

MEDIATION

Concept of Mediation

Since long, mediation as a mode of dispute resolution is in practice in our country. Section 89 of the Code of Civil Procedure as amended in the year 2002 has opened the scope for alternative dispute resolution i.e. arbitration, conciliation, mediation and pre-trial settlement methodologies. Mediation is one of the effective and now well known alternative dispute resolution methods, which helps the litigants to resolve their disputes voluntarily and amicably with the assistance of a third party known as 'Mediator'. The mediator by his skills assists the parties to settle their disputes. Through mediation proceeding parties arrive at an equitable solution and are always in win-win position. Mediation proceeding are informal process in which the mediator, as a third party without the power to decide or usually without enforcing a solution, helps the parties resolve a dispute or plan a transaction. This proceeding is usually voluntary, confidential, transparent and time and cost effective also. By this technique of dispute resolution, parties resolve their disputes without any agony and they also save their valuable time and expenses of litigation as well.

SUITABLE CASES FOR MEDIATION:

Almost all civil cases of different nature where parties agree for mediation proceedings are generally fit to be referred to mediation. But certain cases are particularly appropriate for referral to mediation and they are cases pertaining to recovery of money, rent, partition, matrimonial, labour, specific performance, damages, injunction, declaration, dispute between land-lord and tenant, cheque bounce cases, motor accident claim etc. Suitable criminal cases include offences covered under Section 320 Cr.P.C.

REFERENCE OF CASES FOR MEDIATION

One of the fundamental principles of mediation is that parties be properly informed of their right and they be prepared for negotiations to reach agreements, which satisfy their need. In mediation, the key to success depends on Judges referring appropriate cases for mediation. The referral Judge has to ascertain whether there exists elements of settlement, then only a case has to be referred for mediation.

STAGE FOR REFERENCE TO MEDIATION

whenever it appears to the Court that there exists elements of settlement, the Judge may refer the case to mediation and also whenever both the parties desire for it, they may seek reference to mediation.

Office Address-

Office of the District Legal Services Authority,

District Court Complex,

State Bank Road Udhagamandalam

The Nilgiris-643001

Office Telephone 0423 2443831

Official Email Address- dmccnilgiris@gmail.com