AILF INSIGHTS · COURTS AND DELAY

Adjournments: the habit that slows Indian justice

Repeated adjournments are a leading cause of delay in Indian courts. What the law says, why the practice continues and how the Bar can change it.

Ask any litigant what they remember of their case, and the answer is usually the same: dates. Hearing after hearing at which nothing happened. The adjournment is the smallest unit of judicial delay, and the most common.

What the law says

The Code of Civil Procedure limits adjournments. The court is to grant them only for sufficient cause, is not to grant more than three to a party during the hearing of a suit, and may order costs. It also says that a pleader being engaged in another court is not by itself a ground. Criminal procedure similarly requires trials to proceed from day to day once evidence begins. The Supreme Court has repeatedly reminded courts to enforce these provisions.

Why adjournments continue

- **Overloaded lists.** A judge with scores of matters a day cannot hear them all.
- **Lawyers' diaries.** Counsel are booked in several courts at once.
- **Unreadiness.** Papers not filed, witnesses not present, instructions not received.
- **Tactics.** For a party who benefits from delay, an adjournment is a win.
- **Courtesy.** The Bar's tradition of accommodating colleagues.
- **Strikes and abstentions** from court work.

Who pays

The litigant, who loses wages to attend. The witness, who stops coming. The opposite party, who pays fees for a wasted day. And the system, because each adjourned matter returns to crowd a future list.

What courts can do

- List fewer matters and hear each one that is listed.
- Fix timetables at the first hearing and hold parties to them.
- Award realistic costs.
- Record reasons for every adjournment.
- Use data to watch cases with many adjournments.

What lawyers can do

This is where change is most within reach.

- Accept only the work you can attend to.
- Prepare for the date given.
- Send a colleague who is ready to argue, not merely to seek time.
- Advise clients honestly when delay is all that is being gained.
- Agree time limits for arguments and keep to them.

What firms can do

Firms have an advantage: a team. A matter need not stop because one lawyer is elsewhere. Firms should set an internal rule that no adjournment is sought without a partner's approval, and should track the number sought on their side.

A matter of professional pride

The best advocates are known for being ready. If the profession treated an unnecessary adjournment as a small failure, the culture would shift within a few years.

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