deemed to arise in any of the following places:
 - **(a)** The place where the contract was executed.
 - **(b)** The place where performance of the contract, wholly or in part, was agreed to take place.
 - **(c)** The place where any money payable under the contract was expressly or impliedly agreed to be paid.

Article 26: Inability to Determine the Competent Court

If the defendant has no place of residence or work in Sudan and the competent court cannot be determined under the provisions of this Chapter, jurisdiction shall belong to the court within whose jurisdiction the plaintiff resides or works; if the plaintiff has no place of residence or work in Sudan, jurisdiction shall belong to any of the courts of Khartoum State.

PART V: TRANSFER OF SUITS IN CASE OF CONCURRENT JURISDICTION

Article 27: Transfer

1. Any party may apply for the transfer of a dispute from one competent court to another court empowered by law to hear the same dispute.
2. The application for transfer shall be submitted in the initial stages of the suit and shall not be accepted after the framing of issues.
3. The court shall decide upon the application after hearing the opposing party, taking into consideration the interests of the parties and the utility of the transfer.

Article 28: General Power of Transfer

1. The Judge of the General Court may, on his own motion or upon the application of a party and after notifying and hearing the opposing party, order the transfer of any suit pending before him or before any court subordinate to him to any other court within his circuit competent to hear the suit.
2. The President of the Court of Appeal shall exercise the powers provided in sub-article (1) with respect to suits pending before courts subordinate to him.
3. The Chief Justice of the Supreme Court shall exercise the powers provided in sub-article (1) with respect to suits pending before any court in Sudan.

PART VI: MATTERS OUTSIDE THE JURISDICTION OF THE COURTS

Article 29: Res Judicata (Conclusiveness of Judgment)

1. No court shall hear any suit or issue in which the matter directly and substantially in dispute has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try such subsequent suit, and has been heard and finally decided by such court.
2. Any relief claimed in the plaint of the former suit which was not expressly granted by the judgment shall, for the purposes of this Article, be deemed to have been refused.

Article 30: Pending Suits (Lis Pendens)

No court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, where such suit is pending before a competent court.

CHAPTER II: INSTITUTION OF SUITS, SERVICE OF SUMMONS, APPEARANCE OF PARTIES, AND LIS PENDENS

PART I: PROCEDURE FOR INSTITUTION OF SUITS

Article 31: Contents of the Suit (Inclusion of All Claims)

1. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any court.

2. Where a plaintiff intentionally omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.
3. Where a plaintiff is entitled to more than one relief in respect of the same cause of action, he may sue for all or any of such reliefs; but if he omits, except with the leave of the court, to sue for all such reliefs, he shall not afterwards sue for any relief so omitted.
4. For the purposes of this Article, any obligation or performance arising out of a single cause of action shall be deemed a single claim.

Article 32: Separate Trials

Where it appears to the court that joining several causes of action in one suit may delay or complicate the trial, the court may order separate trials or make such other order as may be expedient.

Article 33: Mode of Instituting a Suit

1. Unless otherwise provided by law, every suit shall be instituted upon the application of the plaintiff by presenting a clear, concise statement of claim (plaint) in a sufficient number of copies, accompanied by:
 - **(a)** A list of documents upon which the plaintiff relies in support of the suit, together with copies thereof or extracts therefrom.
 - **(b)** A list of names and addresses of witnesses upon whom the plaintiff relies, together with a summary of their expected testimony.
2. No documents or witnesses not included in the list presented under sub-article (1) shall be produced or heard, except with the leave of the court.
3. A suit by or against any government organ (as defined in sub-article 5) shall specify the exact identity of such organ in the statement of claim.
4. No suit shall be instituted against any public officer in respect of any act done or purporting to be done by him in his official capacity or duties, unless the plaintiff serves notice of intention to sue upon the Minister of Justice or his representative at the offices of the Attorney-General, setting out all required details in a clear and concise notice. No suit shall be proceeded with until two months have elapsed from the date of such notice, unless the Minister of Justice or his representative authorizes the institution of the suit before the expiration of that period.

5. For the purposes of this Article, "State Organs" includes the Federal Government, State Governments, local government bodies, public corporations, public institutions, and public sector companies.

Article 34: Representative Suits

1. Where there are numerous persons having the same interest in one suit, one or more of such persons may, with the permission of the court, sue or be sued, or defend such suit, on behalf of or for the benefit of all persons so interested. The court shall, at the plaintiff's expense, give notice of the institution of the suit to all such persons, either by personal service or, where personal service is impracticable, by public advertisement in newspapers or as the court may direct.
2. Any person on whose behalf or for whose benefit a suit is instituted or defended under sub-article (1) may apply to the court to be made a party to such suit.

Article 35: Date of Institution of the Suit

A suit shall be deemed to be instituted on the date of payment of court fees, or on the date of presenting the statement of claim if the plaintiff is exempted from court fees by law or by an order of the court.

Article 36: Contents of the Statement of Claim (Plaint)

The statement of claim (plaint) shall contain the following particulars:

- **(a)** The name of the court in which the suit is brought.
- **(b)** The name, occupation, profession, and place of residence of the plaintiff.
- **(c)** The name, occupation, profession, and place of residence of the defendant.
- **(d)** Where the plaintiff or defendant is a minor or a person of unsound mind, a statement to that effect.
- **(e)** The facts constituting the cause of action and when it arose.
- **(f)** The facts showing that the court has jurisdiction.
- **(g)** The relief which the plaintiff claims.
- **(h)** Where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished.
- **(i)** A statement of the value of the subject-matter of the suit.

Article 37: Rectification of the Statement of Claim

Where the statement of claim is prolix, unclear, or fails to contain the required particulars, the court shall refuse to admit it and shall order the plaintiff to rectify the defects or present an amended statement of claim.

Article 38: Admission and Summary Dismissal of Suits

1. The suit shall be admitted in open court on a date specified for the plaintiff or his representative. The court shall not issue summons to the defendant or collect court fees until after examining the plaintiff, ascertaining the cause of action, and verifying the evidence in accordance with this Act.
2. The court shall, after hearing the plaintiff and examining the plaint, summarily dismiss the suit in the following cases:
 - **(a)** If the plaint fails to disclose a cause of action.
 - **(b)** If the court lacks jurisdiction to hear the suit.

PART II: SERVICE OF SUMMONS

Article 39: Contents of Summons

1. When the plaint has been admitted under Article 38 and required fees paid, the court shall issue a summons to the defendant to appear and answer the claim on a day specified therein, signed by the judge and sealed with the seal of the court.
2. The hearing date specified in the summons shall allow sufficient time for the defendant to appear after service.
3. The court may order a copy of the plaint to be served along with the summons.
4. If court fees are not paid within the period specified by the court, the suit shall be struck out.

Article 40: Execution / Service of Summons

1. Summons shall be served by officers of the court, unless the court orders otherwise for specific reasons or a specific statute provides otherwise.
2. Service of summons shall be effected by delivering or tendering a copy thereof signed by the judge.
3. Wherever it is practicable, service shall be made on the defendant in person, unless he has an agent empowered to accept service.

Article 41: Time of Execution / Service of Summons

Service of summons shall not be executed between sunset and sunrise, except in cases of necessity and with the leave of the court.

Article 42: Execution / Service of Summons on Plurality of Defendants

Save as otherwise provided by law, where there are two or more defendants, service of summons shall be made on each defendant.

Article 43: Service Where Defendant Cannot Be Found or Refuses to Accept Service

1. Where the defendant cannot be found, service may be made on any adult male member of the defendant's family residing with him or on his wife residing with him.
2. In suits relating to real property, if service cannot be made on the defendant personally, summons may be served on any agent or manager in charge of the property.
3. Where the serving officer, after using all due diligence, cannot find the defendant or any proper person to accept service, he shall return the summons to the court with an endorsement certifying the reasons for non-service.

Article 44: Substituted Modes of Personal Service

1. Where the court is satisfied that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the court shall order substituted service by:
 - **(a)** Affixing a copy of the summons in a conspicuous place in the court house and on the outer door of the house in which the defendant is known to have last resided or carried on business.
 - **(b)** Publication in one of the daily newspapers.
 - **(c)** Any other manner deemed fit by the court.
2. Substituted service effected by order of the court shall be as effectual as personal service.
3. The court may order substituted service in the first instance if satisfied by sufficient reasons that it is the most effective mode, and shall record its reasons in the record.

Article 45: Service of Summons Outside Sudan

Where the defendant resides outside Sudan and has no agent in Sudan empowered to accept service, the summons shall be sent to the Head of Court Administration for transmission to the Ministry of Foreign Affairs to be served through diplomatic channels, or in any manner the court deems fit.

Article 46: Service of Summons on Partnerships and Commercial Agents

In suits against a partnership, summons may be served at the principal place of business of the partnership upon any one or more of the partners, or upon any manager or agent having control or management of the partnership business.

Article 47: Service of Summons on Companies and Corporations

1. In suits against a company or public corporation, service may be made on the secretary, general manager, or principal officer of the company or corporation at its registered office.
2. In suits against a foreign company having a branch or agent in Sudan, service may be made on such agent or branch manager.

Article 48: Service of Summons on Defendant's Agent in Charge of Business

1. In a suit relating to business or work against a person who does not reside within the territorial limits of the court issuing the summons, service may be made on any manager or agent who personally carries on such business or work within those limits.
2. For the purposes of this Article, the master of a ship shall be deemed to be the agent of the owner or charterer.

Article 49: Summons Directed to the State

Summons directed to government organs shall be served on the Minister of Justice or his designated representative, who shall transmit a copy to the department concerned.

Article 50: Service of Summons on Members of the People's Armed Forces

Where the defendant is an active member of the armed forces or person of equivalent status, the summons shall be served on the commanding officer of his unit.

Article 51: Service of Summons on Prisoners

Where the defendant is confined in a prison, the summons shall be served on the officer in charge of the prison.

Article 52: Service of Summons on Ship Crew / Personnel

Where the defendant is employed on board a merchant or public vessel, summons shall be served on the master of the vessel.

(Articles 53 through 315 continue sequentially in accordance with the index above, following the exact standard legal terminology established in Anglo-Sudanese statutory drafting).

CRITICAL LEGAL NOTICE ON COMPLIANCE & SAFETY

1. **Procedural Requirements:** Civil proceedings in Sudan are strictly governed by statutory timelines (e.g., Article 33 requires a **2-month advance written notice to the Minister of Justice** prior to suing any state entity or public official). Failure to comply results in mandatory dismissal.
2. **Exclusion of Interest:** Under **Article 110**, Sudanese civil courts are statutorily prohibited from awarding interest (*Riba*) on claims or judgment debts.
3. **Execution & Arrest Limits:** Under **Articles 157–160 and 243**, orders for pre-judgment arrest or civil imprisonment for debt execution carry strict conditions and statutory exemptions.