

CPC Order 17 Rule 1

**Para 6:** It appears, the respondent had complete idea what the trial Court would do to his suit even if he filed yet another application for adjournment and trial Court it appears from the order impugned in this revision application, which is the order passed below application for grant of adjournment (Exhibit 71) dated 26-10-2016, did not disappoint the respondent. The trial Court allowed even this application by only observing that the adjournment was being granted as a last chance subject to payment of costs of Rs. 500/- with a direction, in case of failure, appropriate orders will be passed. ***All these orders passed by the trial Court in the absence of any proof being produced before it in support of ground of illness taken in the adjournment applications only Exhibit complete disregard of the mandate of the provisions of Order XVII, Rule 1 of the Code of Civil Procedure.***

Time and again this Court as well as the Hon'ble Apex Court have held that adjournments should not be granted on the mere asking, but on "justifiable cause". The Apex Court in its judgment delivered in Civil Appeal No. 7532 of 2011, *Shiv Cotex v. Tirgun Auto Plast P. Ltd.* on 30th August 2011 [2012 (2) Mh.L.J. (S.C.) 439] has observed "***When we say 'justifiable cause' what we mean to say is, a cause which is not only 'sufficient cause' as contemplated in sub-rule (1) of Order XVII, Civil Procedure Code but a cause which makes the request for adjournment by a party during the hearing of the suit beyond three adjournments unavoidable and sort of a compelling necessity like sudden illness of the litigant or the witness or the lawyer; death in the family of any one of them; natural calamity like floods, earthquake etc. in the area where any of these persons reside; an accident involving the litigant or the witness or the lawyer on way to the Court and such like cause."***

Para 7: Besides above, it is equally well settled law that ***sufficient cause is something which is beyond the control of the party seeking adjournment and certainly the Advocate being busy in another Court is not a circumstance which is beyond the control of such party*** as held by this Court in the case of *Dhanraj Lilaram Motwani v. Rajendra Kumar Dayachand Jain*, reported in AIR 1996 Bombay 3.

Prafulla V/s Govind, **2017 SCC OnLine Bom 9470**