

**HIGH COURT OF DELHI AT NEW DELHI**

No.3/Rules/DHC

Dated: 16.2.2009

**PRACTICE DIRECTIONS FOR MEDIATION**

Hon'ble the Chief Justice 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 or Lok Adalat.
- 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 as far as practicable refer the cases for mediation at any stage of the proceedings or at least after framing of issues and fix a date for appearance before the Joint Registrar, who shall then fix a date for recording of evidence as per his calendar, making it clear that if mediation fails, the evidence shall be recorded on the date fixed.
- 5) Ordinarily 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. In case request for extension of time is received from the Mediator, the Court in its discretion may extend the time for submitting of the report of the Mediator further by 30 days.
- 6) The Mediator shall make sincere effort to complete the mediation proceedings before the next date fixed in the matter and submit his report to the Court.
- 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 reports of the Mediator to the Court should be brief, stating whether or not the settlement between the parties have been arrived at.
- 9) 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.

- 10) The Mediator shall desist from mentioning 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.
- 11) 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.
- 12) The mediators who have the requisite training in mediation and conciliation may also act as Conciliators.

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.

Signature

PLACE :

DATE :