PRIVATE CIRCULATION

NEWSLETTER
DELHI MEDIATION CENTRES
DISTRICT COURTS

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DELHI MEDIATION CENTRES DISTRICT COURTS

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DELHI MEDIATION CENTRE CONDUCTED TRAINING OF TRAINERS (TOT) FOR 23 TRAINED MEDIATORS FROM ANDHRA PRADESH & TELANGANA, DELHI, JHARKHAND, AND PUNJAB W. E .F. 12TH – 14TH FEBRUARY, 2016

Hon'ble Mr. Justice Madan B. Lokur with Participants

MEDIATION MONITORING COMMITTEE CALLED MEETING OF MEDIATORS WHO ARE ACTIVELY ENGAGED IN MEDIATION ON 29TH APRIL, 2016

(Seen) Hon'ble Ms. Justice G. Rohini, Chief Justice, High Court of Delhi , Hon'ble Mr. Justice Siddharth Mridul, Hon'ble Mr. Justice Jayant Nath and Hon'ble Ms. Justice Sunita Gupta, Judges, High Court of Delhi and Chairman/Members, Mediation Monitoring Committee

DELHI MEDIATION CENTRES: ACTIVITIES

Delhi Mediation Centres are conducting various programmes for Referral Judges, Mediators etc. to strengthen mediation and mediation practices and to generate awareness about concept and benefits of mediation.

The details of such programmes are as under:-

INTERACTIVE SESSION WITH MEDIATORS

Mediation & Conciliation Project Committee in its meeting held on 10th September, 2015 under chairmanship of Hon'ble Mr. Justice J. S. Khehar, Judge, Supreme Court of India and Chairman, Mediation & Conciliation Project Committee resolved that Mediators who are actively engaged in mediation may be called for the meeting with Governing Boards of High Court and District Courts to share their experiences.

Hon'ble Ms. Justice G. Rohini, Chief Justice guided Mediators

Monitoring Committee constituted to oversee the Functioning of District Mediation Centres, High Court of Delhi in its meeting held on 14th March, 2016 resolved to call meeting of mediators who are actively engaged in mediation on 29th April, 2016.

Hon'ble Mr. Justice Siddharth Mridul with Mediators

Accordingly meeting of mediators who are actively engaged in mediation was called on 29th April, 2016. Hon'ble Ms. Justice G. Rohini, Chief Justice, High Court of Delhi presided over the meeting. Hon'ble Mr. Justice Siddharth Mridul, Hon'ble Mr. Justice Jayant Nath and Hon'ble Ms. Justice Sunita Gupta, Judges, High Court of Delhi and Chairman/Members, Monitoring Committee constituted to oversee the Functioning of District Mediation Centres, High Court of Delhi also attended and guided mediators. Some of the mediators also shared their experiences.

Hon'ble Mr. Justice Jayant Nath guided Mediators

The meeting was attended by Mediators (Judicial and Advocates) and Judge In Charges, Delhi Mediation Centres.

Mediators attended Meeting

Shri Preetjeet Singh, Mediator shared his experiences about mediation

CAPSULE COURSES

Mediation & Conciliation Project Committee in its meeting held on 10th September, 2016 under Chairmanship of Hon'ble Mr. Justice J. S. Khehar, Judge, Supreme Court of India and Chairman, Mediation & Conciliation Project Committee resolved that mediators across the country need to refresh their techniques and skills of mediation to have a better output. Accordingly, Committee approved that MCPC should have a 20 hrs. Capsule Course for mediators who underwent training prior to 31-12-2012 and it should be mandatory for mediators to undergo the training to keep their names on the rolls. The Committee further resolved that in the year 2016, mediators who underwent training prior to 31-12-2013 will have to undergo 20 hrs. Capsule Course to refresh their techniques and skills of mediation and so on.

Monitoring Committee constituted to oversee the Functioning of District Mediation Centres, High Court of Delhi in its meeting held on 14th March, 2016 also considered said decision of MCPC and has taken note of the approval of MCPC

In compliance of said directions, Delhi Mediation Centres at Tis Hazari, Karkardooma, Rohini, Dwarka, Saket Courts conducted 20 hrs. Capsule Courses for mediators who have imparted Mediation Training prior to 31-12-2013. The details are as under:-

TIS HAZARI & ROHINI COURTS

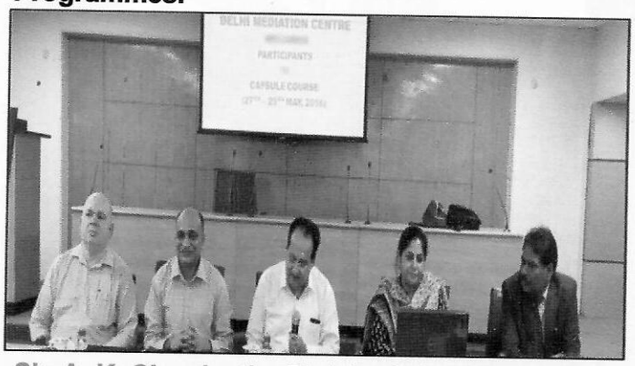
Delhi Mediation Centre, Tis Hazari Courts conducted Capsule Courses for functional mediators who have imparted Mediation Training prior to 31-12-2013 in two batches during the period w. e. f. 27th – 29th May and 03rd – 05th June, 2016. In Capsule Course conducted w. e. f. 03rd – 05th June, Mediators attached with Delhi Mediation Centre, Rohini Courts were also the participants.

Resource Persons conducted a Training Session

Ms. Neena Bansal Krishna, PO, MACT, Sh. Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts, Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts/Master Trainers, Sh. V. K. Bansal, Additional Sessions Judge and Sh. ManMohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts/Trainers were the resource persons. Sh. Sanjeev Jain, OSD, DLSA, Ms. Shalini Jain, Advocate and Ms. Anshu Priyadarsani, Advocate/Trainers were co – resource persons. Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts was the coordinator of training programmes.

Resource Persons and Participants

Sh. A. K. Chawla, the District & Sessions Judge (HQ) inaugurated theTraining Programmes.



Sh. A. K. Chawla, the District & Sessions Judge (HQ) inaugurated the Training Programmes

COMMENTS OF PARTICIPANTS

During 20 hrs. Capsule Course we were taught tools and techniques of Mediation by resource persons. This programme not only refreshed memory but also gave new zeal and energy. Such courses should be organized regularly to inform mediators about new methods and techniques of mediation.

DINESH ROHILLA

It was an excellent experience to revisit the concept and techniques of mediation and to further improve the quality of mediation.

RAMESH SETHI

Moot mediated sessions coupled with audio-visual elucidation of complex concepts made training innovative and interactive.

J. S. KALRA

We learnt new techniques and approaches to handle complex mediations under the guidance of resource persons. The Capsule Course was very educative and fruitful for progress of mediation.

PURENDER LAKRA

I personally experienced that it was an appropriate step for mediators to get updated with latest techniques of mediation. It should be conducted regularly to enhance the efficiency of mediators.

BALDEV RAJ

KARKARDOOMA COURTS

Delhi Mediation Centre, Karkardooma Courts conducted Capsule Courses for functional mediators who have imparted Mediation Training prior to 31-12-2013 in two batches during the period w. e. f. 27th – 29th May and 03rd – 05th June, 2016.

Resource Persons and Participants
(Seen) Ms. Shalinder Kaur, Judge In Charge,
Sh. V. K. Bansal and Sh. Man Mohan Sharma, Trainers

Ms. Neena Bansal Krishna, PO, MACT, Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts, Sh. Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts/Master Trainers, Sh. V. K. Bansal, Additional Sessions Judge, Ms. Mamta Tayal, Judge In Charge, Delhi Mediation Centre, Dwarka Courts and Sh. Man Mohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts/Trainers were the resource persons. Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts was the coordinator of training programme.

Sh. Talwant Singh, the District & Sessions Judge (East) inaugurated the Training Programmes.

Sh. Talwant Singh, the District & Sessions Judge (East) inaugurated the Training Programmes

COMMENTS OF PARTICIPANTS

The Capsule Course was very interesting, informative and helpful programme and shall be helpful in enhancing mediation skills. I really learnt a lot.

K. K. MAKHIJA

After 40 hrs. Basic Training received in 2008, the Capsule Training of 20 hrs. was a much needed exercise to revisit in depth the important aspects of Mediation. It indeed has invigorated the thoughts and encouraged me to improve various aspects of conduction of mediation qualitatively.

AJIT KUMAR

It was a greatly refreshing programme and helped in revisiting all special tools and techniques used in mediation process. It has given me the perspective to introspect, analyze and improve the use of tools and techniques of mediation practically

DEEPALI GUPTA

DWARKA COURTS

Delhi Mediation Centre, Dwarka Courts conducted Capsule Course for functional mediators who have imparted Mediation Training prior to 31-12-2013 w. e. f. 07th - 09th June, 2016.

Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts, Sh.

Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts, Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts, Sh. Harish Dudani, Special Judge, CBI (PC Act)/Master Trainers, Sh. Man Mohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts and Ms. Nirja Bhatia, Judge In Charge, Delhi Mediation Centre, Saket Courts /Trainers were the resource persons.

Resource Persons and Participants

Ms. Mamta Tayal, Judge In Charge, Delhi Mediation Centre, Dwarka Courts was the coordinator of training programme.

Ms. Ravinder Kaur, the District & Sessions Judge (South - West) inaugurated the training programme.

COMMENTS OF PARTICIPANTS

The professional aspect of the capsule training was that it was continuous and full time. The trainers helped me to refresh and realize the value and importance of the fundamentals of the mediation process and the techniques, which we tend to skip or forget sometimes during mediation. I hope and wish that such trainings would continue to enlighten and improve our skills.

AMIT MINOCHA

The Capsule Course was very effective and informative. It has really helped me to introspect into the areas which needed improvement. Held in a relaxed environment, the sessions were highly interactive and opportunities were given to everyone to clarify doubts and sharpen their skills.

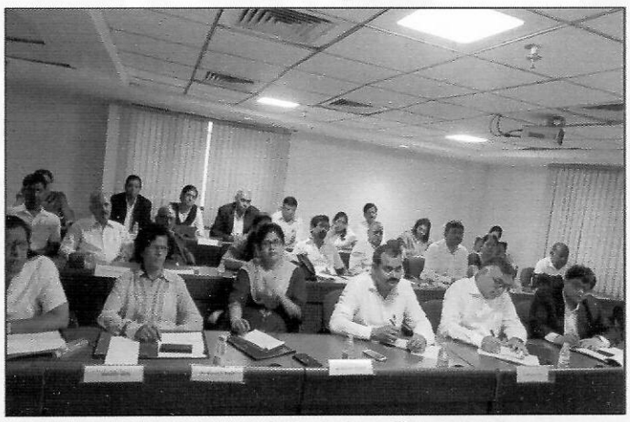
CHITRALEKHA SEN

SAKET COURTS

Delhi Mediation Centre, Saket Courts conducted Capsule Course for functional mediators who have imparted Mediation Training prior to 31-12-2013 w. e. f. 09th – 11th June, 2016.

Resource Persons conducted a Training Session

Ms. Neena Bansal Krishna, PO, MACT, Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts, Sh. Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts, Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts/Master Trainers and Ms. Mamta Tayal, Judge In Charge, Delhi Mediation Centre, Dwarka Courts /Trainer were the resource persons. Ms. Nirja Bhatia, Judge In Charge, Delhi Mediation Centre, Saket Courts was the coordinator of training programme.



Participants of Training Programme

COMMENTS OF PARTICIPANTS

The training has improved our skills and also strengthened our foundation with regard to techniques of mediation and also removed our doubts, as well as improved our knowledge with regard to the techniques of mediation.

DHARMENDER ARYA

The Capsule Course was conducted by eminent trainers. It has enhanced our knowledge qua skills & techniques of mediation. I got more confident by attending this programme and will be settling more cases by the guidance given by our Trainers. This type of programme should be conducted frequently.

DIPIKA JAIN

Training was very stimulating and enriched us with lots of information. It will certainly help me in future in mediation as well as in my professional carrier. I have learnt a lot about non verbal gesture & communication skills. It was a great experience.

GAURAV SHARMA

In capsule Courses, the participants were revisited in concept and techniques of mediation. They were introduced to 'Conflict and its Resolution', 'Definition of Mediation and its Stages'. The participants were also apprised about 'Techniques of Negotiation and Bargaining', 'Communication', 'Techniques to Break Impasse'. The role plays were also conducted to give practical inputs of Mediation to the participants.

The participants after conclusion of training programme felt positive change in their mindset, approach, attitude and perception towards mediation practices.

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INTERACTIVE SESSIONS/ REFRESHER COURSES FOR JUDICIAL OFFICERS / REFERRAL JUDGES

Delhi Mediation Centres are regularly conducting Awareness/Sensitization Programme for Referral Judges to sensitize them about concept of mediation, qualitative referral of cases, how to prepare the parties to adopt mediation, and how to execute terms and conditions of mediation Settlement.

The details of programmes conducted for Judicial Officers/Referral Judges are as under:-

TIS HAZARI COURTS

a) An Interactive Session with newly recruited Judicial Officers in the cadre of Delhi Higher Judicial Service was conducted on 05th February, 2016 under guidance of Dr. Sudhir Kumar Jain, Judge In Charge. The Judicial Officers were apprised about Concept of Mediation and how to select suitable cases for mediation.

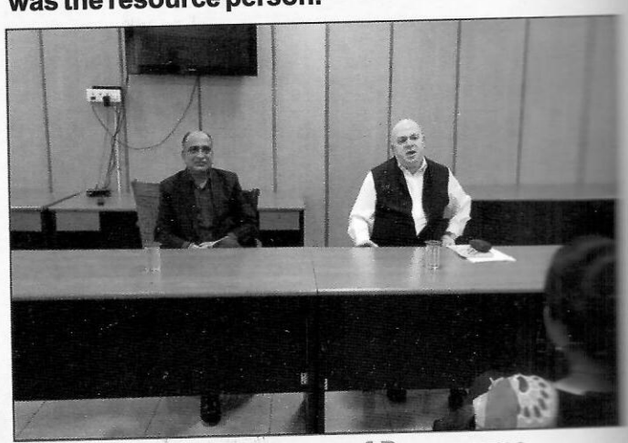
b) An Interactive Session with Judicial Officers posted in Criminal Jurisdiction was conducted on 23rd February, 2016 under guidance of Dr. Sudhir Kumar Jain, Judge In Charge. The Judicial Officers were sensitized about relevance of mediation in Criminal Compoundable Cases and how to prepare and motivate the parties for mediation.

Sh. Man Mohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts was the resource person.

c) An Interactive Session with Judicial Officers posted in Civil Jurisdiction was conducted on 25th February, 2016 under guidance of Dr. Sudhir Kumar Jain, Judge In Charge. The Judicial Officers were sensitized about latest Judicial Decisions pertaining to mediation and how to overcome procedural difficulties in execution of Settlement.

Participants of Programme

Sh. Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts was the resource person.



Resource Person of Programme
(Seen) Sh. Vinay Kumar Gupta, Master Trainer

d) An Interactive Session with Presiding Officer, Electricity Court was conducted on 10th March, 2016 with Dr. Sudhir Kumar Jain, Judge In Charge. The Presiding Officer was sensitized about referral of adequate cases pertaining to electricity disputes for mediation.

KARKARDOOMA COURTS

a) Refresher Courses for Judicial Officers/ Referral judges on topics "Key to Success of Mediation" and "Role of Referral Judges in Mediation Settlement" were conducted on 11th and 29th January, 2016 under the guidance of Ms. Shalinder Kaur, Judge In Charge.

DWARKA COURTS

a) Interactive Sessions with Judicial Officers/ Referral Judges were conducted on 27th January; 16th February; 31st March; 24th May; and 25th May, 2016 under the guidance of Ms. Mamta Tayal, Judge In Charge.

The Judicial Officers were guided to monitor referred cases regularly by giving short dates and ensure that parties should attend mediation proceedings without default. The Referral Judges were also advised to ensure that mediation pamphlets are annexed with court summons/notices in all the appropriate cases by the staff.

SAKET COURTS

a) Interactive Sessions with Judicial Officers/ Referral Judges were regularly conducted to guide them to identify suitable cases having element of settlement for referral to mediation. The Judicial Officers/Referral Judges were also guided on aspect how to motivate and prepare the parties for mediation.

PATIALA HOUSE COURTS

a) Refresher Courses for Judicial Officers/ Referral judges were conducted on 11th, 12th and 13th January, 2016 under the guidance of Sh. Vinay Kumar Gupta, Judge In Charge.

b) Interactive Sessions with Judicial Officers/ Referral judges were conducted on 04th, 05th and 06th May, 2016 under the guidance of Sh. Vinay Kumar Gupta, Judge In Charge.

INTERACTIVE SESSIONS/ ORIENTATION / ADVANCE PROGRAMMES FOR MEDIATORS

Interactive Sessions/ Orientation / Advance Programmes for Mediators were also conducted periodically with object to update their knowledge about mediation practices and to upgrade their functional skills. It helps mediators to understand disputes between the parties more objectively and also improves their output qualitatively and quantitatively.

The details of programmes conducted for Mediators are as under:-

TIS HAZARI COURTS

a) Advance Training Programmes on topic "Role of Mediation in MACT Cases" for Mediators functioning in Delhi Mediation Centre, Tis Hazari Courts and Delhi Disputes Resolution Society (DDRS) were conducted on 15th and 16th February, 2016.

Sh. S. P. Jain and Sh. Sumit Gupta, Advocates were the resource persons.

Participants of Programme

KARKARDOOMA COURTS

a) An Interactive Session on topic "Technique to Break Impasse" was conducted on 12th January, 2016 under the guidance of Ms. Shalinder Kaur, Judge In Charge.

b) An Interactive Session on topic "Effective Use of Single Session in Mediation" was conducted on 21st January, 2016 under the guidance of Ms. Shalinder Kaur, Judge In Charge.

c) Interactive Sessions on topic "Mediation in Criminal Compoundable Cases" were conducted on 02nd, 17th February and 12th April, 2016 under the guidance of Ms. Shalinder Kaur, Judge In Charge.

d) Advance Training Programme on topic "New Development in Mediation – Experience Sharing" was conducted on 11th March, 2016.

Resource Persons and Participants
(Seen) Ms. Shalinder Kaur, Judge In Charge

ROHINI COURTS

a) Advance Training Programme on topic "Role of Mediation in MACT Cases" for Mediators functioning in Delhi Mediation Centre, Rohini Courts was conducted on 24th February, 2016.

Sh. S. P. Jain and Sh. Sumit Gupta, Advocates were the resource persons. Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts also guided the participants.

Participants of Programme

b) Advance Training Programme on topics "Handling the Agitation and Anger of the Parties in Mediation" and "Canons of Drafting of Settlement" for Mediators functioning in Delhi Mediation Centre, Rohini Courts was conducted on 06th April, 2016 under the guidance of Sh. Man Mohan Sharma, Judge In charge.

DWARKA COURTS

a) Advance Training Programme on topic "Ethics in Mediation" was conducted on 27th February, 2016 under the guidance of Ms. Mamta Tayal, Judge In Charge.

Ms. Ravinder Kaur, the District & Sessions Judge (South–West) also guided the participants.

Resource Person and Participants
(Seen) Ms. Ravinder Kaur, the District & Sessions Judge (South – West)

SAKET COURTS

a) Orientation programme on topic "Settlement Drafting" was conducted on 11th April, 2016 under the guidance of Ms. Nirja Bhatia, Judge In Charge. The mediators were guided on various aspects of settlements and the pre-cautions required while drafting the settlements. The queries raised by mediators were suitably replied.

Ms. Nirja Bhatia, Judge In Charge with Participants

b) Orientation Programme on "Mediation with reference to Human Rights" was conducted on 10th May, 2016. Professor M.Afzal Wani, Dean (Law Department), Guru Gobind Singh Indraprastha University, Dwarka deliberated with Mediators.

Professor M.Afzal Wani interacted with participants

The programe was appreciated by the mediators and queries posed by mediators were suitably answered.

PATIALA HOUSE COURTS

a) Interactive Sessions on topic "Relevance of Active Listening in Mediation Process" were conducted on 06th and 07th April, 2016 under the guidance of Sh. Vinay Kumar Gupta, Judge In Charge.

Dr. Sudhir Kumar Jain, Judge In charge, Delhi Mediation Centre, Tis Hazari District Courts /Master Trainer was the resource person.

SENSITIZATION PROGRAMMES FOR STAFF

Staff/Official posted in Mediation Centres should be polite and litigant friendly. Sensitization Programmes for staff/officials posted in Mediation Centres were also conducted to make them litigant friendly with positive attitude and also to improve their communication skills.

The details of Sensitization Programmes conducted for Staff are as under:-

TIS HAZARI COURTS

a) Sensitization Programmes for staff/officials posted in Delhi Mediation Centre, Tis Hazari Courts were conducted regularly to improve their functional administrative efficiency and also to improve their communication skills in dealing with the parties and advocates.

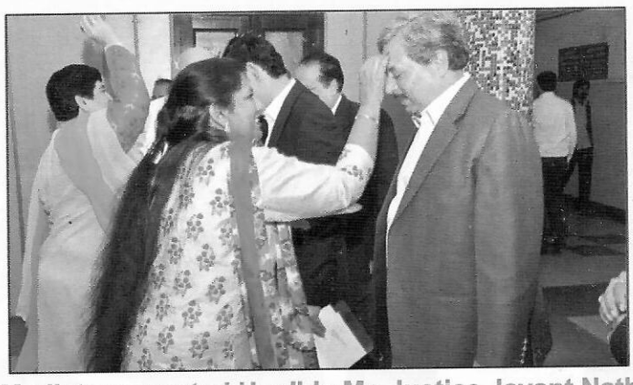
OTHER ACTIVITIES

HOLI CELEBRATIONS

a) Mediators attached with Delhi Mediation Centre, Tis Hazari Courts celebrated Holi festival on 21st March, 2016 which was attended by the District & Sessions Judge (HQ); Judge In Charges, Delhi Mediation Centres; Mediators (Judicial and Advocates); Judicial Officers; Litigants and Staff.

Hon'ble Mr. Justice Siddharth Mridul and Hon'ble Mr. Justice Jayant Nath, Judges, High Court of Delhi and Chairman/Member Mediation Monitoring Committee constituted to oversee the functioning of all District Mediation Centres also graced the function.

Mediators greeted Hon'ble Mr. Justice Siddharth Mridul



Mediators greeted Hon'ble Mr. Justice Jayant Nath

Mediators attended Function

b) Delhi Mediation Centre, Karkardooma Courts was decorated with Rangolies and Flowers on the occasion of Holi on 23rd March, 2016 which was appreciated by the Advocates and Litigants.

Mediation Centre decorated on Holi

BAISAKHI & NAV – VARSH CELEBRATION

a) Delhi Mediation Centre, Karkardooma Courts organized cultural programme on the occasion of Baisakhi & Nav – Varsh on 19th April, 2016.

Celebration on occasion of Baisakhi & Nav – Varsh

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MEDIATION PROGRAMMES CONDUCTED UNDER AEGIS OF MEDIATION & CONCILIATION PROJECT COMMITTEE (MCPC), THE SUPREME COURT OF INDIA

Mediation & Conciliation Project Committee (MCPC), the Supreme Court of India conducted various Training Programmes for Mediators, Judicial Officers etc. The details of programmes in which Master Trainers and Trainers from Delhi Mediation Centre were invited as Resource Persons are as under:-

CAPSULE TRAINING PROGRAMMES

The purpose of Capsule Training Programme is to ascertain whether Mediators are interested in becoming Trainers. In these programmes Resource Persons/Trainers identified Mediators who are capable to become Trainers after ascertaining their willingness.

Details of Training Programmes in which Master Trainers/Trainers from Delhi Mediation Centre were invited as Resource Persons are as under:-

CHANDIGARH

a) A 20 hrs. Capsule Training Programme for 18 Trained Mediators from Chandigarh, Haryana and Rajasthan was conducted at Chandigarh Judicial Academy w. e. f. 01st – 03rd April, 2016.

Sh. Arun Kumar Arya, Principal Judge, Family Court/Master Trainer and Ms. Savita Kasana, Advocate/Trainer were the resource persons.

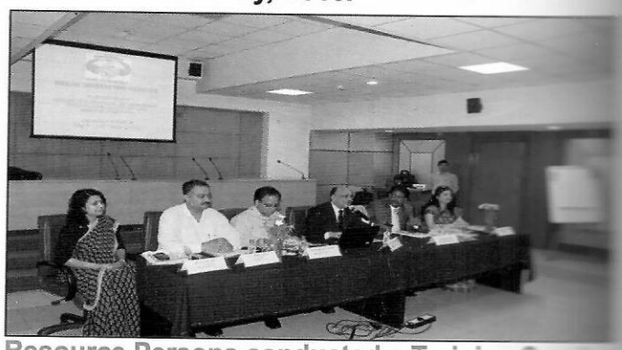
b) A 20 hrs. Capsule Training Programme for 19 Trained Mediators from Chandigarh, Haryana and Madhya Pradesh was conducted at Chandigarh Judicial Academy w. e. f. 08th – 10th April, 2016.

Hon'ble Mr. Justice (Retd.) A. B. Saharya, Former Chief Justice, High Court of Punjab & Haryana was also one of the participants.

Ms. Neena Bansal Krishna, PCS, MACT/Master Trainer and Sh. Deepak Dhingra, Advocate/Trainer were the resource persons.

DELHI

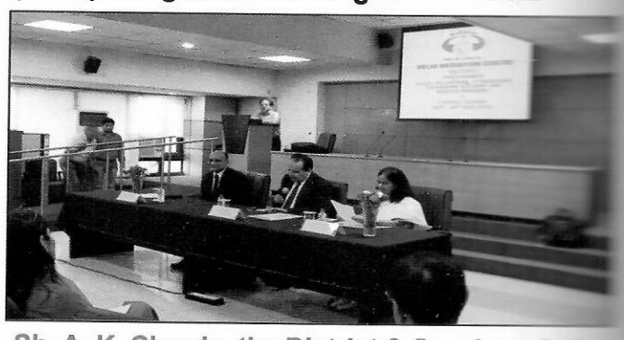
a) As per directions of Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Member, Mediation & Conciliation Project Committee, a 20 hrs. Capsule Training Programme for 17 Trained Mediators from Gujarat, Madhya Pradesh, Telangana, Rajasthan, Uttarakhand and Delhi was conducted at Delhi Mediation Centre, Tis Hazari Courts w. e. f. 06th – 08th May, 2016.



Resource Persons conducted a Training Session

Hon'ble Mr. Justice (Retd.) A. B. Saharya, Former Chief Justice, High Court of Punjab & Haryana was also one of the participants.

Sh. A. K. Chawla, the District & Sessions Judge (HQ) inaugurated the Training Programme. Ms. Rekha Rani, the District & Sessions Judge (West) also graced the Inaugural Function.



Sh. A. K. Chawla, the District & Sessions Judge (HQ) inaugurated the Training Programme (Also Seen) Ms. Rekha Rani, the District & Sessions Judge (West)

Sh. Man Mohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts and Sh. Surender Singh, Advocate/Trainers were the resource persons.

Resource Persons and Participants
(Also Seen) Hon'ble Mr. Justice (Retd.) A. B. Saharya, Former Chief Justice, High Court of Punjab & Haryana

Sh. Sanjeev Jain, OSD, DLSA/Judicial Mediator, Ms. Shalini Jain, Advocate/ Mediator and Ms. Anshu Priyadarshini, Advocate Mediator were co – resource persons.

COMMENTS OF PARTICIPANTS

This programme provided me an opportunity to acquire skills of an efficient mediator. This programme was fabulous and memorable. Resource Persons guided and facilitated participants very effectively.

ARTI SHARMA
(MADHYA PRADESH)

The Capsule Programme was a well-designed and well executed programme. The Programme was useful not only to refresh the mediation skills learned before but also taught many new skills. I am very happy that I was part of the programme.

ANUPAMA AHLUWALIA
(DELHI)

Theoretical and analytical aspects of mediation were deliberated and discussed in Capsule Course which transformed me as a more confident and mature mediator. It was a systematic Training which imbibed skills to bring settlement between two adversaries.

DR. PROMILA ACHARYA
(RAJASTHAN)

HARYANA

PANCHKULA

a) A 20 hrs. Capsule Training Programme for 14 Trained Mediators from Haryana was conducted at Panchkula w. e. f. 15th – 17th January, 2016.

Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts/Master Trainer and Ms. Pussup Gupta, Advocate/Trainer were the resource persons.

b) A 20 hrs. Capsule Training Programme for 16 Trained Mediators from Haryana was conducted at Panchkula w. e. f. 05th – 07th February, 2016.

Ms. Mamta Tayal, Judge In Charge, Delhi Mediation Centre, Dwarka Courts/ Trainer and Sh. Brijesh Oberoi, Advocate/Trainer were the resource persons.

KARNATAKA

BENGALURU

a) A 20 hrs. Capsule Training Programme for 38 Trained Advocate Mediators was conducted at Bangalore Mediation Centre w. e. f. 14th – 16th April, 2016.

Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts/ Master Trainer and Ms. Pooman Mendiratta, Advocate/Trainer were the resource persons.

PUNJAB

CHANDIGARH

a) A 20 hrs. Capsule Training Programme for 17 Trained Mediators from Punjab was conducted at Chandigarh Judicial Academy w. e. f. 08th – 10th January, 2016.

Sh. Man Mohan Sharma, Judge In Charge, Delhi Mediation Centre, Rohini Courts/ Trainer and Ms. Anuja Saxena, Advocate/Trainer were the resource persons.

PUNJAB & HARYANA HIGH COURT

CHANDIGARH

a) A 20 hrs. Capsule Training Programme for 17 Trained Mediators from Mediation & Conciliation Centre, Punjab & Haryana High Coourt was conducted at Chandigarh Judicial Academy w. e. f. 22nd – 24th January, 2016.

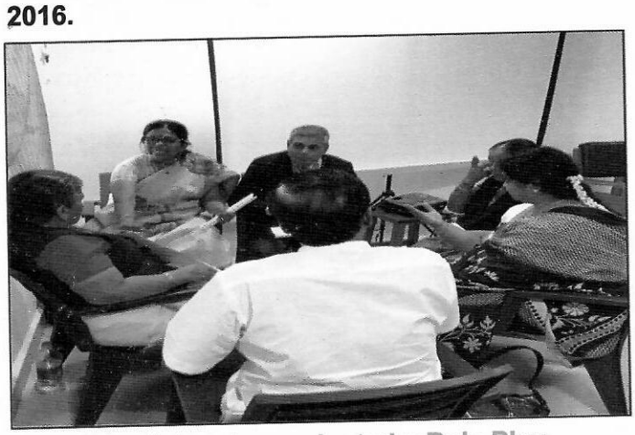
Sh. Virender Kumar Bansal, Additional Sessions Judge/Trainer and Dr. Renu Aggarwal, Advocate/Trainer were the resource persons.

Resource Persons and Participants
(Seen) Sh. Virender Kumar Bansal and Dr. Renu Aggarwal, Trainers

TAMILNADU

CHENNAI

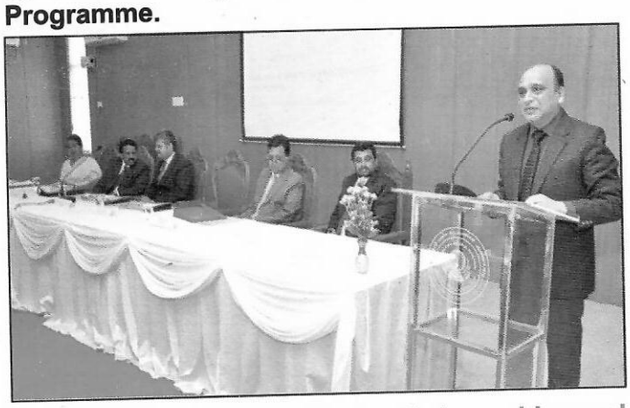
a) A 20 hrs. Capsule Training Programme for 24 Mediators from Tamil Nadu Mediation & Conciliation Centre, High Court, Madras including Mediators of Family Courts, City Civil Courts and Labour Courts Mediation Centre was conducted at Chennai w. e. f. 04th – 06th March, 2016.



Participants conducted a Role Play

Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts/Master Trainer was one of the resource persons.

Hon'ble Mr. Justice T. Raja and Hon'ble Mr. Justice T. S. Sivagnanam also graced the Training Programme.



Dr. Sudhir Kumar Jain, Master Trainer addressed the participants
(Seen) Hon'ble Mr. Justice T. Raja and Hon'ble Mr. Justice T. S. Sivagnanam

REFRESHER PROGRAMMES

The purpose of Refresher Programmes is to refresh the learning of Mediators and Trainers to enhance and upgrade their functional skills.

Details of Training Programmes in which Master Trainers/Trainers from Delhi Mediation Centre were invited as Resource Persons are as under:-

GUJARAT

VADODRA

a) A Refresher Course for 17 Advocate Mediators was conducted at Vadodra w. e. f. 12th – 14th February, 2016.

Sh. Surender Singh and K. K. Makhija, Advocates/Trainers were the resource persons.

Resource Persons and Participants
(Seen) Sh. Surender Singh and K. K. Makhija, Trainers

SURAT

a) A Refresher Course for Advocate Mediators was conducted at Surat w. e. f. 26th – 28th February, 2016.

Sh. Rajiv Mehra, Additional Sessions Judge/Trainer and Ms. Anupama Dhingra, Advocate/Trainer were the resource persons.

HIMACHAL PRADESH

SHIMLA

a) A Refresher Course for 23 Mediators was conducted at Shimla w. e. f. 29th April – 01st May, 2016.

Sh. Rajesh Gupta, Advocate/Trainer was one of the resource persons.

Resource Persons and Participants
(Seen) Sh. Rajesh Gupta, Trainer

UNA

a) A Refresher Course for 13 Advocate Mediators was conducted at Una w. e. f. 13th – 15th May, 2016.

Sh. Sunil Kumar Aggarwal, Additional Sessions Judge/Trainer was one of the resource persons.

In Refresher Programmes, the participants were refreshed in Concept and Techniques of mediation.

AWARENESS/ SENSITIZATION PROGRAMMES FOR REFERRAL JUDGES

To establish mediation at institutional level, awareness among Judicial Officers/Referral Judges about concept and benefits of mediation is necessary. The purpose of Awareness/Sensitization Programmes is to enable the Referral Judges to understand the benefits of mediation.

In these programmes, the Referral Judges were guided about selection of adequate and suitable cases for mediation; passing of appropriate referral order and how to execute terms of settlement besides various others legal issues discussed in Afcon judgment.

Details of Training Programmes in which Master Trainers/Trainers from Delhi Mediation Centre were invited as Resource Persons are as under:-

DELHI

As per directions given by Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Member, MCPC, Delhi Judicial Academy conducted Sensitization Programmes on "Role & Responsibilities of Referral Judges as per Section 89" for Judicial Officers of Delhi Higher Judicial Service and Delhi Judicial Service. One of such programmes was conducted on 23rd January, 2016.

Sh. Vinay Kumar Gupta, Judge In Charge, Delhi Mediation Centre, Patiala House Courts and Ms. Nisha Saxena, Additional District Judge/Master Trainers were the resource persons.

UTTARAKHAND

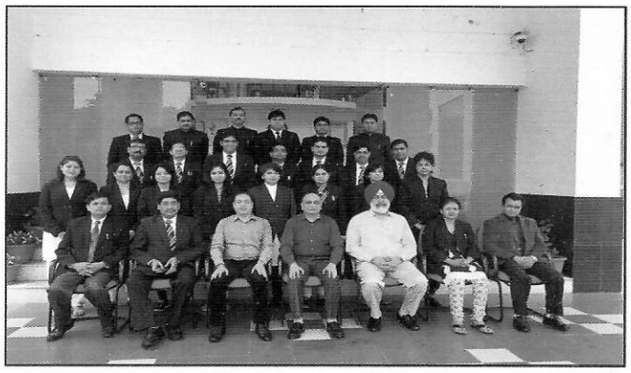
BHOWALI, NAINITAL

a) Awareness – cum – Sensitization Programme for Judicial Officers was conducted at Uttarakhand Judicial and Legal Academy on 07th May, 2016.

Sh. V. K. Bansal, Additional Sessions Judge/ Trainer was the resource person.

b) Awareness – cum – Sensitization Programme for 23 Judicial Officers was conducted at Uttarakhand Judicial and Legal Academy on 21st May, 2016.

Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts/Master Trainer was one of the resource persons.



Resource Persons and Participants
(Seen) Dr. Sudhir Kumar Jain, Master Trainer

TRAINING OF TRAINERS (TOT)

Training of Trainers (TOT) Programmes were conducted for trained Mediators at Chennai and Delhi under the aegis of Mediation & Conciliation Project Committee, the Supreme Court of India. The participants of Training of Trainers (TOT) were those Mediators who have successfully completed more than 50 mediations and were interested in becoming Trainers.

During the Training Programme, the participants were introduced to relevant topics pertaining to the skills of a Trainer. The participants were apprised on topics "Learning, Training and Learning Styles", "Classroom Management", "Time Management", "Designing a Training Sessions", "Faculty Characteristics", and "Role of a Trainer". The participants were also introduced with various Teaching Skills such as "Presentation", "Facilitation", and "Coaching". The Practical Exercises were also done on various subjects such as "Presentation", "Facilitation", and "Coaching" and "Designing a Training Sessions". The programmes were interactive in which all the participants have participated.

The detail of such programmes are as under:-

DELHI

a) As per directions of Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Member, Mediation & Conciliation Project Committee, a Training of Trainers (TOT) Programme was conducted at Delhi Mediation Centre, Tis Hazari Courts for 23 Trained Mediators from Andhra Pradesh & Telangana, Jharkhand, Punjab, Punjab & Haryana High Court and Delhi w. e .f. 12th – 14th February, 2016.

Sh. A. K. Chawla, the District & Sessions Judge (HQ) and Ms. Rekha Rani, the District & Sessions Judge (West) also graced the Training Programme.

Sh. A. K. Chawla, the District & Sessions Judge (HQ) and Ms. Rekha Rani, the District & Sessions Judge (West) graced the Training Programme

Ms. Anu Malhotra, the District & Sessions Judge (South), Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari District Courts, Ms. Shalinder Kaur, Judge In Charge, Delhi Mediation Centre, Karkardooma Courts and Sh. Harish Dudani, Special Judge (CBI)(PC Act) /Master Trainers were the resource persons.

Participants conducted a Practical Session

Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Member, Mediation & Conciliation Project Committee also guided the participants during Training Programme.

COMMENTS OF PARTICIPANTS

TOT programme was the best among all training programme I have been to. The overall course was designed very beautifully and creatively. I personally learned skills and models of organizing training programme in future. The presentation by resource persons was very clear. This training programme provided and equipped me with sequential steps for teaching.

ANSHU PRIYADARSHANI
(DDRS, DELHI)

This programme helped me to develop teaching skills. I realized importance of Time Management. It was very useful for me to attend this programme and it was an opportunity to learn new skills and techniques required for a Trainer.

BHAGYA LAXMI
(ANDHRA PRADESH)

TOT was all together a new experience. It was an eye opener since many new techniques were shared and explained. I must acknowledge the "Positive Criticism" of resource persons. Many new skills were shared which gave me immense confidence.

DHIRAJ CHAWLA
(PUNJAB & HARYANA HIGH COURT MEDIATION CENTRE)

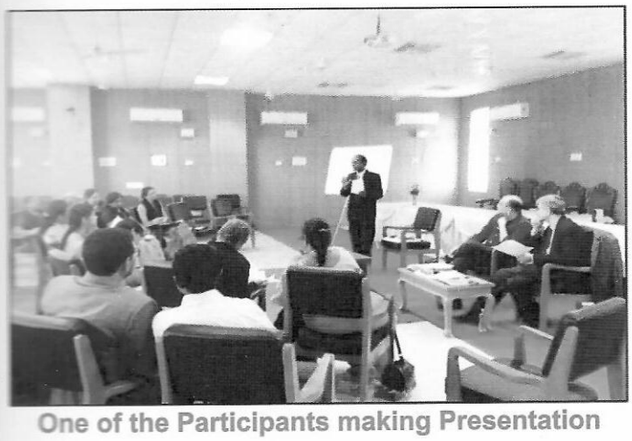
TAMIL NADU

CHENNAI

a) A Training of Trainers (TOT) Programme was conducted at Tamil Nadu Mediation & Conciliation Centre, Madras High Court Campus for 19 Trained Mediators including 8 Trainers w. e .f. 01st – 03rd April, 2016.

Dr. Sudhir Kumar Jain, Judge In charge, Delhi Mediation Centre, Tis Hazari District Courts and Sh. Harish Dudani, Special Judge (CBI)(PC Act) /Master Trainers were the resource persons.

Hon'ble Mr. Justice Sanjay Kishan Kaul, the Chief Justice inaugurated the Training Programme in the presence of Hon'ble Mr. Justice S.K. Agnihotri, Hon'ble Mr. Justice T.Raja and Hon'ble Mr. Justice T. S. Sivagnanam.



One of the Participants making Presentation

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VISITORS

LAW STUDENTS/ SCHOOL STUDENTS

a) Law Students from various Universities/Law Schools, Interns from NALSA & DLSA, and Students from different Schools visited mediation centres to apprise themselves about mediation process, the functioning of centres, and to understand relevance of mediation in speedy disposal of cases.

JUDICIAL OFFICERS/ EXECUTIVE OFFICERS

a) The Judicial Officers from Jharkhand visited Delhi Mediation Centre, Saket Courts on 31st May, 2016.

b) IAS Trainee Officers visited Delhi Mediation Centre, Karkardooma Courts on 31st May, 2016.

The visiting Officers were apprised about concept of mediation and functioning of mediation centre.

FOREIGN DELEGATION/DIGNITARIES

a) A Delegation comprising 29 Judges from High Court and District Courts, Sri Lanka visited Delhi Mediation Centre, Dwarka Courts on 07th April, 2016.

The programme was graced by Ms. Ravinder Kaur, the District & Sessions Judge (South – West) , Ms Asha Menon, Principal Judge (HQ), Family Courts, Dwarka and Sh D. K. Sharma, Director (Academics), Delhi Judicial Academy.

Ms Mamta Tayal, Judge In charge, Delhi Mediation Centre, Dwarka Courts made a power point presentation on mediation.

The visiting dignitaries appreciated the serene and aesthetically pleasant atmosphere of Mediation Centre and interacted with mediators to learn about their best practices.

Delegation comprising 29Judges from Sri Lanka visited Delhi Mediation Centre, Dwarka Courts

b) Mr. Mohd. Nasir, Registrar, Lahore High Court visited Delhi Mediation Centre, Patiala House Courts on 16th May, 2016.

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DELHI JUDICIAL ACADEMY

Delhi Judicial Academy conducted a Sensitization Programme for Members of Delhi State Consumer Disputes Redressal Commission and the Presidents and Members of the District Consumer Disputes Redressal Commission on subject "Importance & Need of Mediation under Section 89 for Consumer Fora" on 30th January, 2016.

Ms. Anu Malhotra, the District & Sessions Judge (South), Ms. Neena Bansal Krishna, PO, MACT, (South) and Dr. Sudhir Kumar Jain, Judge In Charge, Delhi Mediation Centre, Tis Hazari Courts were the resource persons.

Hon'ble Ms. Justice (Retd.) Veena Birbal, President, Delhi State Consumer Disputes Redressal Commission inaugurated the programme and also guided the participants.

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(I)

FACTUAL BACKGROUND OF DISPUTE

We are living in an 'Instant World' where everyone irrespective of the nature of subject matter wants instant result and outcome. The pending litigation between the parties is also not an exception to this. The innovation of 'Settlement of disputes through Mediation' has made it apparently possible. The dispute between the parties of any nature can be resolved instantly and quickly, even if the parties are living abroad in different countries, having their disputes pending in India.

The marriage of the plaintiff/wife and the defendant/husband was solemnized in India and out of this wedlock, a daughter was born. Due to differences, the relations between husband and wife became strained. Both started litigation against each other. Thereafter they left India. The cases including Petition under section 12 of Protection of Women from Domestic Violence Act, 2005 and Suit for Recovery of Rs. 9, 45,000/- towards dowry articles were pending in different courts. The plaintiff/wife was living in Dubai. The defendant/husband was living in Singapore. There was no interaction or communication between them. The fathers of the defendant/husband and the plaintiff/wife were appearing on their behalf.

APPROACH OF REFERRAL JUDGE

The peace of mind through amicable settlement in family/matrimonial dispute is more important than litigation. The referral judge referred the civil case to mediation with the consent of parties to explore the possibility of bringing two opposite partners to entre into a dialogue for an amicable settlement.

ATTITUDE OF PARTIES

The concerned parties through parents had agreed to appear in mediation but to facilitate negotiations were not appearing to be easy. Ego of the parties was imminent from their faces. There were allegations and counter allegations against each other. There appears to be no chance of reunion or any other amicable settlement as the parties were sticking to their positions.

APPROACH OF MEDIATOR

Sensing that the parties are hard nuts to crack, the vexed question before the Mediator was as to how two divergent forces can be made to enter into a peaceful dialogue. A positive approach in a negative issue/atmosphere brings resolution. Since the main persons (husband and wife) were not present in mediation proceedings and the parents who were looking after the matter in the absence of concerned parties were fighting both and rail with each other on behalf of their children, consideration was made to have the direct talk with the concerned parties. Firstly, the parents strongly objected to it, but when the impossibility of any settlement in mediation without the presence of concerned parties was raised, parents of both the parties suggested talking to the plaintiff and the defendant on phone to explore the possibility of settlement. Consequently, phone calls were made to both the Plaintiff and the Defendant who after having understood the issues and advantages of mediation process had agreed to come to India for recording of amicable settlement.

RESOLUTION

After having fruitful discussion on phones with the Plaintiff and the Defendant living abroad, both parties came to India and agreed to dissolve their marriage by mutual consent by filing a Petition U/s. 13(B)(1) and 13(B)(2) of HMA. The defendant/husband had agreed to pay Rs. 1, 50,000/- to the defendant against the demand of Rs. 9, 45,000/- towards full and final settlement of this case. The plaintiff/wife had also agreed to withdraw the civil case as well as the case pending under Protection of Women from Domestic Violence Act, 2005 after receipt of the settled amount. The custody of the daughter was given to the mother. Thus, with the positive approach and assistance of mediator, disputes have been settled amicably as per wishes of the parties.

R P SHARMA
MEDIATOR

(II)

FACTUAL BACKGROUND OF DISPUTE

The predecessor-in-interest i.e. father of the plaintiff and the defendant no.1 died in the

year 1992. The mother died in the year 2004. During his lifetime, predecessor-in-interest of the concerned parties raised one residential property measuring 75 Sq. Yards. He did not execute any Will bequeathing the property either to the plaintiff or the defendant no. 1 or to both. The said property was in the possession of the defendant no. 1. The defendant no.1 by concealing the fact that the plaintiff i.e. his sister is also having share in the said property, sold the property to defendant no.2 for a valuable consideration. The defendant no. 2 subsequently sold the different portions of the property to defendant no. 3 to 6.

The plaintiff filed a criminal complaint u/s 200 Cr. P.C. and on the basis of the said complaint, FIR u/s 420/120B IPC was got registered. The plaintiff also filed a Suit for Declaration for declaring her to be owner of the half portion of the property and for cancellation of Sale Deeds executed in favour of defendant no. 2 by the defendant no. 1 and in favour of defendants no. 3 to 6 by the defendant no. 2. The rigorous litigation including civil and criminal cases was pending between the brother and the sister.

APPROACH OF REFERRAL JUDGE

The criminal complaint between the defendant no.1 i.e. brother and the plaintiff i.e. sister was earlier referred for mediation which could not proved to be successful. The Referral Judge dealing with civil case, was aware of the failure of previous mediation but sensing the dispute between brother and sister, motivated and prepared them again to go for mediation. The Referral Judge ascertains the factual background of the dispute and thereafter, ascertained the willingness of the parties to settle their disputes through mediation. The Referral Judge after ascertaining the element of settlement referred the civil case for Mediation.

ATTITUDE OF PARTIES

The plaintiff i.e. sister was not happy with the attitude of her brother as the brother without informing and giving her share in the property sold the property to defendant no. 2. The defendant no.1 i.e. brother was adamant not to give share to his sister. The parties were hard bargainers and not ready to give relaxation or concession to each other. The parties were also appearing to be hard due to failure of previous mediation. The plaintiff and the defendant no.1 were charged with emotions and hostilities against each other.

APPROACH OF MEDIATOR

Mediator ascertained the causes of failure of previous mediation. It was learnt that in previous mediation, the parties were close to the settlement but due to adamant nature of the defendant no. 1 i.e. brother mediation could not be successful. Mediator included the respective counsels of the parties in mediation process. Mediator made the brother and the sister to understand the benefits of resolution of their disputes through the process of mediation. Mediator also included defendants no. 2 to 6, subsequent purchasers of the property in negotiations and made to understand them that settlement in mediation would be in their interest and they would get clear title of the property. Mediator also addressed the emotional issues between the brother and the sister and also underlying interests of the defendants no. 2 to 6. Due to the facilitation of negotiations, the brother has agreed to pay suitable compensation to his sister i.e. the plaintiff in lieu of her share in the property. The defendants no. 2 to 6 have also agreed to contribute in the said compensation so that they can get clear title in the property. The sister also realized the fact that the property has already been disposed of and it would be better to accept the money in lieu of her share in the said property. Ultimately, in the second mediation, the brother, the sister and the defendants no. 2 to 6 have agreed to resolve their disputes amicably and mutually.

RESOLUTION

The defendant no. 1 i.e. the brother has agreed to pay Rs.6, 50,000/- to the sister. The defendants no. 2 to 6 have agreed to pay Rs.50, 000/- jointly to the sister. The plaintiff i.e. sister, after the receipt of Rs.7, 00,000/- towards full and final satisfaction of her share in the property has agreed to withdraw the criminal complaint as well as Civil Suit for Declaration, Possession and Cancellation of Sale Deeds. The brother and the sister amicably resolved their all pending disputes and have also agreed not to initiate any legal proceedings against each other

in respect of the said property in future. The defendants no. 2 to 6 also got the clear title with respect to their shares in property. The resolution in this case reflected that mediation is effective in the family disputes. A smile prevails over the hostility and negativity between the brother and the sister. The long pending family dispute, because of mediation was put to an end.

DR. SUDHIR KUMAR JAIN
MEDIATOR

(III)

FACTUAL BACKGROUND OF DISPUTE

A young lady of about 30 years was looking towards the judicial system with a hope to get suitable arrangement for her and her daughter's survival and dignity. She had been living separately from her husband since the birth of daughter and for last 5 years. She had filed a Petition for grant of maintenance for herself and her daughter and a petition under Protection of Women from Domestic Violence Act, 2005 against her husband and his family alleging cruelties and domestic violence.

APPROACH OF REFERRAL JUDGE

The Referral Judge after ascertaining factual background of dispute and realizing it being a matrimonial dispute between the husband and the wife, involving emotions and values, referred the case to mediation for possible amicable settlement.

APPROACH OF MEDIATOR

Mediator gathered the relevant information about the dispute and positions of the parties in joint session. The wife was emotionally disturbed about the abusive and quarrelsome attitude of her husband' Family members, mainly his mother and sister. Mediator assessed the emotions and sentiments of the parties after gathering confidential and specific information from the parties separately using single sessions. Deadlocks and impasse occurred when the husband raised issues regarding the intervention and undue influence of the mother and brother of the wife. The wife was disturbed due to the behaviour of her husband's mother and sister. The respective families of both the parties were requested to join the mediation proceedings, and separate sessions were held with them. The family members assured that they would support both the parties in rehabilitation of matrimonial life. The parties vented out their emotions and gradually shifted their stands to mutual interests. Due to positive facilitation in mediation proceedings, the husband and the wife realized that it is in their interest and in the interest of their child to rejoin the company of each other as a family and after living separately for last 5 years realized the benefits of settling the disputes amicably. The husband apologized for his past conduct and not being supportive and harsh to his wife. The mother and the elder brother of the wife also realized their past mistakes and apologized to the husband.

RESOLUTION

The husband and wife after realizing their moral and social responsibility and also their duty as parents decided to once again to start a new married life, but this time without any interference from their respective families/ parents. The husband took a rented accommodation in consent with his wife and further assured her of bearing all household expenses and taking care of the child. The wife agreed to withdraw her pending cases filed against husband and his family. Due to the Mediation, dust on the relation gathered for the last 5 years was blown off. The husband and the wife joined and united again as a family. The child also get love and affection of both father and mother.

ANUBHAV SHANGLE
MEDIATOR

(IV)

FACTUAL BACKGROUND OF DISPUTE

The defendant, a senior citizen was the owner of a flat which needed renovation and repairs. The plaintiff was a building contractor. The plaintiff and the defendant had entered into an agreement for renovation of the flat through an architect. The plaintiff raised a bill including service tax and VAT. The defendant made only part payment to the plaintiff. The plaintiff filed a suit for recovery of outstanding dues. The defendant had also filed a suit claiming amount spent by her in getting the work completed from another agency as damages against the plaintiff.

APPROACH OF REFERRAL JUDGE

The defendant being a senior citizen could not afford the prolonged litigation. The Referral Judge ascertained the nature of the dispute between the parties and found the element of settlement in dispute. The parties also showed inclination to settle the dispute. The Referral Judge also considered age of the defendant. Mediator after considering the fact that the dispute between the parties can be best resolved through mediation referred the dispute to Mediation.

ATTITUDE OF PARTIES

The defendant was not satisfied with the quality of the work done by the plaintiff and also delays in execution of the work. The defendant was also emotionally hurt. The defendant apprehended that the plaintiff, a contractor and the architect have colluded with each other and used sub-standard material in the execution of the work besides over charging. The plaintiff was also not at ease with the defendant as the defendant did not allow him to remove the equipment and other articles including unused material and dumped the same in a store room resulting in damage to the equipment and loss of material. The concerned parties were adamant on their respective positions.

APPROACH OF MEDIATOR

Mediator used the skills of active listening and questioning to gather relevant information from the parties. Mediator conducted joint and single sessions. Mediator acting with patience allowed the parties to vent their grievances and feelings against each other. Mediator used the single sessions wisely. In single session, the defendant expressed her desire to verify as to whether the plaintiff had actually paid/deposited the service tax and VAT. The plaintiff handed over the requisite documents to the defendant which were got verified by her. There were occasions of impasse between the parties on account of emotional issues and due to lack of effective communication. Mediator by conducting single sessions addressed the emotional issues involved between the parties. Mediator managed to restore communication between the parties, with a result that the parties shifted from adamant positions to their interests. With the sensitive handling by mediator, impasse was managed.

RESOLUTION

The parties resolved their dispute amicably. The defendant agreed to pay Rs.4, 60, 00/- to the plaintiff and to withdraw her case for damages. The defendant also allowed the plaintiff to remove his equipment and the material from the premises. The process of mediation resolved the highly contested dispute between the parties and saved them from rigour of trial, particularly when the defendant was a senior citizen.

V. K. GUPTA
MEDIATOR

(V)

FACTUAL BACKGROUND OF DISPUTE

A complaint filed u/s 138 Negotiable Instruments Act, 1881 was received for mediation. This case was a glaring example of the breaking of trust, emotional outburst and frustrations in commercial dealings. The respondent had borrowed huge amounts from the complainant on account of marriage of his daughter. He failed to repay the amount within stipulated time, thus the complainant filed a complaint u/s 138 Negotiable Instruments Act, 1881. The respondent had also taken loan from another complainant who had also filed a complaint u/s 138 of Negotiable Instruments Act as the cheque issued in his favour had also bounced. The trial of the said complaint case was pending in District Courts, Saket.

APPROACH OF REFERRAL JUDGE

The referral judge on finding financial relationship between the parties, ascertaining the inclination of the parties to explore the possibility for settlement through mediation, referred the case for mediation.

ATTITUDE OF PARTIES

The parties showed their inclination and interest to participate in mediation process and in negotiations. Initially, the respondent maintained a very tough and strong position stating that he had made part payments of the loan amount and he was willing to pay balance loan amount. The

complainant, on the other hand, denied having received any payment and insisted that besides payment of cheque amount, the respondent should also pay cost of litigation and interest on the loan amount. The respondent had no proof of making part payment. After two single sessions held with the parties, the respondent confessed that he was in financial crunch and was not in a position to pay the entire loan amount. He also did not stress on the point that he had partly paid the loan amount.

Single session with the complainant brought forth the fact that the complainant was aware of various financial liabilities of the respondent. He was also aware that if more time would elapse he may not be able to recover any amount from the respondent. Thus, he showed a very flexible approach and confessed that he was even willing to accept something less than the cheque amount.

APPROACH OF MEDIATOR

So, various joint and single sessions were held with the parties. In this case, the appropriate use of single sessions proved to be very fruitful. The respondent was a very hard bargainer and he was handled patiently. Mediator with the help of appropriate questioning technique was able to break the strategy built up by the respondent who subsequently admitted his liability to pay the entire loan amount. He also showed inability to pay the same immediately due to deep financial crunches. The technique of empathy also worked very well in this case. Thereafter, the negotiations became easy and smooth. With the assistance of Mediator, parties developed various options for possible settlement.

RESOLUTION

The parties settled both the complaint cases; one received in Mediation and other pending in Saket Courts. Finally, both complainants showed mercy and the parties agreed that the respondent shall pay Rs.7,50,000/- to the complainants in equal monthly installments towards full and final settlement of all the rights and obligations of the parties arising out of their entire court litigations.

SHALINDER KAUR
MEDIATOR

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COMMENTS OF PARTIES/ ADVOCATES/STUDENTS

The parties, advocates and students from Law Schools/Colleges are visiting Mediation Centres who expressed their views about performance of mediators and functioning of mediation centres. They also expressed their satisfaction about facilities available in centres. Some of the comments of the visitors in their own language are reproduced as under:-

TIS HAZARI COURTS

I feel great experience of Mediation proceedings. Mediator is very cooperative person.

KIMTI LAL KOHLI

My experience with Mediation is very good and very good work by the Mediator.

PRAMOD, ADVOCATE

In my view Mediation is a very good process to bring both the parties nearest to each other and improves personal relations and save times of both parties and money and tension.

MANJEET SINGH PAWAR

Mediator is very good at his services. Our matter has been solved. We are happy now.

PARUL

KARKARDOOMA COURTS

100/100 marks, excellent atmosphere, very prompt service, marvelous experience.

VIMAL BALA

Marvelous, professional courteous staff, helpful Mediation.

DR. JAGJIT SINGH

मिडिएसन में हमें आकर अपने केस की शीघ्र एवं आसान तरीके पे हम बहुत प्रसन्न है।

सरोज

मिडिएशन सेन्टर बहुत अच्छा लगा क्योंकि यहाँ हमारा घर दुबारा बस गया। यहाँ आकर के मुझे और मेरे सभी रिश्तेदार

को भी बहुत अच्छा लगा, और हम आशा करते है कि बच्चों को हमेशा के लिए प्यार ही रहे।

भूपिन्दर

हम समझौते से पूरी तरह संतुष्ट है। मिडिएशन सेंटर बहुत अच्छा सुव्यवस्थित है। स्टाफ भी बहुत अच्छा है।

सचित गुप्ता

ROHINI COURTS

The process of Mediation is very smooth. The way each officer helped us in getting the matter solved is excellent and cooperation is tremendous.

YOGENDER SINGH, ADVOCATE.

First time attended mediation, had wonderful experience, it should be encouraged for everyone to expedite the cases.

DEVINDER SINGH

It was one of the quickest, reasonable and stress free environment to finish a 3 years long dispute. Extensive thought was put in by the Mediator to settle the case.

NITIN TRIHAN

We had gone through the settlement according to satisfaction of both the parties with appreciable work done by the Mediator. I am fully satisfied with the compromise.

SHANKER DASS BANSAL

This is my first experience in the mediation cell being an Advocate and I am really very surprise to see the cool and helpful conduct of the staff as well as Mediator and understand how this cell resolve the dispute between the parties in a very peaceful manner. If somebody ask me to give the grade to Mediation Cell, I of course give A^{+++} to the Cell.

RAJ KUMAR, ADVOCATE

It was really a nice experience attending the Mediation Centre. Mediator is very well behaved person and got the matter sorted out nicely.

YOGESH JAIPURIA

DWARKA COURTS

Mediation is a great platform for speedy disposal of cases in a friendly manner and the staff is so polite and calm, mediators put their best efforts to get the case resolve through their trained coordinators. Appreciating mediation Cell is good for all.

KAMAL CHOPRA

The process of Mediation is the "Key of Salvation" from all sorts of legal "Disputes and Differences" particularly matrimonial discords and provides "Mental Peace" and save money and precious time.

R.P. KAUSHIK, ADVOCATE

No words for the job been done by the staff. Visiting here reminds me the saying of LORD KRISHNA "ALWAYS OPT THE CHANGE/ OPPORTUNITY BEFORE THE SWORD". Really impressed. All the best and keep the same momentum.

PREM KUMAR, ADVOCATE

Mediation atmosphere is very good. The people who work with mediation they all are so nice and helpful. Your daily notice board quotes is very motivated and good. Whenever I am in mediation I notice your daily quotes.

MANDEEP KAUR

Colourful, bright, family atmosphere. Good platform for restore the relationships. Mediator mam is very good in nature. Mediation is very good to save time and energy.

MEENAKSHI SHARMA

SAKET COURTS

The mediator was very patience with the parties. He was also very sharp to understand the issues involved in the case within no time. He also persuaded the parties and with his persuasion the parties arrived at a settlement. Congratulate the learned mediator for the wonderful job. Lastly I must say that he has gone out of the way and taken lots of pain to ensure that settlement takes place.

SACHIN GUPTA

Mediation is one of the most successful Alternative Dispute Redressal Solution. The mediation centre is fully equipped with trained staff and mediators and is doing excellent job.

AKSHAY BHATIA

Mediation is the most effective alternate dispute resolution technique. This has been felt and experienced in depth by the learned mediator and the parties just cannot stop thanking him for moving the extra mile and saving the parties from long litigation.

N. K. BHATNAGAR

Best efforts made by the learned mediator to settle the litigation between parties. Truly genius and extraordinary efforts by the Mediator. We heartily appreciate the same and place our sincere gratitude.

M. C. SHARMA

PATIALA HOUSE COURTS

I was delighted with the way the litigation was settled at Mediation Centre. It all happened in the friendliest manner. And above all the ambience of the Centre was very nice and friendly

MANU AGRAWAL

I am hearty delighted with the process taken up by the Mediation Centre to settle the matter and to further take initiative to close the disputes in friendly and mutual manner. Really satisfied with the accurate and proper help and assistance provided by the mediators.

SATINDER

This has been an extremely impressive and efficient mediation. I congratulate and compliment the Mediation Centre for its excellent services.

RAMINI TANJEJA, ADVOCATE

A fantastic service by the mediation staff and Judge In-charge. Hats off to the speed showed. Thanks. The Mediation Staff is working in the interest of the parties.

ABHISHEK GOYAL, ADVOCATE

This facility is very good and neat. The Mediation process is simple and hassle-free. In less than a month case was settled. Hence, more and more disputes should be brought here for resolution.

DINESH

I was extremely surprised by the advantages of the Mediation Centre. I never thought this much successful the mediation process would be. The mediators explored the case in a perfect manner and arrived at the best possible option. It was a very nice experience for me to learn here.

SAFI IRFANULLAH
(STUDENT)

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"मध्यस्थता और श्याम"

मेरी यह कहानी, तुम भी पढ़ो और सबको सुनानाा,
जो हो मुझ जैसा, न अवसर अपितु इसका लाभ उठाना।

केवल एक गलतफहमी ने,
घर को मकान और भाई को वादी बना डाला था,
बना मै प्रतिवादी उसका,जिसने पुत्र सम मुझको पाला था,
चाहता था समस्या को सुलझाना, सवादहीनता ने उलझाया था।

जब आया दिन अदालत का, तो रिश्ता भी लड़खड़ाया था,
न्यायाधीश ने सुना वृतांत, फिर मध्यस्था का लाभ बताया था,
न खोया हमने अवसर और आगे कदम बढ़या था।

मध्यस्थ ने समक्ष बैठाकर हमें पूर्ण प्रकिया से अवगत कराया था,

सुना हम दोनो पक्षों को एकांत में, फिर एक साथ बैठाया था,
निःशुल्क कर मध्यस्थ ने सेवा, एक सुगम वातावरण बनाया था,
मध्यस्थ ने स्वयं निष्पक्ष रहकर हमारा वार्तालाप कराया था।

"बिन बात के न बात बनें, बात करें तो बात बनें"
यह कथ्य हुआ सत्य और हमें समझौते तक पहुँचा था।

एक हुए हम भाई फिर से, मध्यस्थता ने चमत्कार कर दिखाया था।
जिन सज्जनों ने पढ़ी मेरी यह कहानी, फर्ज उनको भी एक निभना है,

जिस वादी प्रतिवादी के हों संपर्क में,
उनके मिश्रयोग्य मामलों को, मध्यस्थता का पथ दिखलाना है।

दिव्या महेन्द्रू,
कनिष्ठ न्यायिक सहायक
मध्यस्थता केन्द्र कड़कड़कूमा न्यायलय परिसर, दिल्ली

STATISTICAL REPORTS

JANUARY, 2016

DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	887	735	418	96	514
KARKARDOOMA	488	355	253	1077	360
ROHINI	411	299	212	99	311
DWARKA	342	249	164	58	222
SAKET	464	355	189	30	219
PATIALA HOUSE	131	113	69	04	73

**1,17,018 CASES INCLUDING 25,258 CONNECTED CASES ARE SETTLED TILL JANUARY, 2016.

FEBRUARY, 2016

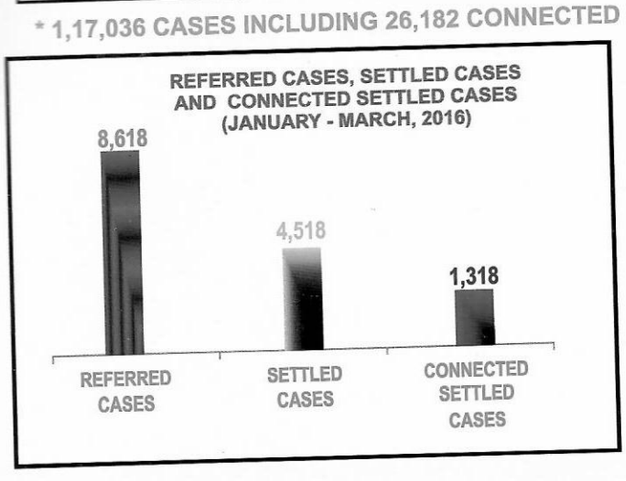
DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	951	851	515	122	637
KARKARDOOMA	445	473	333	147	480
ROHINI	526	414	253	78	331
DWARKA	322	274	168	57	225
SAKET	505	524	288	93	381
PATIALA HOUSE	169	133	81	09	90

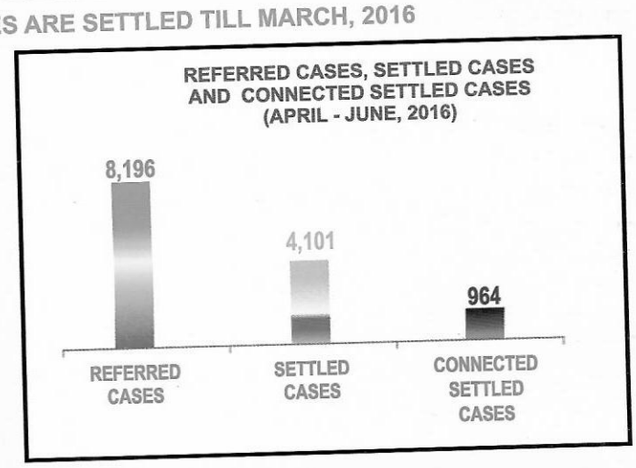
* 1,15,042 CASES INCLUDING 25,765 CONNECTED CASES ARE SETTLED TILL FEBRUARY, 2016

MARCH, 2016

DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	1069	890	539	120	659
KARKARDOOMA	454	509	363	95	458
ROHINI	433	335	190	74	264
DWARKA	388	248	163	60	223
SAKET	478	440	231	63	294
PATIALA HOUSE	192	152	88	05	93

* 1,17,036 CASES INCLUDING 26,182 CONNECTED CASES ARE SETTLED TILL MARCH, 2016





APRIL, 2016

DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	991	893	502	115	617
KARKARDOOMA	504	387	244	100	344
ROHINI	414	304	178	65	243
DWARKA	292	263	145	34	179
SAKET	533	262	228	34	262
PATIALA HOUSE	180	136	70	00	70

* 1,18,740 CASES INCLUDING 26,520 CONNECTED CASES ARE SETTLED TILL APRIL, 2016.

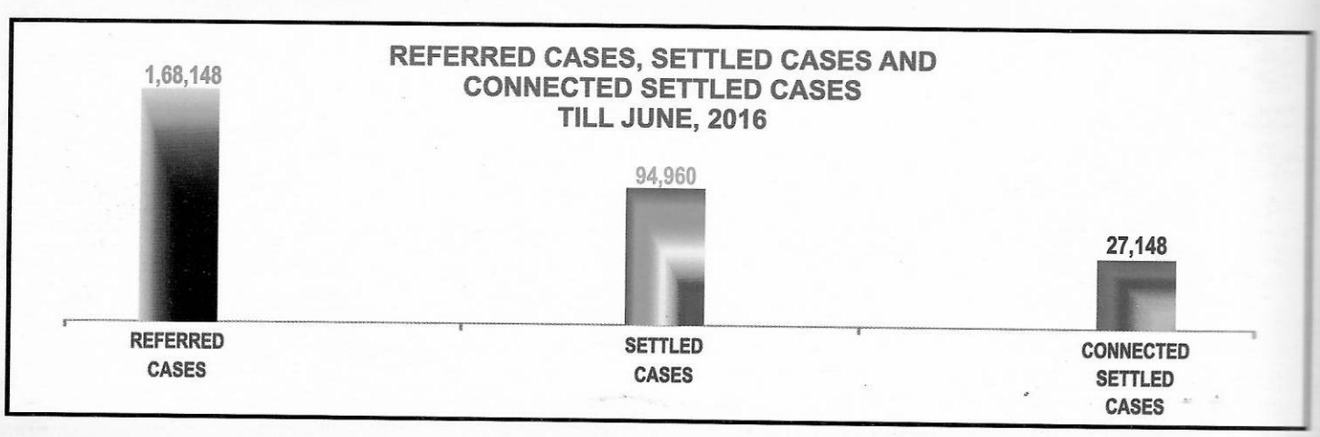
MAY, 2016

DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	1188	1109	623	139	762
KARKARDOOMA	682	555	346	120	466
ROHINI	610	459	266	78	344
DWARKA	345	327	200	48	248
SAKET	515	534	279	28	307
PATIALA HOUSE	198	187	93	05	98

* 1,20,981 CASES INCLUDING 26,949 CONNECTED CASES ARE SETTLED TILL MAY, 2016

JUNE, 2016

DELHI MEDIATION CENTRE	REFERRED CASES	DISPOSED OF CASES	SETTLED CASES	CONNECTED SETTLED CASES	TOTAL SETTLED CASES
TIS HAZARI	726	576	389	77	463
KARKARDOOMA	336	361	260	131	391
ROHINI	326	290	187	64	251
DWARKA	222	226	134	28	162
SAKET	368	341	208	47	255
PATIALA HOUSE	108	70	43	2	45

* 1,22,108 CASES INCLUDING 27,148 CONNECTED CASES ARE SETTLED TILL JUNE, 2016

NOTES:
i) REFERRED CASES DO NOT INCLUDE PREVIOUS PENDENCY.
ii) SETTLED CASES ALSO INCLUDE DISPOSAL OF PENDING CASES.
iii) DISPOSED OF CASES ALSO INCLUDE UNSETTLED CASES