

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 2015

I, the Chairman of the Standing Committee on Law and Justice, have the honor to present this report on the Bill further to amend the Code of Civil Procedure, 1908 [the Code of Civil Procedure (Amendment) Bill, 2015] referred to the Committee on the 10th February, 2015.

2. The Committee comprised the following: -

i)	Chaudhry Mahmood Bashir Virk	Chairman
ii)	Justice (Retd.) Iftikhar Ahmad Cheema	Member
iii)	Chaudhary Muhammad Ashraf	Member
iv)	Mr. Mohsin Shah Nawaz Ranjha	Member
v)	Mr. Muhammad Moeen Wattoo	Member
vi)	Mr. Muhammad Raza Hayat Harraj	Member
vii)	Sardar Muhammad Amjad Farooq Khan Khosa	Member
viii)	Ms. Kiran Haider	Member
ix)	Syed Ayaz Ali Shah Sherazi	Member
x)	Mr. Mumtaz Ahmed Tarar	Member
xi)	Ms. Asiya Naz Tanoli	Member
xii)	Mr. Rajab Ali Khan Baloch	Member
xiii)	Syed Naveed Qamar	Member
xiv)	Mr. Muhammad Ayaz Soomro	Member
xv)	Ms. Shagufta Jumani	Member
xvi)	Eng. Ali Muhammad Khan Advocate	Member
xvii)	Dr. Arif Alvi	Member
xviii)	Mr. S.A Iqbal Quadri	Member
xix)	Moulana Muhammad Khan Sherani	Member
xx)	Ms. Aisha	Member
xxi)	Mr. Zahid Hamid	Ex-officio Member

Minister for Law and Justice

3. The Committee in its meetings held on the 14th October, 2015, 27th January, 1st March, 2nd May and 30th August, 2016 discussed the contents of the said Bill in detail and decided not to pursue it. Therefore, the Committee recommends that the Bill may not be considered for Legislation. The Bill as introduced in the National Assembly is at Annex-A.

Sd/-
(CHAUDHRY MAHMOOD BASHIR VIRK)
Chairman

Sd/-
(ABDUL JABBAR ALI)
Secretary
Islamabad the 2nd November, 2016

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Code of Civil Procedure, 1908

Whereas it is expedient further to amend the Code of Civil Procedure, 1908 for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2015.

(2) It shall come into force at once.

2. **Amendment of order XVII rule 1 of 1908.**- In the Code of Civil Procedure 1908, for sub-rules (1) and (2) of rule 1 of order XVII, the following shall be substituted, namely:-

"(1) Court may grant time and adjourn hearing.- (1) the Court may, upon the written application, in which request for adjournment is made and sufficient cause is shown, by the parties to the suit at any stage of the suit, grant time to the parties or any of them, adjourning the hearing of the suit.

(2) Costs of adjournment.- That even upon written application by the parties or any of them, there should be only one adjournment and that too in very exceptional circumstances and subject to payment of nominal costs and reasons be recorded by the court."

STATEMENT OF OBJECTS AND REASONS

Delay in the disposal of cases has become the main hurdle in the way of justice. There is dire need to take legislative steps by closing all doors causing delay due to day to day adjournments. It can only be possible if the court refuses to grant adjournments without written requests and have sufficient reasons and upon written requests adjournment also granted only in exceptional cases. The courts' discretion to grant adjournments, is misused by the parties and some time by the courts itself due to load of cases. It is proposed amendment that there should be only one adjournment and that too in very exceptional circumstances and subject to payment of costs and for valid reasons to be recorded by the court. If above amendment is passed it will serve a good purpose and disposal of the cases can be as early as possible.

Sd/-
Sahibzada Tariq Ullah
Member, National Assembly