

# MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE  
(April, 2007)



19.10.2006 – The seeds of this Newsletter were sown, when Hon'ble Mr. Justice D.P. Wadhwa, Former Judge, Supreme Court of India, Mr. P.P. Rao, Sr. Advocate, Supreme Court, Member of the Mediation and Conciliation Project Committee and Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi visited the Karkardooma Mediation Centre for an interaction with the judicial mediators. Seen also in the photograph is the present Ld. District & Sessions Judge Ms. Veena Birbal (then Judge Incharge, Karkardooma Courts, Delhi).

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The *Delhi Mediation Centre* (i.e. both its limbs, the Tis Hazari Mediation Centre and the Karkardooma Mediation Centre) brings to you now its fourth *Newsletter (April, 2007)*.

Readers would recall our previous Newsletters, in which the Delhi Mediation Centre expressed its aspiration to fulfill the hopes with which litigants resort to mediation to gracefully resolve disputes amicably, harmoniously, and expeditiously through a neutral facilitated negotiation, thereby inspiring a new lease of confidence in the judicial system.

*In an article titled - 'The Temple of Hope - A parable for Mediators' – Evan Ash, a mediator with the District Courts Services, Tenth Judicial Circuit, State of Kansas since 1995, who is on the Board of the Heartland Mediators Association and the Standard / Ethics Sub-Committee of the Kansas Office of Judicial Administration 'Dispute Resolution Advisory Council says "..... Mediation is like a temple ... We, as mediators, are the high priests of hope. Our practice is the temple that brings that grace to the world.....".*

Comments in the Visitors Book maintained at both the Mediation Centres that follow, depict how fair, friendly discussions in a cordial, congenial atmosphere are soon innovatively dissolving rigid stances of litigants, bringing about thus amicable resolutions satisfying both parties to the lis, within a reasonable time frame :-

- The procedure and discussion regarding problems is very fair and friendly. It is the right way to achieve the goal in the shortest possible time" - **Onkar Singh, Advocate.**
- "It is the best method developed by the Judiciary to solve problems within no time, which otherwise take a long time" - Vinay K. Jain a litigant.
- "The mediation Centre is really a temple of reconciliation to resolve one's disputes in harmony and good faith" - **Manoj Kumar Arora, Advocate.**
- "Efforts by mediators and keeping away from legal formalities, give more chances for settlement which otherwise would not have been possible in the Court" - **Rajani Chauhan, Advocate.**
- "A good start for fast and reliable decisions. Needed to be implemented all over for fast decisions. The there won't be "Justice delayed, Justice denied....." - Hemant Kr. Sharma, a litigant.
- "This was the most difficult case of my life-settlement of this case is equivalent to 10 cases ....." - **Vinod Malhotra, Advocate.**
- "Mediation Cell is an innovative and a very effective way to reduce the burden of litigation" - Muneesh Dhawan, Manager Legal, ABN Amro Bank.
- "The matter was pending for quite some time and my client is an old person. I never wanted the matter to linger due to the old age of the client. As the case has been settled through mediation, I am convinced that matters can be sent to the Centre even if parties do not agree in Court" - **Ashok Popli, Advocate.**

An article in "Today", Delhi's Afternoon Newspaper dated 23<sup>rd</sup> April, 2007 reflects how motivation, sentiments, social compulsions, parental liabilities and responsibilities discussed harmoniously during mediation have saved matrimonial relationships, through logical conclusions, with resultant reduction in the pendency of litigation in the Courts as an added benefit.

It is thus now a Movement of Mediation all over as Mr. M.L. Mehta, Judge Incharge, Karkardooma Centre, Delhi Mediation Centre, says in his report on his visit to the Mediation Centre at Bangalore, where he was invited to observe its working and give suggestions for its effective functioning and to help the Karnataka Judicial Academy in training lawyers in mediation.

*"On the request of Hon'ble Mr. Justice Cyriac Joseph, Chief Justice of Karnataka High Court and with the permission of our High Court, I visited Mediation Centre at Bangalore on 20<sup>th</sup> March, 2007. The present Centre is located on the first floor of Library Block of Karnataka Judicial Academy. A new regular Mediation Centre is under renovation and likely to be functional in June, 2007. Initially my visit was till 24<sup>th</sup> March, 2007 but on the request of Hon'ble Chief Justice Cyriac Joseph, it was extended till 27<sup>th</sup> March, 2007. I daily visited the Centre and observed its working. The Centre has a Chief Coordinator (a Sr. Judicial Officer), one Coordinator, (another Judicial Officer) and two additional Coordinators (the lawyers and trained mediators). Twenty Eight lawyers are working as Mediators. The Centre is receiving cases referred by the Hon'ble Karnataka High Court and City Civil Courts, Bangalore. On an average about 25 cases are being received daily at the Centre for mediation. There is an Overseeing Committee comprising of the Hon'ble Chief Justice and three sitting Judges. The present set up and the infrastructure of the Centre did not seem to be conducive to the concept & process of mediation and there is a large backlog of the referred cases. On the asking of the Committee, some suggestions were given by the undersigned regarding systemic and functional changes which could be undertaken without there being any financial implication. I had several meetings with Overseeing Committee and also the Hon'ble Chief Justice. Some of those suggestions were promptly implemented by the Committee and Chief Coordinator.*

*I freely interacted with the referring judges, mediators, coordinators & the staff and also participated in various mediation proceedings and tried to help some mediators. In the presence of members of Overseeing Committee a long interaction was also arranged with the City Civil Court Judges who were apprised of the principles which could be applied in different types of cases for assessing their suitability for mediation.*

*A second batch of 40 hour training on mediation commenced on 24<sup>th</sup> March, 2007. The participants were the lawyers and some senior Judges. Ms. Teresa and Judge Papas, both of California and myself were the resource persons. The participants showed keen interest and were intelligent and very receptive.*

*During my stay at Bangalore, it was observed that the Hon'ble Chief Justice and his companion Judges particularly the three judges namely Justice S.R. Bannurmath, Justice V. Gopal Gowda and Justice N. Kumar are highly committed and serious about the Mediation. The lawyers in general are very happy and participative in mediation. There appeared a significant movement of mediation all over. The seriousness, concern and commitment of Hon'ble Chief Justice of Karnataka High Court is remarkable and it is mainly because of this that there is a large inflow of cases at the Mediation Centre. The work done there by me was quite satisfying and a great experience.*

*On the request of the Karnataka High Court, I had the privilege and opportunity to impart training to several lawyer mediators and also participate in strengthening the coordination and management of the Mediation Centre in Bangalore" (emphasis supplied).*

During the Training sessions, the participants had been apprised that they were welcome to pose queries and problems even after the Training Sessions. As informed by Mr.M.L. Mehta, Judge Inchagre, Karkardooma Mediation Centre, some of the Advocate Mediators at the Bangalore Mediation Centre even now telephonically seek his guidance for resolving difficult matters referred to mediation.



22.03.2007 Interaction with City Civil Court Judges at Bangalore, during the Mediation Training Programme from 20.03.2007 – 27.03.2007. Seen L to R are Mr.M.L. Mehta, Judge Incharge, Karkardooma Mediation Centre, Delhi, Hon'ble Mr. Justice N. Kumar, Hon'ble Mr. Justice S. R. Bannurmath, Hon'ble Mr. Justice V.G. Gowda, Judges of the High Court of Karnataka, and Mr. Leo S. Papas, Mediaor Judge, California and Mr. Jeff Banchemo.



24.03.2007 Mediation Training Session in Progress at the Karnataka Judicial Academy, Bangalore – Resource Persons – Seen addressing the participants – Sh. M. L. Mehta, Judge Incharge Karkardooma Mediation Centre, Delhi and seated is Ms. Teresa from California.

### **ACCOMPLISHMENTS - APRIL, 2007**

That the key to success in mediation depends on appropriate cases being referred to Mediation by Judges is depicted through the statistics this month, which show the gradual decline in inappropriate referrals, resulting into a larger number of resolved disputes.

#### ***Tis Hazari Mediation Centre ( 01.04.2007 – 30.04.2007 )***

Cases Referred	-	328
Cases not fit for Mediation	-	22
Cases Disposed of	-	223
Cases Settled	-	138
(Significantly, these include 36 suits for possession/damages/permanent injunctions, 15 matrimonial matters, 5 suits for partition and 50 suits for recovery).		
Connected Cases Settled	-	55
Total settlements	-	193

#### ***Karkardooma Mediation Centre ( 01.04.2007 – 30.04.2007 )***

Cases Referred	-	136
Cases not fit for Mediation	-	7
Cases Disposed of	-	110
Cases Settled	-	93
(Significantly, these include 30 labour and management disputes, 7 suits for injunctions, 7 petitions for maintenance, 15 suits for recovery, and 17 cases under the Negotiable Instruments Act, 1881).		
Connected Cases Settled	-	21
Total settlements	-	114

***Boulders of litigative barriers are soon becoming pebbles through the process of mediation.***