

## **Commonly Used Legal Terms**

A list of common legal terms, that every Entrepreneur, Business Owners and Common Man must know the meaning which can help easily to understand a conversation with a [Lawyer](#) and comprehend legal matters.

### **Affidavit:**

The affidavit is a sworn statement made by a party, in writing, in the presence of an oath commissioner or a notary public. Affidavits are used as evidence in court proceedings. An affidavit in reply to a petition, filed by a respondent, is called a counter-affidavit. The petitioner's response to a counter is called a rejoinder affidavit.

### **Appeal:**

The appeal is a process by which the correctness of the decision of a lower court or tribunal is questioned in a higher court.

### **Arbitration:**

Arbitration serves as a method for two parties to resolve a dispute through a private dispute resolution procedure instead of going to court.

### **Attestation:**

Attestation is authentication of a signature by an authorised person, who could be an oaths commissioner or a notary public.

### **Bench:**

The composition of judges sitting to hear a matter in court. In the High Court, judges can sit singly, in division benches of two judges or in full benches of three or more judges. In the Supreme Court, the vacation judge or judge in chambers may sit singly; division benches comprise two or three judges; constitution benches five or more judges.

### **Cause List :**

Cause list contains information like the bench, courtroom number and the position of the matter. The Registry issues cause list on the matters to be heard by the court on any day.

### **Cognisable Offence:**

Cognisable offence means a police officer has the authority to make an arrest without a warrant and to start an investigation with or without the permission of a court.

### **Contempt of Court:**

A party willfully disobeying an order of a court can be held in contempt of that court. Under the Contempt of Courts Act, 1971 this is defined as 'civil contempt'. Any act that

lowers the authority of the Court or interferes with the course of justice is defined as 'criminal contempt'. Each court has the power to punish anyone committing contempt of a court.

### **Intervener:**

An intervener is a person who is not a party to the proceedings, with the permission of the court, intervene in a case, if the outcome of the case will affect such person in some way. An intervener does not become a party, does not have an automatic right to be heard, but may file an affidavit.

### **Issue Notice:**

When a Court decides to consider a case, it asks the respondents to explain why the case should not be admitted (show cause). This is done by a notice sent to the respondents which give the details of the case and the next date of hearing along with a copy of the petition. If the respondent does not appear on this date, the court may proceed ex parte.

### **Stay Order:**

Stay order is an application filed seeking an interim court order to prevent the respondents from performing an action or to prevent an order from being carried out.

### **Sub judice:**

A matter pending a decision by a Court is called sub judice. Parties to such a matter should not do anything that would affect the outcome of the case.

### **Suo Motu:**

The Court may take action on its own when facts requiring legal intervention reach its notice. Then the court is as is to be suo-moto.

### **Vakalathnama:**

The document by which an advocate is authorised to represent a party in court.

### **Writ & Writ Petition:**

A writ is a direction that the Court issues, which is to be obeyed by the authority/person to whom it is issued. A petition seeking issuance of a writ is a writ petition.

### **Status quo:**

The phrase "Status quo" means the 'existing state of affairs'. It is the short form of the Latin phrase "in statu quo". In legal terms, it is used as the last actual and uncontested state of affairs that preceded a controversy and that is to be preserved by preliminary injunction compare status quo ante.

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