

HIGH COURT OF DELHI AT NEW DELHI

No.7/Rules / DHC

Dated: 12.3.2009

PRACTICE DIRECTIONS FOR MEDIATION

Hon'ble the Chief Justice, in supersession of the earlier practice directions bearing No.3/Rules/DHC dated 16.2.2009, has been pleased to issue the following practice directions:-

- 1) Plaintiffs/defendants and appellants/respondents along with the plaints, appeals or the written statement/replies/rejoinder would annex duly filed up proforma as placed at **Annexure "A"** indicating their willingness to opt for any of the Alternate Dispute Resolution methods i.e. Mediation, Conciliation, Arbitration, Lok Adalat or Judicial Settlement.
- 2) The Registry, while issuing summons or notices of plaints or appeals, shall annex the copy of the options so exercised by the plaintiffs/petitioners/appellants to the summons/notice issued to the defendant/respondent.
- 3) When the case is listed before the Court, the Court may consider the option so exercised by the parties while taking a decision to refer the matter for settlement by mediation or any other alternative dispute resolution method.
- 4) The Courts may refer a case for mediation at any stage of the proceedings.
- 5) On the date when issues are framed, the Court shall consider the feasibility and advisability of referring the case for ADR. If such a case is referred for mediation, then the Court shall fix a date for recording of evidence as per the calendar making it clear that if mediation fails, the evidence shall be recorded on the date fixed and on a day to day basis.
- 6) When a case is referred for mediation, not more than 90 days adjournment for hearing may be given with the direction that the Mediator shall submit his report before the Court prior to the date fixed so as to avoid any delay in trial.
- 7) The Mediator shall maintain strict confidentiality of mediation proceedings and the confidentiality factor should be explained to the parties at the outset.
- 8) The report of the Mediator to the Court should only state whether or not the settlement between the parties has been arrived at. In the event of parties arriving at a settlement, the Mediator shall satisfy himself that settlement covers all the issues between the parties and thereafter shall reduce the terms of settlement into writing. He shall explain the same to the parties and obtain their signatures on the settlement before referring it to the Court.
- 9) The Mediator shall not state in his report as to what transpired during the mediation and what was the stand taken by respective parties and cause for failure of mediation.

- 10) The case which is referred for mediation, if returned without any settlement, will be placed before the same Hon'ble Judge, who in the first instance, referred it for mediation irrespective of whether the Hon'ble Judge is sitting on the same board or not.

By order of the Court,
Sd/-
(Ajit Bharihoke)
Registrar General

FORM 'A'

IN THE COURT OF _____ DELHI

In the matter of a suit/appeal/proceeding instituted (give the particulars)

..... Plaintiff(s)/Appellant(s)

Against

..... Defendant(s)/Respondent(s)

I, _____, S/o _____ plaintiff/defendant/respondent,
appellant/respondent, give my consent to settle this case by
mediation/conciliation/arbitration/lok adalat/judicial settlement.

Signature

PLACE :

DATE :