

APPLICATIONS FOR ADJOURNMENT / ADVANCING OF HEARINGS

11.01 Requests for adjournment advancing of dates of hearing of the cases are usually received in written applications. Such applications are to be dealt with as indicated below.

11.02 In the Headquarters office the Head Clerk of the Bench Registry will receive these appellations and after obtaining the initials of the Assistant Registrar pass on the same to the Court Master along with the case records wherever necessary

11.03 The Court Master should put up the applications to the Presiding Member of the Bench through the Assistant Registrar immediately, on receipt and the orders passed there on should be carried out forthwith so that if any intimation is to be sent to the parties, they should receive it in time

11.04 If however an application for adjournment is received only on the working day before the date of hearing the Assistant Registrar should ask the person bringing the adjournment application to present the same before the Bench at the time of hearing. If such applications are received by past the same should be put up before the Presiding Member immediately and processed further in accordance with the above para.

11.05 So far as the Bench Registries located at Madras, Calcutta and Bombay are concerned applications for adjournment or advancing of date will be received by the Head Clerk concerned and after entering the same in the appropriate register they will be put up before the Presiding Member through Assistant Registrar Further action will be taken as detailed above

11.06 General :

- a. In case the request for adjournment is granted, and another suitable date of hearing is fixed, the notice should be issued in Form No. CEGAT-10 (Appendix-23) under Registered Post Acknowledgment Due. If another date is not fixed the adjournment being 'sine die' the intimation regarding adjournment notice should be sent by ordinary post indicating the date on which the case was last fixed for hearing.
- b. Where the time available is short or where the parties have sent reply-paid telegrams the party concerned may be informed about the adjournment telegraphically.
- c. If it is a local party with telephone facilities a message may be given through the telephone followed by an official letter. In such a case a note should be kept on the file about the person to whom the telephonic message was passed and the time.
- d. In case the request for adjournment is refused the applicant should be informed by letter vide Appendix 26.
- e. If the request for adjournment/advancing date is made by some representative of the appellant/respondent it should invariably be verified whether he has filed a letter of authority or not, and a note to that effect should be made in the case file.
- f. In case it has been decided by the competent authority to advance the date of hearing of any case, e.g. any case which has a bearing on a case or cases listed already an intimation to the parties will be sent as in Appendix 23. Where time is

short, the parties concerned may be contacted telephonically if located in the same city or telegraphically if located outside the place of hearing.

11.07 A note is also to be made in the order sheet/ file cover where the case is adjourned/ advanced to a particular date or sine die. In case the appeals/ reference applications are posted to some other date at the instance of the Bench or due to some extraordinary circumstances and if time for communication is too short the parties located at outstations should be informed telegraphically. Parties residing locally should be informed by telephone directly or through their authorized representatives. A note should be kept regarding the time the telephonic message was given and the person who received it.