
DELAYS IN CIVIL TRIALS: THE ROLE OF ADJOURNMENTS UNDER ORDER XVII-INSIGHTS FROM CITY CIVIL COURTS, MADRAS

S. Milana, VIT School of Law, Vellore Institute of Technology, Chennai, Tamil Nadu

ABSTRACT

Access to justice is the gateway therefore true justice lies in the outcome. It is a well known fact on how justice delivery system works in India where providing access without timely disposal fails to fulfil its constitutional promise. The judiciary has lacked its timely disposal of suits especially civil suits in a prescribed time which is integral to ensure access to justice, yet in Indian courts justice is not hurried instead delayed and denied. Presumption among the general public in civil trials are of a view of prolong delays contributing in eroding the public confidence in the system. Among the other factors of delay, adjournments granted under order XVII of CPC, 1908 have not only been misused but been a significant cause of civil trial delay by undermining the intent of the statutory. The courts in practice rarely imposes the limitations of the amendment made in 19992 & 2002 and mandates cost imposition. This research focuses on how routine adjournments delay judicial proceedings, thereby identifying gaps and inefficiencies. The paper analyses the legal framework governing adjournment, judicial cases and by analysing select cases, data and reports. The problem of delays must be tackled and the existing justice system must work with strict measures. It also deals with doctrinal of order XVII and combines with case study from city civil court, madras to view on how adjournments contribute to delays and what reforms can be produced that restore fairness in trials without compromising efficiency. It focuses on reforms that can make a change, highlighting the need for stronger compliance with legal regulations, enhanced judicial responsibility, and policy measures to improve equity and effectiveness. In the end, the research highlights that prompt disposal is necessary to maintain both the essence of the law and the constitutional guarantee of justice.

Keywords: City civil, justice denied, delay,

INTRODUCTION

Procedural laws being the machinery for the enforcement of substantive rights through fair and systematic court process. The validity of substantive laws are tested by the procedures of procedural law and Code of civil procedure1908 by playing the function of procedural statute providing down the steps for uniform civil litigation across the country.

However as of august 2025, India has a longstanding pending cases of 47. 55 million as of national judicial data grid. The primary reason being vacant judicial positions across the country, systemic delays and understaffing where only 21 judges per million people are appointed which is lower than the global average. The Calcutta HC tops the list with highest number of cases pending constituting 94 % of national total despite the SC urging the courts to clear cases older than 10 years and commencement of national mission for justice delivery¹. The timely disposal of the cases is essestial, need of the hour and to ensure justice is served fairly without eroding the trust of the public in judicial forums. Adjournments often used under order XVII yet fairly misused tool that exacerbates the delays.

Shifting the focus from legislative intent to ground realities would be a game changer to examine the city civil court, madras. As a trial court in major city it only illustrates the procedural flows but reveals tangible data and narratives on how adjournments translate into delayed justice on the ground. Despite the adjournments being the centrality to the delays in civil courts the existing evidence lacks analysis in regional context. National studies either disregard trial courts and exclusively rely on aggregate data, or local reports lack any orientation to statutory and judicial frameworks. This paper aims to bridge that gap by conducting doctrinal scrutiny of Order XVII CPC and its judicial interpretations, while supplementing this with observations from the City Civil Court, Madras. Section I discusses the legal framework. Section II &III delves into examining Trial court of Madras. Section IV analyses comparative studies, and Section V offers reforms based on the insights of examining the trial court By doing so, this study endeavours to balance doctrinal rigor with practical relevance, offering actionable recommendations for expediting civil trials while preserving judicial fairness.

¹*Calcutta High Court tops backlog with 94% of cases pending over 50 years: Union law ministry, The Economic Times[Oct. 18, 2024] <https://economictimes.indiatimes.com/news/india/calcutta-high-court-tops-backlog-with-94-of-cases-pending-over-50-years-union-law-ministry/articleshow/123235670.cms?from=mdr>*

Objectives of this paper are

To understand the legal framework of adjournments under order XVII ²

To understand the reason for the delays in civil trials and solutions that can be altered to prevent the same

To examine the application in trial courts of madras and analyzing judicial interpretation.

Research problem

Though Adjournments designed to ensure smooth trial and fair hearing. In practical reality it has become routine contributing to the delay³. The amendments and judicial directions have attempted to restrict adjournments, the practice continues unabated in trial courts. The restraining of three adjournments in court practice and judicial precedents is a question mark and raises question about effectiveness of procedural safeguards. While studies and reviews focus on backlogging, pendency and little focus on adjournments under order XVII as a major factor contributing to delays⁴. Thus, the research problem arises: whether the existing legal framework under Order XVII CPC adequately addresses the misuse of adjournments, and if not, what reforms are necessary to balance the interests of justice and efficiency.

Research questions

1. What amounts to delay in civil trials in the process of exercising judicial discretion in granting adjournments?
2. Whether the three-adjournment rule under Order XVII CPC effective in minimizing trial delays in civil courts?
3. What are the workable reforms or innovations that can be introduced to help prevent misuse of adjournments and speedy trial of a suit

² The Civil Procedure Code, India Code [1908]

³ *Law Commission of India, Arrears and Backlog: Creating Additional Judicial (wo)manpower*, Report No. 245, 2014.

⁴ Abhinav Chandrachud, "Delay in the Indian Legal System: An Empirical Analysis" (2011) NUJS L Rev. 433.

Research Methodology

The paper deals with doctrinal and limited empirical research to deal with delays in civil trials on adjournment under order XVII OF CPC, 1908. The doctrinal part includes the exhaustive analysis of statutory provisions, including order XVII cpc, Interpretations of high court and supreme court and relevant amendments brought by 1999 and 2002 reforms. The study also focuses on secondary sources such as commentaries on civil procedure, journal articles and Law Commission Reports are also analyzed to understand the legislative intent and judicial trends. The empirical component of the research is limited in scope confining to data from city civil court, madras using the eCourts portal for case data entry. The study considers selected civil suits where repeated adjournments have contributed to pendency, thereby contextualizing doctrinal findings with ground realities.

Literature review

B Malhotra ⁵[2022] in the paper titled adjournment: A Challenge for the Indian judicial system emphasizes how adjournments contribute to be a major contributor in civil trials backed up with the study of Delhi high courts that in 91% of delayed cases, counsel sought adjournment at least once; in 70% of cases, adjournments were requested more than three times, and in 30% of delayed cases, counsel sought time more than six times. She further argues how rather than acting as an exception how adjournments have become new normal or a standard practice in contributing to the delays and relies on scholars who have stressed how order XVII of CPC have been insufficiently enforced.

Annanya Singhal ⁶[2025] in Analysing the delay in disposing civil suit- insights from Uttarakhand civil courts have underlined the undermining concept of justice delayed is justice denied. She further shows how judiciary's workload in India often leaves judges to grant adjournment as a resort leaving with no alternative left behind where procedural safeguards are often bypassed. The literature underlines though framework provides to

⁵Bhavay Malhotra, *Adjournment: A Challenge for the Indian Judicial System*, 2 Ind. J. of integrated Res. in Law[2022] available at <https://ijirl.com/wp-content/uploads/2022/04/ADJOURNMENT-A-CHALLENGE-FOR-THE-INDIAN-JUDICIAL-SYSTEM.pdf>

⁶Annanya Singhal, *Analysing the delay in disposing civil suit- insights from Uttarakhand civil courts* 11 Vol. 11 Issue 1, Law Journals. org 1 (2025), available at <https://www.lawjournals.org/assets/archives/2025/vol11issue1/11015.pdf>

prevent delays, implementation and lack of accountability underscores the check on micro level court analyses of adjournment which remain limited.

Pragadeeswaran & Udayavani, [2018]⁷ in a study on delay in civil proceeding mentions the most contributing factors to delay such as judicial vacancies, frequent adjournments, non appearance of parties which hamper the effectiveness of justice being served. The literature advocates for effective measures such as judicial awareness, training and strict adherence to procedural provisions.

Legal Framework: Order XVII CPC

The Code of Civil Procedure, 1908 (CPC) is the principal procedural law for civil matters in India by providing a uniform framework for civil litigation across India

- Order XVII of the Code of Civil Procedure⁸, 1908 governs the adjournment of court proceedings in India. It specifies the circumstances in which courts can delay hearings, aiming to balance judicial efficiency with the need for fairness to the parties involved. Rule 1 of Order XVII - ***Sub-rule⁹ (1)*** establishes the fundamental guideline by granting adjournments if “sufficient cause” is shown, The rule mandates that courts document the reasons for allowing adjournments, guaranteeing that these delays are backed by “sufficient cause. The limitations¹⁰ in 1999&2002 ensured litigants from misusing adjournments under **Rule 1(2)**:

¹¹“No adjournment shall be granted more than three times to a party during the hearing of the suit thereby introduced the famous “Three-Adjournment Rule.” ¹²designed to curb dilatory tactics¹³ and delays. The courts clarified the adjournment had become a new normal rather than routine to be used as an exception thereby Compromising the

⁷ Pragadeeswaran & Udayavani, *A STUDY ON DELAY IN CIVIL PROCEEDING*, Volume 120 *Int'l J. Pure & Applied Math.* 2571 (2018)., available at <https://acadpubl.eu/hub/2018-120-5/3/216.pdf>

⁸ Mulla, *The Code of Civil Procedure* 18th ed. (LexisNexis 2016), Commentary on Order XVII, r. 1.

⁹ LawFoyer, *Adjournments: Order XVII CPC* (21 January 2025) available at <https://lawoyer.in/adjournments-order-xvii-cpc/>

¹⁰ *Code of Civil Procedure*, 1908, O. XVII, r. 1, as amended by the *Code of Civil Procedure (Amendment) Act*, 1999 (Act 46 of 1999) and *Code of Civil Procedure (Amendment) Act*, 2002 (Act 22 of 2002

¹¹ *Prakash Chander Manchanda v. Janki Manchanda* (1987) 4 SCC 497,

¹² *Salem Advocate Bar Ass'n (I) v. Union of India*, (2003) 1 SCC 49 : MANU/SC/0912/2002

¹³ *Rameshwari Devi v. Nirmala Devi*, (2011) 8 SCC 249.

principles of speedy justice by misuse¹⁴ of adjournments under article 21¹⁵. It was held that three adjournments rule to be instructional and not mandatory meaning judges in case of exceptional situations are justified, judges could grant more than 3 adjournments where judicial flexibility underscores the very spirit of the provision was to prevent delays and not to undermine substantive justice. This judicial qualification, however, has weakened the impact of this reform, as courts continue to have significant wide discretion in allowing adjournments. The courts by the amendments mandated costs, a provision in this context in **Section 35B CPC**. In non appearance of parties, the court may adjourn the case on payment of such costs as it deems fit. This cost-imposition mechanism under **Sub-rule (2)**¹⁶ serves as a deterrent against frivolous adjournments and is closely tied to the objectives of Order XVII.

Rule 2¹⁷ establishes procedure if Parties Fail to Appear on Day in which the hearing is adjourned the court may dispose the suit in one of the modes under Order IX CPC ¹⁸ or make any other order as it sees fit. The clarification states that the court may continue as if the absent party were present where evidence, or a substantial amount of evidence, has already been recorded.

Rule 3¹⁹ deals with situations where enough time have been provided to perform a procedural act necessary for the suit's progress reducing the misuse of adjournments intended to postpone evidence or witness presentation by permitting the prompt dismissal of the suit when defaults arise. It was held ²⁰-Rule 3 bridges courts powers to stop misuse of adjournments and to ensure that litigation proceeds effectively

The CPC, though comprehensive, is not exhaustive, as the Legislature cannot foresee all possible eventualities in civil litigation.. Though both rule 2, 3 complement rule 1 by necessary consequences for non compliance after adjournments by reflecting the intent of legislative to make adjournments an exception and not a tool for delay. The inherent powers are complementary to the provisions of the CPC and primarily relate to procedural matters. In

¹⁴ *Gayathri v. M. Girish*, (2016) 14 SCC 142.

¹⁵ *Constitution of India*, art. 21; see also *Hussainara Khatoon v. Home Secretary, State of Bihar*, AIR 1979 SC 1369

¹⁶ LawFoyer, *ibid*.

¹⁷ Code of Civil Procedure, 1908, O. XVII (Adjournments), *AdvocateKhoj*.

¹⁸ Code of Civil Procedure, 1908, O. IX, r. 2

¹⁹ *Mulla, Code of Civil Procedure*, O. XVII (18th ed., LexisNexis 2020).

²⁰ *K. K. Velusamy v. N. Palanisamy* (2011) 11 SCC 275.

practice, the rigid consequences, envisioned by these provisions rarely come into play and Courts often grant further adjournments by inherent powers (Section 151 CPC)²¹. This weakens the framework's effectiveness and fosters the delays Order XVII aimed to discourage. The courts powers are not confined to rules of adjournment as it empowers to act in situations not provided by the code to ensure to meet ends of justice and judicial process²². The dual degree ratio has arisen in Manohar Lal case by granting adjournments beyond the limit provided under Order XVII. The flexibility granted to justify beyond the statutory limit has been argued that strict adherence to the said rule may undermine substantive justice. At the same time, the restraint has been mentioned to use the inherent powers only in exceptional circumstances thereby paving way for excessive adjournments by undermining the 2002 amendment.

CASE NAME	YEAR	NO. OF ADJOURNMENTS	RULE INVOKED	REASON	COST IMPOSED	STAGE

1. E. A. A. Jeyaraj vs. Samiyathal and Ors. ²³	2020	Not specified ²⁵	Order XVII Rules 2, 3(b)	Petitioner failed to appear; claimed illness	No	Civil Revision Petition (C. R. P.) challenging ex parte decree; petition dismissed
2. Narayana Gounder vs. Devaki Ammal and Ors ²⁴ .	1999	Not mentioned	Order XVII Rule 2 & Rule 3; Order IX Rule 1	party deliberately absent	No	Second Appeal /Trial Review
3. Karthikeyan vs. R.	2009	6 distinct adjournments		absence of defendant &	No	Evidence recording

²¹ *Mulla, Code of Civil Procedure*, s. 151 – Inherent Powers (18th ed., LexisNexis 2020)

²² *Manohar Lal Chopra v. Seth Hiralal*, AIR 1962 SC 527 : (1962) 1 SCR 450 : MANU/SC/0056/1961

²³ *E. A. A. Jeyaraj vs. Samiyathal and Ors.*, MANU/TN/3104/2020, [Madras HC]

²⁴ *Narayana Gounder vs. Devaki Ammal and Ors.*, MANU/TN/0143/1999, [Madras HC]

²⁵ *E. A. A. Jeyaraj vs. Samiyathal and Ors.*, MANU/TN/3104/2020, [Madras HC] available at <https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/530631>, The judgement shows multiple instances of non appereance and no. of adjournments aren't mentioned.

Vasanth and Ors			CPC: Order 9 Rule 13, Order 17 Rule 2 & 3	evidence not adduced		
4. Park Trust, A Public Charitable Trust and Ors. vs. K. Manoharan and Ors	2022	Frequent	CPC: Order XVII Rule 1; Order XXXIX Rule 3(A);	Overburden of the Court	No	Transfer Civil Miscellaneous Petition

Case Study: City Civil Court, Madras

The case study from civil court of Madras was examined to analyse the practical application of Order VII of CPC. The examination of data reveals striking contrast and disconnect between law on books and its practical implementation. The analysis shows that adjournments were often approved beyond the legal limit of three, frequently without strict compliance with the regulation bypassing the limitation. In E. A. A. Jeyaraj v. Samiyathal and Others. In 2020, the court observed the party's continual failure to appear and the improper use of adjournments, but no costs were sanctioned under Section 35B CPC. In Karthikeyan v. R. Vasanth and Others, similarly, In 2009, there were six separate delays permitted at different points during the evidence collection, illustrating how the trial system frequently tolerates procedural holdups instead of upholding legal strictness. Additionally, the Park Trust v. K. Manoharan (2022) case illustrates how even public charitable organizations seek consecutive requests for adjournments, citing factors like overwhelmed courts or administrative challenges. No cases imposed any costs which indicates a systemic reluctance to penalize delay-causing behaviour.

In many instances, the reasons mentioned included counsels being absent, needing more time to submit the written statement, or unavailability of witnesses. Costs for repeated adjournments were infrequently imposed, despite the fact that Order XVII anticipates such penalties. Judicial discretion, intended to promote justice, frequently undermines the legislative aim of prompt resolution. In their desire to guarantee equity and support litigants, courts often reference inherent powers under Section 151 CPC or prolong deadlines under Order XVII Rule 1, thus weakening the deterrent purpose of the procedural system. The lack of stringent cost penalties

or accountability measures encourages litigants and attorneys to pursue adjournments without sufficient reason

The trend seen in the City Civil Court reflects a broader national issue where delays in the judiciary are both structural and behavioural. The absence of reliable case management, inadequate oversight of adjournment trends, and limited accountability together sustain procedural standstill. Consequently, although the legal structure of Order XVII reflects the ethos of efficiency, its actual implementation in the City Civil Court uncovers the enduring culture of delay that is ingrained in India's civil justice system. The results indicate that the "three-adjournment rule" is frequently bypassed, as courts use considerable discretion to assist parties. This indicates that although the aim of the legislation was to speed up trials via stringent procedural constraints, in reality, the judicial culture still favors flexibility instead of discipline

COMPARATIVE STUDY:ANALYSIS ON ADJOURNMENT ACROSS GLOBAL CIVIL TRIALS

A comparative study reveals delay in civil trials due to practice of adjournments in India are largely rooted in gaps of implementation and the problem is not universal across the Globe. As amended in 2002, under Order XVII of CPC, courts are limited to three adjournment rule but in practical case especially in subordinate courts such as City Civil as examined above where the statutory ceiling of limiting to three adjournments are often bypassed under judicial discretion often leading to judicial delay trends across the civil trials in India undermining the whole concept of procedural guidelines and its efficiency. Adjournments can never be granted as a rule²⁶ unless exceptional situations says Madras HC. The sentence appears to limit adjournments only in wordings and not at ground level practice.

The adjournment perspective in UK follows a more strict framework in regulating the Civil proceedings governed by Civil Procedure Rule[CPR], 1998 where judicial control plays a vital role more than the parties autonomy in case of adjournment being given. The CPR introduced the concept of overriding objective²⁷ where judges play an active role in managing the cases efficiently and at proportionate cost ensuring procedural guidelines are not being

²⁶ *Deccan Chronicle, Adjournments Can Never Be Granted as Rule, Says Madras High Court* (13 Nov. 2018), available at <https://www.deccanchronicle.com/nation/current-affairs/131118/adjournments-can-never-be-granted-as-rule-says-madras-high-court.html>

²⁷ *Ministry of Justice (UK), Civil Procedure Rules – Part 1: Overriding Objective*, available at <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part01>

compromised²⁸ thereby contradicting with India's litigation where courts grant adjournments under Section 151 of CPC.

Singapore has also adopted a strict enforcement framework under the Rules of Court, 2021 where adjournments are rarely granted more than one with the prior approval from the Registrar. Another interesting feature of Singapore's system is that it focuses on virtual hearings and e-litigation. This ensures parties appearance, reduce significant delays thereby such integrations allows smooth litigation across the country. Major takeaway for India's litigation system would include more technology driven case management with strict compliance to adjournment rules.

REFORMS SUGGESTED

Courts must strictly follow the restriction set by Order XVII Rule 1. Any deviation from this guideline must be backed by comprehensive written explanations illustrating extraordinary situations. Regular monitoring can ensure compliance

The current approach of either eliminating or applying minimal fees does not discourage delay strategies. Expenses should represent the true inconvenience and financial strain imposed on the other party.

Bar Councils need to educate lawyers on ethical duties to prevent unnecessary adjournments. Likewise, repeated defaults by litigants should incur penalties, such as unfavorable cost orders or dismissal due to non-prosecution

Engaging case managers and judicial clerks can alleviate the administrative load on trial judges. Continuous judicial training on time management, especially in trial courts like the City Civil Court, Madras can improve docket discipline.

CONCLUSION

Adjournments meant to be an exception have become the new normal weakening the procedural system and contributing to the existing delay in Indian courts. The study involved Order XVII of the CPC and its implementation in trial court of Madras where it was intended

²⁸ Adrian Zuckerman, *Zuckerman on Civil Procedure: Principles of Practice* (4th edn, Sweet & Maxwell 2021) 92–97.

to prevent the frequent use of adjournments but it reveals a large gap between law in theory and its judicial practice in real life. The research indicates the issue is not lack of statutory framework or its inadequacy but its core lies in the ineffectiveness enforcement procedure.