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MAHKAMAH PERSEKUTUAN  
MALAYSIA



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CHIEF JUSTICE  
FEDERAL COURT  
MALAYSIA

38/3

20 July 2009

To: All High Court Judges  
To: All Judicial Commissioners  
To: All Judicial Officers

### LAST MINUTE POSTPONEMENTS

This reminder is for all Judges and Judicial Officers.

As you are all aware, the perception of the public is that for every delay, every postponement and every adjournment, it is the Court who makes the decision and will be blamed. When the public attends the Court, they have legitimate expectation that their cases will be heard speedily, fairly and justly. When they are suddenly requested to go back and to come back on another day because of a last minute postponement, granted by the Court, their time, money and energy are all wasted.

Had they been given reasonable notice, they would not have to be present in Court another day.

It matters not who requested for the adjournment, be it from the lawyers, Federal Counsels, Deputy Public Prosecutors or from the Court, the public will still conclude, that it is the Court who is delaying the proceedings.

In fact, it is unfair to have the blame imposed solely on the Courts.

In order to transform this inaccurate perception, I urge all Judges and Judicial Officers to be strict in granting last minute postponements without reasonable notice. Bear in mind the Chief Justice's Practice Direction No. 1/2008 and the decision of Hashim Yeop Sani FJ in *Lee Ah Tee v. Ong Tiow Pheng & Ors* [1984] 1 CLJ (Rep) 187 and Gopal Sri Ram JCA (as he then was) in *Sheikh Abdul Aziz Sheikh Shukor & Ors v. Sheikh Mustapha Sheikh Shukor & Ors* [2004] 3 CLJ 108 regarding postponement of cases.

Remember, granting postponement is a judicial discretion. Exercise your judicial discretion wisely.

ZAKI TUN AZMI