

Mediation Centre

WHAT IS MEDIATION

Mediation is the process by which the participants together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives and aim to reach a consensual agreement that will accommodate their needs. It is a confidential, voluntary and participatory process. The parties to the dispute have an opportunity to ventilate their grievances and feelings through the process of mediation and thereafter tailor the solution to their unique circumstances and demands. The Mediator does not impose any solution but creates a favourable environment to enable the parties to resolve their dispute themselves amicably.

MEDIATION IS :-

- A structured negotiation process.
- Neutral mediator.
- Facilitate communication and negotiation.
- Assist the parties in resolving their dispute.
- Flexible and informal process.
- Allows creative remedies.
- Process is economical and confidential.

MEDIATION :-

- It immediately puts you in control of both the dispute and its resolution.
- The law mandate it and the courts encourage and endorse it.
- Through it you can communicate in a real sense with the other side which you may not have done before.
- The process is confidential, the procedure is simple and the atmosphere is informal.
- It is voluntary and you can opt out of it at any time if it does not help.
- It saves precious time and energy.
- It saves costs on what usually becomes prolonged litigation.
- It shows you the strengths and weaknesses of your case which helps find realistic solutions.
- It focuses on long-term interests and helps you create options for settlement.
- It restores broken relationships and focuses on improving the future, not on dissecting the past.
- You opt for more by signing a settlement that works to benefit of both you and your opponent.
- At the end of the mediation you can actually shake hands with your opponents and wish them good health and happiness.

Procedure of Mediation

- 1.The Referral Judges refer the cases, in which there appears to be an element of amicable settlement, to the Mediation Centers by directing the parties to appear in the Mediation Centre on a particular date.
- 2.When the case is received in the Mediation Centre, the Nodal Officer of the Mediation Centre appoints a Mediator and the Mediator is informed accordingly.
- 3.On the date fixed, the Mediator starts the process of Mediation between the parties. He may adjourn the matter as per convenience of parties to different dates to help parties in making up their mind.
- 4.The Mediator cannot hold a case beyond a period of 90 days.
- 5.If the case is settled, the Mediator drafts a deed of settlement in the presence of and in consultation with parties/their counsel and obtain their signatures/thumb marks thereupon, otherwise he sends the case back to Referral Court without making any observations about causes of failure of Mediation.

THE PROCESS OF MEDIATION

Mediation is a dynamic process in which the mediator assists the parties to negotiate a settlement for resolving their dispute. In doing so, the mediator uses the four functional stages of mediation, namely,

- Introduction and Opening Statement
- Joint Session
- Separate Session and
- Closing.

These functional stages are used in an informal and flexible manner so that the mediation process gains momentum, following a specific and predictable course as illustrated below. Each of the above phases reflects an essential pre-requisite in the dynamics of the mediation process which must be accomplished before moving to the next phase.

Contact Details:-

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