

**OFFICE OF THE JUDGE IN-CHARGE DELHI MEDIATION CENTRE
KARKRDOOMA COURTS DELHI**

No. 556 /DMC/Kkd Courts

July 23, 2021

C I R C U L A R

**SUBJECT REFERRAL OF MATTERS TO DELHI MEDIATION CENTRE
AT KARKARDOOMA COURTS, DELHI, FOR MEDIATION**

The Judicial Officers posted in East, Shahdara & North-East Districts, Karkardooma Courts Delhi, are informed that the Mediation Centre is functional and the matters are being taken up through video conferencing in accordance with the **Uniform Draft Protocol** approved by the Hon'ble Monitoring Committee to oversee the functioning of all the Mediation Centres in Delhi (copy attached for ready reference)

In continuation of office orders No.256/RG/DHC/2021 dated 08.4.2021, No.2/R/RG/DHC/2021 dated 19.4.2021, No.5/R/RG/DHC/2021 dated 23.4.2021, No.6/R/RG/DHC/2021 dated 14.5.2021 & No.372/RG/DHC/2021 dated 28.6.2021, office order bearing No.438/RG/DHC/2021 dated 22.7.2021 has been issued by the Hon'ble High Court of Delhi, ordering that with effect from 24.7.2021, all the Judicial Officer shall endeavour to take up all matters of their respective courts through video conferencing.

In the above context, it is to highlight that the Mediation Centre has been working towards Court annexed mediation - Labour Courts, MACT, Civil (Property and monetary related matters), Commercial matters, Criminal compoundable matters, Bail matters as well as matters referred for mediation by the DLSA & CAW Cells for pre-litigation mediation. The Mediation Centre had been working through video conferencing even duration Summer Vacations and period of restricted functioning of the District Courts.

Since in the light of latest circular No.438/RG/DHC/2021 dated 22.7.2021, the Referral Courts are now endeavouring to take up the entire cause list on daily basis with effect from 24.7.2021 till 13.8.2021 through video conferencing, it is impressed upon that in this scenario, appropriate referrals may be made by the learned Referral Courts to this Mediation Centre.

The referred matters be forwarded at the dedicated e-mail address of the Delhi Mediation Centre, Kkd Courts Delhi at "**virtualmediationkkd@gmail.com**". The settlement/report of Mediation shall be forwarded on the e-mail from which the reference will be received. (Reference **circular dated 27.6.2020** of this Mediation Centre)

Copies of the previous relevant circulars dated 27.6.2020 and 22.9.2020 along with annexures on the subject including SOP/ Uniform Draft Protocol are annexed herewith.

**MANISH
YADUVANSHI**
(Manish Yaduvanshi)
Judge In-charge
Delhi Mediation Centre
Karkardooma Courts Delhi

Digitally signed by
MANISH YADUVANSHI
Date: 2021.07.23
17:29:38 +0530

Copy forwarded for information & necessary action **through Whatsapp** to :

1. PS to the learned Principal Distt & Sessions Judge (East), Kkd Courts Delhi
2. PS to the learned Principal Distt & Sessions Judge (Shahdara), Kkd Courts, Delhi
3. PS to the learned Principal Distt & Sessions Judge (North-East) Kkd Courts, Delhi
4. All the Judicial officers posted at East, Shahdara & North-East Distts
Kkd Courts Delhi
5. The Secretary, DLSA, East District, Kkd Courts Delhi
6. The Secretary, DLSA, Shahdara, District, Kkd Courts Delhi
7. The Secretary, DLSA, North-East District, Kkd Courts Delhi
8. The President/Secretary, Shahdara Bar Association, Kkd Courts, Delhi
9. Crime Against Women Cell, East, Shahdara, North-East Districts, Delhi
10. The In-charge, Computer Branch/Website Committee, Kkd Courts Delhi
for uploading the circular immediately on the Website
11. Guard file

MANISH
YADUVANSHI

Digitally signed by
MANISH
YADUVANSHI
Date: 2021.07.23
17:29:48 +0530

(Manish Yaduvanshi)
Judge In-charge
Delhi Mediation Centre
Karkardooma Courts Delhi

Uniform draft Protocol to be followed by all the District Mediation Centres in Delhi for conducting Mediation proceedings through Video Conferencing

1. The Mediation Centres shall conduct mediation proceedings through Video Conferencing by using approved Cisco Webex Meetings software only (or other/further app/software as may be approved by Hon'ble High Court) in matters wherein all the referred parties agree for it.

2. All other matters where such one or more referred party/ies do not agree for mediation through Video Conferencing, shall be taken up only by way of physical mediation after lifting of the lockdown, by observing social distancing norms and other precautions for the safety of all the stake holders.

Obtaining consent for Mediation in Pending cases

3. The officials of Mediation Centres shall contact the parties and their counsels at their telephone numbers available on the referral forms in pending matters for informing them about the availability of mediation facility through video conferencing and obtaining their consent/willingness for participating in the same.

4. On both sides and their Advocates, if any, exhibiting willingness for participating in mediation through VC, their further details such as e-mail addresses and convenient date & time for mediation may be taken down by the concerned official in **Form A** (enclosed) and inform the Judge In-charge.

Mediation Referrals in fresh cases

5. Where the parties express their willingness to go for mediation through Video Conferencing in a matter being virtually heard by the court, the Reader/Steno of the court will obtain the consent of parties and their Counsels and details in **Form B** (enclosed) viz. Names, mobile numbers and e-mail addresses and convenient date & time for mediation and put his/her own signatures with employee code.

6. The concerned court official shall thereafter scan the completed **Form B** and forward it at dedicated e-mail ID of the concerned District Mediation Centre

| <u>e-mail ID</u> | <u>Court Complex</u> | <u>Judicial Districts</u> |
|--|----------------------|----------------------------|
| virtualmediationthc@gmail.com | Tis Hazari Court | Central & West |
| virtualmediationkkd@gmail.com | Karkardooma Court | East, North-East & Shahdra |
| virtualmediationskt@gmail.com | Saket Court | South & South-East |
| virtualmediationdwk@gmail.com | Dwarka Court | South-West |
| virtualmediationrhn@gmail.com | Rohini Court | North-West & North |
| virtualmediationphc@gmail.com | Patalia House Court | New Delhi |

7. Where the parties being physically heard by the Court, express their willingness for mediation through video conferencing, **Form B** shall be got filled and

signed by them which shall be authenticated by the Referral Judge by putting his signatures. The Reader/Steno of the court shall forward its scanned copy at the dedicated e-mail of the concerned District Mediation Centre.

8. The Official/s of the District Mediation Centre who may be deputed by the Judge In-charge shall check the dedicated e-mail of the Mediation Centre from time to time and intimate the Judge In-charge about referral/s received from Court/s.

Proceeding for Mediation

9. The Judge In-charge shall then assign the matter/s (fresh referrals as well as pending matters) to a Mediator who is available on the date & time for which parties have consented, and taking into account his/her aptitude, experience and suitability in respect of the case/s.

10. An official of the District Mediation Centre, as may be specified by the Judge In-charge, shall schedule the mediation meeting by video conferencing for the agreed date and time and forward the link of meeting, meeting number & password to the Mediator, Parties and their Advocates on their respective e-mail Ids as well on their mobile number.

11. The meeting link shall contain the following instructions/agenda (with or without variations and such other instructions as may be deemed essential) for the participants:-

(i) *The Video Conferencing meeting is time bound. The participants are requested to observe punctuality.*

(ii) *The participants should be soberly dressed to maintain the dignity of process.*

(iii) *Participants joining the meeting in representative capacity shall forward a copy of their authorization through email at virtualmediation@gmail.com under the subject case title, before the start of session.*

(iv) *Mediation is a confidential process. Recording of mediation proceedings by any means is prohibited. Violation by anyone may entail consequences.*

(v) *Choose a quiet & secure place for the meeting to ensure privacy and avoid unnecessary interference.*

(vi) *Use of headphones is recommended for better audio quality.*

12. The concerned official of the Mediation Centre shall start the meeting at the appointed hour and after ensuring that all concerned have joined the Meeting, introduce himself and also introduce the Mediator to the parties. Thereafter he shall make the Mediator 'host of the meeting' and himself leave the virtual room.

13. The Mediator shall then be the master of the proceedings and shall conduct mediation strictly as per the Mediation & Conciliation Rules framed by the Hon'ble High Court. He may also assist in overcoming technical glitches, if any, being faced by the participants and ensure that they are visible and audible to others.

14. The Mediator can hold joint and single sessions with the parties. For the purpose of holding single sessions, he can request a party to wait in 'lobby' about which the parties shall be informed at the beginning of the session.

15. The Mediator shall ensure that nobody is sent to 'lobby' for a long time without being told so in advance, lest the party in 'lobby' becomes restless and lose interest in the proceedings and end up leaving the meeting, thereby frustrating the very purpose of mediation.

16. Parties desirous of showing/producing some documents can either send them through e-mail or by sharing their screen with the Mediator and the other side.

17. Where the discussions between parties remain inconclusive and the matter is deferred for further deliberations, the meeting for agreed date and time be scheduled by the official of Mediation Centre in the same manner.

Settlement writing & signing

18. On the parties arriving at a settlement pursuant to mediation through Video Conferencing, the Mediator shall orally narrate the agreed terms to them for their confirmation and keep the matter after some time or another day for getting the settlement drafted.

19. The Mediator shall thereafter dictate the settlement to the Stenographer of the Mediation Centre, over telephone who shall prepare it to the satisfaction of the Mediator and screen share it with the parties.

20 After seeking affirmation of the parties by incorporating the changes as may be mutually agreed upon by the parties, the settlement shall be ready for ratification.

20A The mediator (host) shall re-admit the authorised official of the mediation centre to the video conferencing meeting and make him the 'host' who shall 'record' the proceedings and in these proceedings both the parties shall make a statement that they have heard and understood the settlement and agree to it and will appear before the referral court.

20B The ratified settlement and a copy of the recorded verbal confirmation/ statements of parties shall be sent to the referral court for full/part disposal of the case.

21. Settlement can also be got signed digitally, if the facility is available with the parties and concerned Advocates. Other modes of signing settlements shall be adopted on being approved by Hon'ble High Court of Delhi.

Forwarding the settlement/not settled report to the Referral Court

22. The settlement or where the parties could not reach any consensus, not-settled report shall be sent to the Referral Court in physical form, if the Court is found to be physically functional, otherwise a scanned copy shall be sent through e-mail, for the date and time mutually decided by the parties.

Residuary

23. If any roadblock is felt for conducting mediations through video conferencing, or interpretation of these Protocols is required, the same shall be resolved by the Judge in Charge of the Mediation Centre.

Pre-Steps for commencing Mediation through Video Conferencing

1. In order to conduct effective mediation through video conferencing, the staff of mediation centres and the mediators in separate groups are being imparted online training of Cisco Webex Meetings software by the computer branch
2. Initially the mediation work shall be assigned to the mediators who are well versed with video conferencing software. The advocate trainers shall be assisting the other mediators through online program, in briefing them the nuances of online mediation and precautions/safeguards to be taken.
3. To enable the mediators gain confidence and experience initially 'single relief matters' viz. Money Recovery cases, IPR cases & Criminal complaints under S.138 NI Act, Pre-Institution Commercial cases, Injunction simplicitor suits shall be carved out of pending cases. Gradually other categories of pending cases shall also be taken up for mediation
4. Since social distancing norms are likely to continue even after lifting of lockdown, the district mediation centres require adequate number (4 each to begin with) of necessary hardware, software and internet bandwidth for conducting mediation through video conferencing in a seamless manner.

DELHI MEDIATION CENTRE,
KARKARDOOMA COURTS, DELHI

Case No. _____ N.D.O.H _____

Name of Referral Court/Authority _____

Title of Case _____

Nature of Case _____

(FORM-B)

(To be filled at the time of Referral)

We do hereby convey our consent for participating in mediation through video conferencing on _____ (date) at _____ am/pm (time). We will install the necessary software/app in our computer/mobile phone for the purpose of video conferencing.

_____ (FIRST PARTY)

1. Name _____

2. Mobile No. _____

3. Email id _____

_____ SECOND PARTY

1. Name _____

2. Mobile No. _____

3. Email id _____

_____ ADVOCATE OF FIRST PARTY

1. Name _____

2. Mobile No. _____

3. Email id _____

_____ ADVOCATE OF SECOND PARTY

1. Name _____

2. Mobile No. _____

3. Email id _____

Signature of the Referral Court //
Reader/Steno of the Referral Court

6

OFFICE OF THE JUDGE IN-CHARGE : DELHI MEDIATION CENTRE

KARKARDOOMA COURTS : DELHI

CIRCULAR

In view of order No.3532-42/Judl.Br./East/Kkd/Delhi dated 20.5.2020 of the learned District & Sessions Judge (East District), Karkardooma Courts, Delhi, the Mediation Centre, Karkardooma Courts Delhi is functional with effect from 20.5.2020.

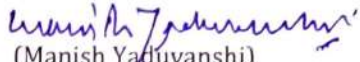
However, in compliance of the directions of Hon'ble High Court of Delhi, the Delhi Mediation Centre, Karkardooma Courts, Delhi functioning through Video Conferencing in accordance with the Uniform Draft Protocol approved by the Hon'ble Monitoring Committee to Oversee the functioning of all the Mediation Centres in Delhi (copy attached with Form-B).

The Judicial Officers posted in East, North-East and Shahdara Districts are requested to inform the concept and benefits of mediation to the parties during virtual/physical hearing of Cases and refer suitable cases for Mediation through Video Conferencing by getting the necessary details of the parties and their Counsels filled up in Form-B which shall be forwarded at 'virtualmediationkkd@gmail.com'

The Pre-institution Commercial Cases may be forwarded for Mediation through Video Conferencing by the District Legal Services Authority (East, North-East and Shahdara Districts) by attaching soft copy of the application moved by the applicant with duly completed Form-B at the aforesaid e-mail address.

The settlement/report of Mediation shall be forwarded on the e-mail from which the reference will be received.


This issues with the approval of the learned District & Sessions Judge, East District, Karkardooma Courts, Delhi.


(Manish Yaduvanshi)
Judge In-Charge Mediation Centre
Karkardooma Courts Delhi

No. 3824-401/20 MY/DMC/KKD dated Delhi the 27/06/20

Copy forwarded for information and necessary action to :-

- ✓ 1. The Registrar General, High Court of Delhi, New Delhi.
- ✓ 2. The District & Sessions Judges (East, North-East and Shahdara Districts) Karkardooma Courts Delhi.
- ✓ 3. All the Judicial Officer posted at East, North-East and Shahdara Districts, Karkardooma Courts Delhi.
- ✓ 4. The Secretary, Delhi Legal Services Authority (East, North-East and Shahdara Districts) Karkardooma Courts Delhi.
- ✓ 5. CAW Cell (East, North-East and Shahdara Districts), Delhi.
- ✓ 6. The President/Secretary, Shahdara Bar Association, Karkardooma Courts Delhi
- ✓ 7. The Website Committee, Karkardooma Courts, Delhi
- ✓ 8. The In-charge Computer Branch, Karkardooma Courts Delhi for uploading the circular immediately on the Website of East, North-East and Shahdara Districts, Karkardooma Courts Delhi
- ✓ 9. Guard file.


(Manish Yaduvanshi)
Judge In-Charge Mediation Centre
Karkardooma Courts Delhi

OFFICE OF THE JUDGE INCHARGE
DELHI MEDIATION CENTRE
KARKRDOOMA COURTS DELHI

September 18, 2020

CIRCULAR

**(INSTRUCTIONS TO BE FOLLOWED BY THE AHLMADS/READERS WHILE
SENDING THE REFERRAL TO THE DELHI MEDIATION CENTRE)**

It has been noticed that the concerned Staff of the learned Referral Courts is not following the instructions issued from time to time, while sending the cases for physical mediation as well as e-mediation, post physical opening since 01.9.2020.

Reference in this connection is invited to the earlier circular No.384-401/2020/MY/DMC/KKD dated 27.6.2020 regarding virtual referral.

For ready reference, the mode and manner of sending the matters to the Delhi Mediation Centre for **physical mediation** is mentioned herein below :

(i) FOR CIVIL CASES (INCLUDING MATRIMONIAL AND MAINTENANCE DISPUTES, EXECUTION PETITIONS, ARBITRATION MATTERS, MACT POSSESSION, PARTITION, INJUNCTION, MESNE PROFITS ETC)

Upon referral of the matter for physical mediation - ,

- (i) Referral Form duly filled up in all respects and signed by the parties (with complete particulars) (copy enclosed).
- (ii) title of the case upto the heading (including addresses of the parties and subject of the suit).
- (iii) prayer clause; along with
- (iv) the referral order passed by the Court.

are to be sent to the Delhi Mediation Centre, Karkardooma Courts, Delhi.

(ii) FOR CRIMINAL CASES (STATE / FIR CASES)

Upon referral of the matter for physical mediation -

- (i) Referral Form duly filled up in all respects and signed by the parties (complainant/injured and the accused) (with complete particulars) (copy enclosed).
- (ii) copy of the charge sheet under Section 173 Cr.PC filed by the police along with list of accused persons, complainant, and witnesses (including victims)
- (iii) copy of the charge (if any) framed by the Court
- (iv) the referral order passed by the Court.

are to be sent to the Delhi Mediation Centre, Karkardooma Courts, Delhi.

(iii) FOR CRIMINAL CASES (COMPLAINT CASES UNDER DV ACT, NEGOTIABLE INSTRUMENTS ACT AND/OR OTHER CATEGORY OF COMPLAINT CASES WHERE THE OFFENCES ARE COMPOUNDABLE)

Upon referral of the matter for physical mediation -

- (i) Referral Form duly filled up in all respects and signed by the parties (with complete particulars) (copy enclosed),
 - (ii) copy of the complainant containing title of the case upto the heading (including addresses of the parties along with list of witnesses (including victims, if any)
 - (iii) copy of the charge (if any) framed by the Court, and
 - (iv) the order passed by the learned Referral Court,
- are to be sent to the Delhi Mediation Centre, Karkardooma Courts, Delhi.

For ready reference, the mode and manner of sending the matters to the Delhi Mediation Centre for **Virtual mediation** is mentioned herein below :

FOR ALL THE CASES MENTIONED IN CATEGORIES - (i), (ii) & (iii)

Upon referral of the matter for virtual mediation, the procedure to be followed when it comes to check list of the documents to be forwarded, is the same. However, additionally "**Form B**" is also to be filled up.

It is clarified that in the matters where the parties are physically present before the Court and want mediation to be conducted virtually, the **Form B** shall be duly filled and signed by the parties but in the cases where the parties are participating in the proceedings through virtual mode and seeks referral of the matter to the virtual mediation, the particulars of the parties and their respective advocates shall be collected and filled up by the Ahlmad/Reader/Steno concerned; and the documents as mentioned above (for physical mediation) along with Form B shall be forwarded to the Delhi Mediation Centre through dedicated Email ID - **virtualmediationkkd@gmail.com**.

It is clarified that the the matters, in which parties are participating in the court proceedings through virtual mode, shall be referred to the Mediation Centre for virtual mediation only.

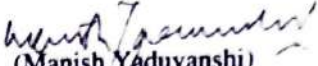
It shall, however, be for the mediator, after giving virtual hearing, to conclude if physical hearing is required for effective, just and fair mediation only when such request is made by all the stakeholders unanimously.

[for any clarification regarding virtual referral, reference may be made to the annexure (uniform draft Protocol - in particular para 5, 6 and 7) attached to circular No.384-401/2020/MY/DMC/KKD dated 27.6.2020].



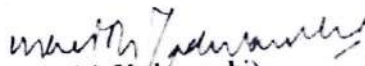
The learned Referral Judges are requested to direct their respective Ahlmads/Readers/Stenographers to follow the above instructions scrupulously and to send the Referral Forms duly filled up in all respects along with the requisite documents mentioned herein above, for Mediation by either of the modes.

Your co-operation in this regard shall be highly appreciable.


(Manish Yaduvanshi)
Judge Incharge, Delhi Mediation Centre
Karkardooma Courts, Delhi

No. 608-624 /DMC/KKD dated Delhi the 22/9/20

1. The Principal District & Sessions Judges (East, Shahdara and North-East Districts) Karkardooma Courts, Delhi
2. The Principal Judge, Family Courts, (East, North-East and Shahdara Districts) Karkardooma Courts, Delhi
3. The Judge, Family Courts, (East, North-East and Shahdara Districts) Karkardooma Courts, Delhi
4. All the Judicial Officers posted at East, North-East and Shahdara Districts, Karkardooma Courts, Delhi
5. The Secretary, Delhi Legal Services Authority (East, North-East and Shahdara Districts) Karkardooma Courts, Delhi
6. CAW Cell, (East, North-East and Shahdara Districts), Delhi
7. Guard File


(Manish Yaduvanshi)
Judge Incharge, Delhi Mediation Centre
Karkardooma Courts, Delhi

Court Case ID: _____

Next date of hearing _____
Referral Court _____

Name of the Referral Judge with Stamp _____

SUIT NO./ CASE NO. _____

NAME OF THE PARTIES _____

(Attach Photocopy of the First page of the Plaint alongwith memo of the parties including Amended memo of the parties & Prayaer Clause of the Plaint.)

_____ vs _____

DATE OF INSTITUTION THE CASE _____
NATURE OF THE SUIT _____
STAGE OF THE CASE AT TIME OF REFFERRAL _____
NO. OF HEARING AT TIME OF REFFERRAL _____

MEDIATION REFFERRAL ORDER-

This Court, having conferred with the parties and having determined that this matter could benefit from mediation, and pursuant to Section 89 of the CPC, Orders that the following persons shall attend mediation as provided by the court at no cost to the parties.

The above parties and advocates will report at Mediation Centre, Second Floor Karkardooma Courts, Delhi) on _____ at _____ a.m/p.m. If it is not possible to mediate this case on the date fixed, the Mediation centre will arrange a future date for mediation convenient to the parties.

The Mediation will be conducted by a specially trained Mediator. If a settlement agreeable to the parties is reached, the terms shall be recorded by the mediator and signed by the parties/their counsel and returned to this Court for further appropriate orders.

If no settlement is reached, neither the parties, the advocates, nor the Mediator may disclose to this Court anything that was discussed at the mediation.

Signature of the referral Judge with date: _____

Name & Signature of Plaintiff/Complainant
Phone no. of party _____
Name of the advocate _____
Email ID of party _____
Phone no of the advocate _____

Name & Signature of Respondent/Accused
Phone no. of party _____
Name of the advocate _____
Email ID of party _____
Phone no of the advocate _____