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THE DECISION THAT REDEFINED PARALLEL ENFORCEMENT (CJT-005-2026)

On 3 August 2026, the Conflicts of Jurisdiction Tribunal issued a watershed decision in Application No. 005/2026, confirming a principle that will shape enforcement strategy across Dubai's dual court system, namely, "*procedural tools follow enforcement jurisdiction, not the reverse*".

BLK Partners, acting for the Applicant through its cross-practice disputes team (Abdalla Eisa, Haytham Alieh, Simon Isgar, Bader Khoury and Huda AlZein), secured a landmark partial victory establishing that the Dubai Courts, not the DIFC Courts, have exclusive jurisdiction over Part 50 examination procedures relating to assets located outside the Dubai International Financial Centre.

The Problem: A Borderless Enforcement Trap

The Respondent pursued a textbook strategy of jurisdictional opportunism. Having commenced enforcement before the Dubai Courts under the standard execution regime, it simultaneously filed enforcement proceedings before the DIFC Courts (ENF 225/2025), seeking Part 50 examination orders requiring the judgment debtor to disclose and appear for questioning concerning assets both inside and outside the DIFC.

The practical effect was parallel mandatory disclosure obligations before two courts, for the same judgment debt, arising from the same Dubai Court judgment.

The Respondent's argument was superficially attractive, i.e., "*No law prohibits enforcement in multiple jurisdictions*". Arbitral awards can be enforced before both courts simultaneously (*Asas* precedent). Part 50 is merely "*informational*"*.......it does not constitute enforcement itself.* Therefore, why should a judgment creditor be denied access to available procedural tools?

The CJT rejected this reasoning.

Why the Respondent's Arguments Failed

The Tribunal's holding cuts to a principle often obscured in the jurisdictional literature: *an informational procedure that serves enforcement jurisdiction is not jurisdictionally neutral simply because information is its stated purpose.*

Three lines of reasoning proved decisive:

First: Jurisdictional follow-through. A procedural mechanism exists to serve the enforcement jurisdiction it sustains. Where information sought concerns assets outside the DIFC, and the Dubai Courts are actively conducting execution proceedings for those assets, the collection of such information is "*directly connected with enforcement outside the Centre*". It therefore falls within Dubai Courts' supervision, not the DIFC's. The Tribunal stated:

"*<u>An informational tool cannot be detached from the enforcement jurisdiction it serves</u>*."

This is not theory. It has operational meaning because the judgment debtor faces duplicative obligations and inconsistent directions from two judicial authorities over the same asset base.

Second: The misuse of procedural neutrality. The Respondent sought to clothe a jurisdictional overreach in the language of procedure. The Tribunal noted (paragraph 20) from the Respondent's submission that "*the Applicant's resort to the CJT constituted an attempt to circumvent DIFC Court decisions*" with which the Respondent was dissatisfied, which is precisely the kind of collateral challenge the CJT exists to prevent. Using Part 50 as a general disclosure mechanism for assets being actively pursued under Dubai execution law crossed the line from permissible parallel enforcement into jurisdictional overreach.

Third: Complementary, not competitive, courts. Dubai's Jurisdictional architecture contemplates a division of labour. The DIFC Courts enforce within their territorial and functional compass; the Dubai Courts exercise general jurisdiction within the Emirate. Where a judgment debtor's assets lie outside the DIFC, or enforcement cannot connect to the DIFC's jurisdiction, the Dubai Courts' role is primary. The Tribunal emphasized:

"*Dubai's legal framework allows sophisticated enforcement strategies across different judicial systems. Those tools must operate within defined jurisdictional boundaries.*"

What the CJT Actually Decided

Crucially, this is not a wholesale prohibition on parallel enforcement. The CJT's holding is precisely calibrated:

- Dubai Courts have jurisdiction over enforcement of Dubai Court judgments insofar as it relates to assets, funds, or the place of enforcement situated outside the DIFC.
- DIFC Courts retain full jurisdiction to employ Part 50 for assets, funds, or places of enforcement within the DIFC, or having a sufficient enforcement connection thereto.
- Part 50 does not extend to assets or enforcement locations outside the Centre.

Paragraph 36 clinches the practical position because the Applicant was neither registered nor licensed in the DIFC, and the documents established limited DIFC-sited assets or enforcement nexus, the Dubai Courts had primary jurisdiction. Critically, however, the Tribunal added (paragraph 36, final sentence):

"As for any assets or place of enforcement within the Centre, if any, this Decision shall not affect the jurisdiction of the Centre's Courts."

No jurisdictional tourism.

The Implication for Enforcement Practice

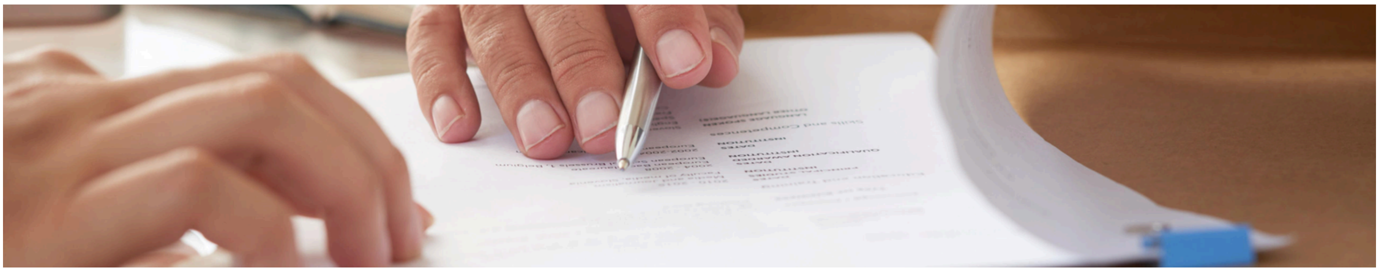
This decision reshapes three critical dynamics:

For Judgment Creditors: Parallel enforcement remains permissible but only where jurisdictionally coherent. You cannot use the DIFC's procedural sophistication to end-run the Dubai Courts' territorial jurisdiction. Strategy must distinguish assets by location and enforcement nexus from the outset. Blanket filings are over.

For Judgment Debtors: The CJT has provided meaningful protection against duplicative and abusive disclosure demands. Part 50 is not a fishing expedition for assets located in onshore jurisdictions where execution is already underway. This cuts the cost of parallel litigation and eliminates contradictory obligations.

For Practitioners: Jurisdictional analysis must precede procedural choice. The DIFC's excellence as a litigation forum does not make it the default forum for every question touching a DIFC-connected party or contract. The question is not which court is better; it is which court has jurisdiction *over the enforcement step being taken*. As the Tribunal noted:

"The question is not which court is more effective. The question is which court has jurisdiction over the particular enforcement step being taken."



A Vindication of Disciplined Enforcement Strategy

BLK Partners' representation of the Applicant reflects a broader practice philosophy: enforcement strategy in Dubai requires more than speed. It requires precision.

The decision vindicates the submission that:

Jurisdiction matters. A clear allocation reduces duplication and protects both court systems' integrity.

Procedure follows substance. Informational tools cannot float free of the enforcement jurisdiction they serve.

Parallel proceedings have limits. Sophisticated multi-jurisdictional enforcement is permitted, but it must stay within defined boundaries.

No doubt, the Tribunal's reasoning will reverberate through DIFC and Dubai onshore enforcement practice. It reflects not a retreat from the DIFC's enforcement role, but a clarification of it and one that strengthens both court systems by preventing jurisdictional overreach and ensuring that each court system operates within its proper sphere.

If you require assistance with Dubai Court enforcement, DIFC enforcement, Part 50 proceedings, or jurisdictional conflict issues involving parallel enforcement in Dubai's dual court system, BLK Partners' disputes team is ready to advise.

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