

PART I - RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION

NOTE: If your State has a non-unified legal system (*i.e.*, two or more systems of law which apply in different territorial units, and the information is available, please indicate the jurisdiction/s referred to in your answers.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgments?

☐ YES

☒ NO

If yes, please specify.

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State? (*i.e.*, legislation or case law)

☒ YES

☐ NO

If yes, please specify.

Section 13 and section 44-A of civil Procedure Code

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgments?

Please specify.

District Court

4. Are there specific conditions that need to be met in order for a judgment to be recognised and enforced by a court in your State?

☒ YES

☐ NO

If yes, under what circumstances (*e.g.*, the jurisdiction of the foreign court must be recognised, the respondent to the application for recognition and enforcement must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

The judgement must be a monetary judgment and it must be final and conclusive.

5. Can a court in your State refuse to recognise and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

☒ YES

☐ NO

If yes, under what conditions (*e.g.*, procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

Inconsistent foreign judgment under section 13 of civil Procedure Code.

6. Is recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

☐ YES
☒ NO

If yes, please describe the procedure.

7. What types of judgments are entitled to recognition and enforcement in your State?

☐ Judgments entered in default
Comments.

NO

☐ Provisional and protective measures
Comments.

nil

☐ Non-money judgments
Comments.

nil

☐ Judgments awarding non-compensatory damages
Comments.

nil

☐ Other.

If other, please specify.

Only Monetary Judgment

8. In your State is it possible to appeal a court decision to recognise and enforce a foreign judgment?

☐ YES
☒ NO

If yes, under what circumstances.

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry however; such information may possibly be obtainable from the courts in your State.

☐ 0-5
☐ 5-10
☐ 10 - 20
☐ more than 20.

Any comments.

not available

10. How many applications for recognition and enforcement of a foreign court decision are granted in your State?

- ☐ 0-5
☐ 5-10
☐ 10 - 20
☐ more than 20.

Any comments.

Not available

PART II - JURISDICTIONAL REQUIREMENTS

1. Is your State a party to any bilateral and / or multilateral treaties and / or agreements that govern issues of jurisdiction in international litigation?

- ☐ YES
☒ NO

If yes, please specify.

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation in your State? (i.e., legislation or case law)

- ☐ YES
☒ NO

If yes, please specify.

3. Have the rules of international jurisdiction in your State recently been reviewed in your State? (e.g., by the legislators, law reform bodies, other professional bodies).

- ☐ YES
☒ NO

Comments

4. In which of the following situations would the courts in your State have jurisdiction:

- ☐ where the defendant voluntarily submits to the jurisdiction
Comments

NO

- ☐ where the defendant is domiciled or resides in your State
Comments

Yes

☐ where the defendant carries out regular commercial activity in your State
Comments

The defendant might be Legal Person or Natural Person, Under the section 20 of civil Procedure Code, the defendant or each of defendants they must be actually and voluntarily resides or carries on business or personally works for gain.

☐ where the contract is performed or there is a breach of contract in your State
Comments

Yes

☐ where a contract is concluded executed between parties in your State
Comments

Yes

☐ where the parties to the dispute have designated the courts of your State for the purpose of deciding disputes between them?
Comments

Yes

☐ where an injury occurs to a person as the result of a tortuous act occurring in your State
Comments

Yes

☐ where damage occurs to tangible property as the result of a tortuous act occurring in your State
Comments

Yes

☐ where the defendant does not reside in your State, but the defendant's immovable property is held in your State
Comments

Yes, If the cause of action is occurred based on that immovable property But cause of action is not relevant to that property the court does not have jurisdiction

☐ Other

Please specify

5. Is the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?

☒ YES

☐ NO

Comments.

6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

☐ where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts

Please indicate the relevant source of law and any comments.

As per explanation of section 13 of Civil Procedure Code, it provides that the pendency of a suit in a foreign court does not preclude the court in Myanmar from trying a suit founded on the same cause of action.

☐ where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)

Please indicate the relevant source of law and any comments.

Section 20 paragraph (c) is one of the jurisdiction of a court regarding the related proceeding.

☐ where the court determines that it is an inappropriate forum

Please indicate the relevant source of law and any comments.

It is subject to appeal to the higher court under Civil Procedure Code

☐ where it is in the interests of justice to do so

Please provide any comments

If there is no provision for reference, the court can decide based on justice, equity and good conscience mentioned in section 13 of Burma (Myanmar) Law Act.

☐ other

Please indicate.