**ADJOURNMENT PETITION**

**Meaning of adjournment**

The *“Adjournment”* is not defined in law. But in the ordinary sense, the word “Adjournment” is to put the matter for another time or day or to put off or to postpone or suspend or giving “TAREEKH” i.e., fixing the case for the next day.

The term adjournment means the postponement of hearing of a case until further date. Adjournment may on specified date of for indefinite period. *(Sine Die)*

If an adjournment is final, it is said to be sine die, "without day" or without a time fixed to resume the work. It is being marked officially the end of regular session.

It can also be understood as discontinuation of a **particular proceeding** or hearing of that particular case is adjourned or postponed.

The provisions relating to adjournment is enumerated in the Civil Procedure Code, 1908 under order XVII but the code does not defines the term adjourn.

Court can adjourn the hearing but with some specified and logical reason which is very much essential to ensure justice. Court cannot make any decision without complete satisfaction.

In some occasion it is being observed that the due to adjournment of hearing inconvenience is caused to many but for the interest of justice sufficient opportunity needed to be given to other party to present case.

**Order XVII of CPC** deals with the situations when adjournment can occur and the procedure to be followed by the court during the adjournment of a hearing. **Rule 1** of the Order empowers the court to adjourn a hearing in a suit if a party seeking adjournment shows the court that there is sufficient reason for the adjournment.

The procedure and traits of an adjournment under Rule 1 of Order XVII can be enlisted as follows:

* The party to the suit must move the motion of adjournment before the court. It means that when the hearing in a suit commences, the party seeking adjournment of the hearing shall request the court to adjourn the hearing for that day. The court has the discretion to adjourn the hearing which means that the court can choose not to adjourn the hearing which means that the court can choose not to adjourn the hearing and proceed normally. However, the court cannot *suo motu* adjourn a case unless either of the parties or their pleaders make a request.
* The party seeking adjournment of a hearing shall provide sufficient reasons for seeking adjournment of the hearing. Date of hearing in a suit is always fixed at least one month in advance. Therefore, the parties have a huge burden to satisfy the court that adjournment is unavoidable and against the interest of justice.
* The hearing can be adjourned and the request for adjournment can be made at any time during the hearing of the suit before the court renders the decree. There is no specific stage for claiming adjournment, nor is there a bar.
* The court shall record the reasons for adjournment of the hearing for that day in writing and such written reasons will form part of the record of the case.
* There can be several reasons for seeking adjournment of a hearing and Rule 1 recognizes one such reason to be to grant time to the parties to the suit to prepare their respective cases.
* The court cannot grant an adjournment to the same party more than thrice in a suit. It means the total number of adjournments allowed to be sought by the parties is six in the complete proceedings.
* The court shall fix another date for hearing in the suit and announce the date before the parties after passing the adjournment order. Further, while fixing the date of the next hearing, the court shall also pass an order with respect to costs that need to be borne because of the postponement of the hearing.
* Adjournment shall be an exception to the normal rule of day to day hearing until the case is finally disposed of. Adjournment is only the last resort of the court and should only be granted if the circumstances in the case go beyond the control of the parties and the case needs to be adjourned. **Rule 1** specifically mentions that a pleader cannot plead the excuse of being busy in another court for the reason of adjournment

**GENERAL PROCEDURE OF ADJOURNMENT**

**Order XVII of CPC** deals with the situations when adjournment can occur and the procedure to be followed by the court during the adjournment of a hearing. **Rule 1** of the Order empowers the court to adjourn a hearing in a suit if a party seeking adjournment shows the court that there is sufficient reason for the adjournment.

The procedure and traits of an adjournment under **Rule 1 of Order XVII**can be enlisted as follows:

1. The party to the suit must move the motion of adjournment before the court. It means that when the hearing in a suit commences, the party seeking adjournment of the hearing shall request the court to adjourn the hearing for that day. The court has the discretion to adjourn the hearing which means that the court can choose not to adjourn the hearing and proceed normally. However, the court cannot suo motu adjourn a case unless either of the parties or their pleaders make a request.
2. The party seeking adjournment of a hearing shall provide sufficient reasons for seeking adjournment of the hearing. Date of hearing in a suit is always fixed at least one month in advance. Therefore, the parties have a huge burden to satisfy the court that adjournment is unavoidable and against the interest of justice.
3. The hearing can be adjourned and the request for adjournment can be made at any time during the hearing of the suit before the court renders the decree. There is no specific stage for claiming adjournment, nor is there a bar.
4. The court shall record the reasons for adjournment of the hearing for that day in writing and such written reasons will form part of the record of the case.
5. There can be several reasons for seeking adjournment of a hearing and Rule 1 recognizes one such reason to be to grant time to the parties to the suit to prepare their respective cases.
6. The court cannot grant an adjournment to the same party more than thrice in a suit. It means the total number of adjournments allowed to be sought by the parties are six in the complete proceedings.
7. The court shall fix another date for hearing in the suit and announce the date before the parties after passing the adjournment order. Further, while fixing the date of the next hearing, the court shall also pass an order with respect to costs that need to be borne because of the postponement of the hearing.
8. Adjournment shall be an exception to the normal rule of day to day hearing until the case is finally disposed of. Adjournment is only the last resort of the court and should only be granted if the circumstances in the case go beyond the control of the parties and the case needs to be adjourned. **Rule 1** specifically mentions that a pleader cannot plead the excuse of being busy in another court for the reason of adjournment.

**ADJOURNMENT UNDER CODE OF CRIMINAL PROCEDURE**

Criminal Procedure Code deals with the rule of adjournment in criminal cases and **section 309** has made the procedure of granting adjournment. Section 309 provides as follows:

1. The proceeding of every inquiry or trail shall be expeditiously and without any delay.
2. The trial of cases shall be held from day to day.
3. The examination of witnesses once started shall continue from day to day.
4. The Court may grant adjournment on payment of cost on either side, i.e., on petitioner or accused who is seeking adjournment.
5. The Court, after taking cognizance of an offence or commencement of trial, has power to grant adjournment of the case on reasonable grounds.
6. The Court has power to remand the accused if he is in custody while granting adjournment.

**SAMPLES OF ADJOURNMENT PETITONS**

**ADJOURNMENT PETITION FORMAT (CRIMINAL CASES)**

In the Court of Ld. A.C.J.M………………

Ref: G.R. Case no. ………………

State

V/S

Ram Lal

………………………Accused

**ADJOURNMENT PETITION BY THE ACCUSED**

The above-named accused prays as follows:

1. That today is the date fixed for hearing and examination of witnesses.
2. That the defence lawyer all of a sudden became ill and suffering from fever and is unable to attend the Court today.
3. That in absence of the defence lawyer it is not possible for the accused to proceed with the case today.
4. That the accused will seriously be prejudiced if the hearing and examination of witnesses are taken up today.

As such it is prayed that the case be adjourned today and another date be fixed for hearing and examination of witnesses.

And for this act of kindness the accused as in duty bound shall ever pray.

Written by

……………………

(Signature)

**ADJOURNMENT PETITION (CIVIL CASES)**

In the Court of Ld. Civil Judge (Junior Division)…………………..

Ref: Money Suit no……………………….

Mohan Lal

…………………Plaintiff

V/S

Ram Lal

………………………..Respondent

**ADJOURNMENT PETITION BY THE RESPONDENT**

 The above-named respondent prays as follows:

1. That today is the date fixed for hearing and examination of witnesses.
2. That the defence lawyer all of a sudden became ill and suffering from fever and is unable to attend the Court today.
3. That in absence of the defence lawyer it is not possible for the accused to proceed with the case today.
4. That the accused will seriously be prejudiced if the hearing and examination of witnesses are taken up today.

As such it is prayed that the case be adjourned today and another date be fixed for hearing and examination of witnesses.

And for this act of kindness the accused as in duty bound shall ever pray.

**Verification**

I, Sri Ram Lal, the above named defendant, do hereby verify that the statements made in Para 1 to 2 are true and correct to the best of my knowledge and rest are my submissions and I sign this Verification on this…………….day of…………..at………………

…..………………………

(Signature of defendant)

Written by……….

(Signature)