

**MINUTES OF THE MEETING DATED 20.07.2016 OF
HIGH COURT MEDIATION MONITORING SUB-
COMMITTEE, JABALPUR**

PRESENT :

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association) & Member*
3. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
4. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocete General) & Member*
5. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

Subject No.1- Confirmation of the minutes of last meeting.

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 22.06.2016.

Subject No. 2- Discussion on the points to be kept in mind while preparing settlement agreement by the Mediator after the mediation proceeding are successful.

Discussion on the points to be kept in mind by the mediator while preparing Settlement Deed after the mediation proceeds are successful.

It is essential for a mediator to prepare Settlement Deed with the consent of both the parties after mediation proceedings succeed, because the Order and Decree is prepared by the Court on the basis of Settlement Deed itself. The Settlement Deed shall have the effect under the provision of Order 23, Rule 3 CPC and further it shall have the effect of a Decree of Civil Court under section 21 of the Legal Services Authority Act, 1987 (Afcon Judgment Para 27-28). Hence, the mediator should bear in mind the provisions of Rule 25 of Civil Procedure Mediation Rules, 2006

The mediator should keep in mind the following guidelines during the mediation proceedings succeed and while preparing the Settlement Deed:-

Sr. No.	What Mediator to do	What Mediator should not do
1	There should be obvious solution with regard to the dispute in the Settlement Deed.	There should not be ambiguity in the Settlement Deed.
2	The language of Settlement Deed should be clear and evident.	The language in the Settlement Deed should not be ambiguous or doublespeak.
3	In case of the disputes more than one issue, there should be individual and issuewise mention of the solution in the Settlement Deed.	Settlement Deed should not contain anything ultra-vires to the law or anything which could not be acted upon. Further, contents of the Settlement Deed should not create legal difficulty in preparing Decree. Provision of section 23 Contract Act be kept in mind. <u>(Section 23 Contract Act-</u> <i>What considerations and objects are lawful and what not.- The consideration or object of an agreement is lawful, unless- (a) it is forbidden by law; or (b) is of such nature that, if permitted, it would defeat the</i>

		<p><i>provisions of any law; or (c) is fraudulent; or (d) involves or implies injury to the person or property of another or; (e) the Court regards it as immoral, or opposed to public policy. In each of these cases, the consideration or object of an agreement is said to be unlawful. Every agreement of which the object or consideration is unlawful is void.)</i></p>
4	Decision may be taken to resolve the entire issue.	It shall not be decided in part.
5	A Settlement Deed must be prepared on the basis of conditions accepted by the parties with their consent.	A mediator is neither supposed to give his advice in the Settlement Deed nor any condition be imposed by him therein. He must remember that he is only a facilitator and not adjudicator.
6	After successful mediation, the mediator should send Settlement Deed immediately alongwith his report to the Court.	If mediation remains unsuccessful, then the mediator will inform the Court and will not disclose the reasons of failure of mediation. All notes taken by him be destroyed.
7	The Mediators will have to maintain confidentiality of	The Mediators will not disclose the facts of mediation proceedings

	mediation proceedings and contents of Settlement Deed.	before any third person even before the referral judge.
8	The Settlement Deed must contain the consent and signatures of all necessary parties alongwith signature of mediator and counsel of both the parties.	The Settlement Deed should not be prepared by the mediator in absence of both the parties nor without their consent.

The mediator must send his report to the concerned Court in light of the above points.

The matter should be placed in the meeting of Main Mediation Monitoring Committee, Jabalpur. The resolutions may be sent to the office of State Legal Services Authority, Jabalpur for kind information and necessary action.

Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.

Nil

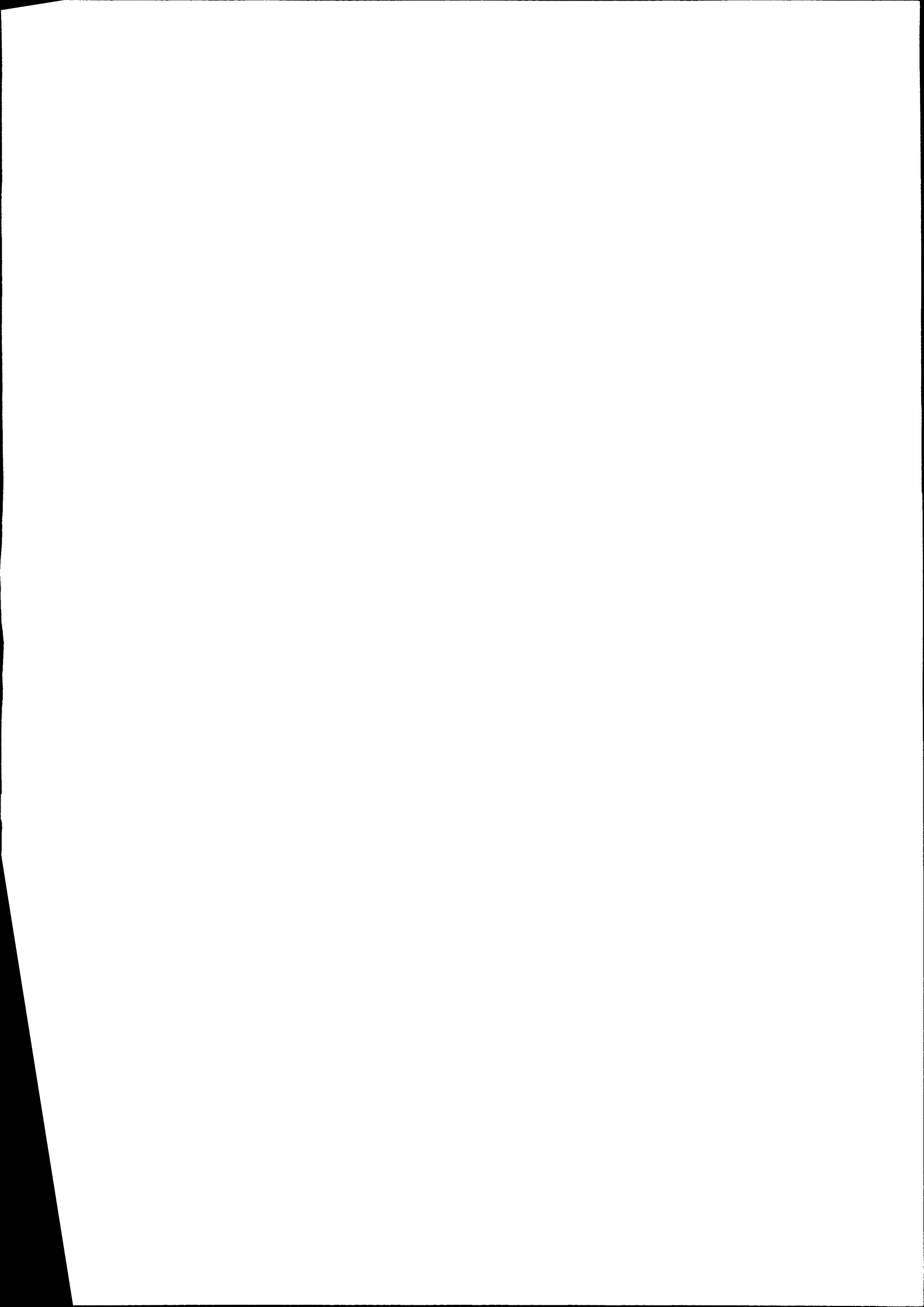
Sd/
(Gireesh Dikshit)
Coordinator
H.C.M.M.S.C., Jabalpur

AGENDA

FOR THE MEETING OF HIGH COURT MEDIATION MONITORING
SUB-COMMITTEE, JABALPUR TO BE HELD ON 24.08.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the reconstitution of the panel of 15 Mediators under the scheme of Identification of Cases for Mediation Reference.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/
(Gireesh Dikshit)
Coordinator
H.C.M.M.S.C., Jabalpur



**MINUTES OF THE MEETING DATED 24.08.2016 OF
HIGH COURT MEDIATION MONITORING SUB-
COMMITTEE, JABALPUR**

PRESENT :

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association)& Member*
3. *Shri T.S. Ruprah, Sr. Adv. (President of M.P. Advocate's Bar Association) & Member*
4. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
5. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member*
6. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

Subject No.1- Confirmation of the minutes of the last meeting.

The Hon'ble Chairman and the learned members of the Committee have confirmed the minutes of the last meeting dated 20.07.2016.

Subject No. 2- Discussion on the reconstitution of the panel of 15 Mediators under the scheme of Identification of Cases for Mediation Reference.

As per the Mediation Scheme 3(e) of Handbook & Action Plan on Mediation, 2014 at page no. 89, a panel of 15 mediators was constituted earlier to identification of cases for mediation reference and out of which nine mediators are not active to work under the said scheme and they have shown their inability to do the said work.

Therefore, in aforesaid situation, it would be appropriate to reconstitute the panel replacing the members (who are not willing to do the said work)

and add nine new members in their place in the said panel who have given their consent to do so. Hence, in order to reconstitution of the panel of 15 mediators, the proposal as mentioned above, is required to be placed before the Main Mediation Monitoring Committee, Jabalpur for consideration/finalization.

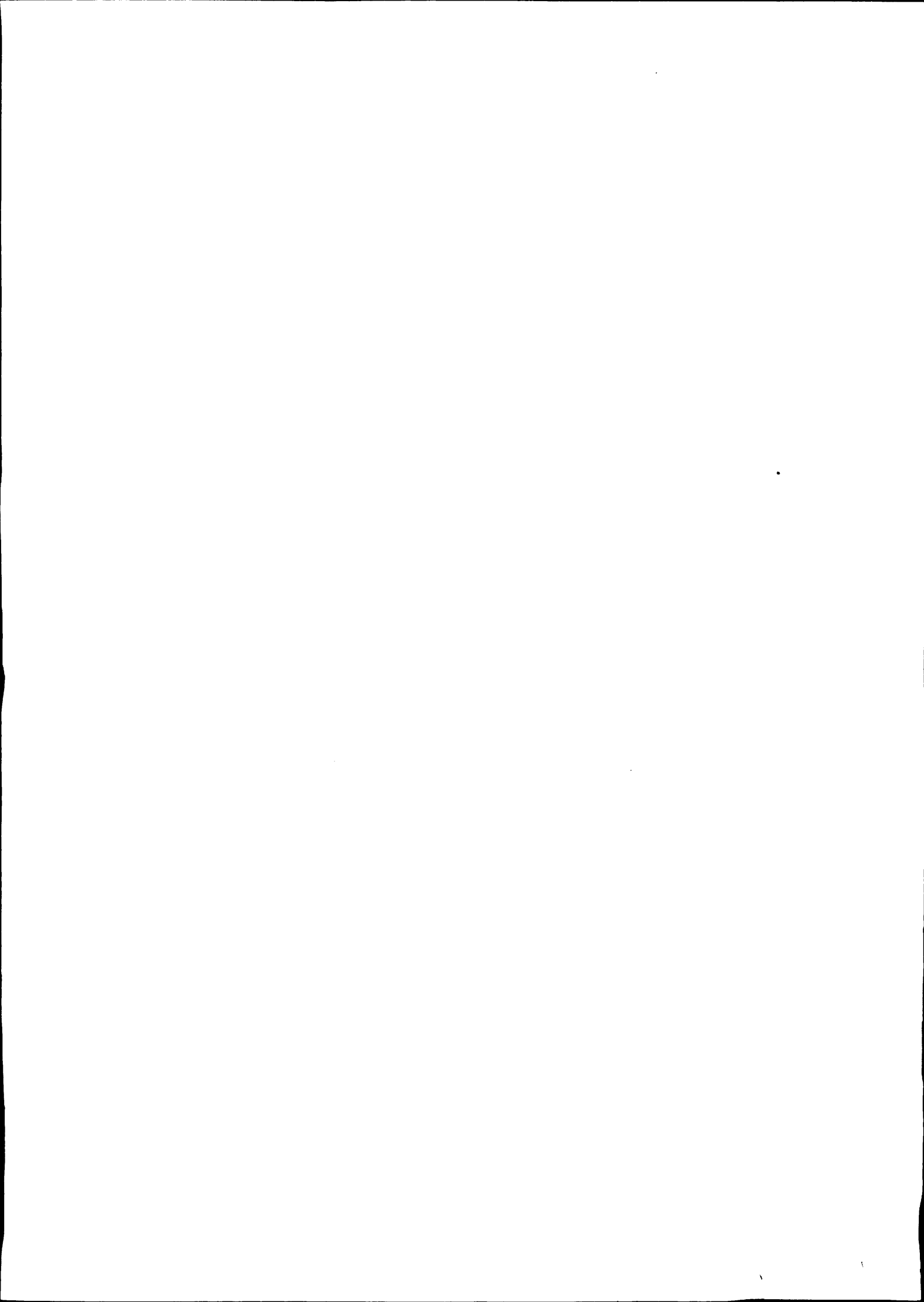
Subject No. 3- Any other matter with the kind permission of Hon'ble the Chairman.

With the kind permission of Hon'ble the Chairman the members of the committee have expressed that they don't have copy of the Handbook & Action Plan on Mediation, 2014. It is resolved that a copy of Handbook & Action Plan on Mediation, 2014 will be provided to all the members of committee.

Sd/
(Gireesh Dikshit)
Coordinator
H.C.M.M.S.C., Jabalpur

HIGH COURT MEDIATION MONITORING SUB-
COMMITTEE, JABALPUR,

Name	Designation	Mobile No.
Hon'ble Shri Justice Sanjay Yadav	Chairman	0761-262673.
Shri S.C. Datta, Sr. Adv. Representative of M. P. High Court Bar Association	Member	98261-24022
Shri Radhelal Gupta, Sr. Adv (Representative of M.P. State Bar Council)	Member	94251-55733
Shri T.S. Ruprah, Sr. Adv. (Representative of M.P. Advocate's Bar Association)	Member	94250-30901
Shri K.S. Wadhwa, Addl. Adv. Gen, (Representative of Advocate General)	Member	94251-87998
Shri Vijay Chandra, Registrar/Secretary High Court Legal Services Committee, Jabalpur	Coordinator	94251-63486



AGENDA

FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 20.07.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the points to be kept in mind while preparing settlement agreement by the Mediator after the mediation proceeding are successful.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/
(Gireesh Dikshit)
Coordinator
H.C.M.M.S.C., Jabalpur