



# MEDIATION



**“Mediation is the bridge  
between conflict and resolution.”**



**PAPER ON:**

**ROLE OF REFERRAL JUDGE IN MEDIATION.**  
**STRATEGIES FOR A MORE EFFECTIVE REFERRAL**  
**JUDGE IN MEDIATION**

**DIVISIONAL JUDICIAL SEMINAR ,**  
**BASTER DIVISION ON 14.09.2025**  
**AT JAGDALPUR, DIST - BASTER C.G.**

**PRESENTATION BY:**

**DISTRICT & SESSIONS COURT,**  
**DISTRICT JAGDALPUR, C.G.**

**UNDER THE ABLE GUIDANCE OF:    A TEAM WORK BY:**

**SHRI GOVIND NARAYAN JANGDE,**  
**Principal District & Sessions Judge,**  
**Jagdapur (C.G)**

- 1. SMT. SANGEETA NAVEEN  
TIWARI**
- 2. MS. UDAI LAXMI PARMAR**
- 3. MS. NITI**

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## **INTRODUCTION**

*"Law is not a monument to be admired from afar—it is a living garden that requires constant tending. Legal aid plants seeds of hope in barren ground. Mediation nurtures understanding where only conflict once grew...Let us be the generation that proved justice is not a privilege to be purchased, but a promise to be kept"*

**~Justice Suryakant**

Justice delivery system reliance on win-lose situation leads to repeated use of the legal process. In India, the number of cases filed in the courts has shown a tremendous increase in recent years resulting in pendency and delays. Justice delivery system in India is under stress mainly because of the huge pendency of cases in courts. It emphasises the desirability to take advantage of alternative dispute resolution which provided procedural flexibility, saved valuable time and money and avoided the stress of conventional trial. In a developing country like India with major economy reforms, Alternative Dispute Resolution Mechanism could be one of the best strategies for quicker resolution of disputes to lessen the burden of the courts

and to provide suitable mechanism for expeditious resolution of disputes.

The concept of mediation received Legislative recognition in India for the first time in the Industrial Dispute Act, 1947. The conciliators appointed under section 4 of the Act are “Charged with the duty of mediating in and promoting the settlement of Industrial disputes”. In 1999, the Parliament passed the Code of Civil Procedure amendment Act of 1999 inserting Section 89 in the Code of Civil Procedure 1908, providing for reference of cases pending in the Courts to ADR. Section 89 and Order X Rule 1A of Code of Civil Procedure, 1908 require the court to direct the parties to opt for any of the five modes of alternative dispute resolution and to refer the case for Arbitration, Conciliation, Judicial Settlement, Lok Adalat or Mediation.

The Supreme Court upheld the constitutional validity of newly inserted section 89 in Code of Civil Procedure, in *Salem Advocate Bar Association , TN Vs. Union of India, (2003) 1 SCC 49* (Relevant para 9,10,11) and a committee was also constituted to devise case management formulas as well as rules and regulations which should be followed while taking recourse to the ADR referred to in Section 89. In this case, the Supreme Court also clarified possible conflict between Section 89 and Order 10 Rule 1A and observed that Section 89 uses both the word shall and may whereas Order 10 Rule 1A uses the word shall but on harmonious reading of this provisions it becomes

clear that the use of the word may in section 89 only governs the aspect of reformulation of the terms of a possible settlement and its reference to one of ADR methods( Relevant para 54 and 55).

After that, Mediation and Conciliation Project Committee (MCPC) was constituted by the then Chief Justice of India Hon'ble Mr. Justice R.C. Lahoti by order dated 9<sup>th</sup> April, 2005. Hon'ble Mr. Justice N. Santosh Hegde was its first Chairman. The Committee has decided to initiate a pilot project of judicial mediation in Tis Hazari Courts. After the success of it the MCPC has been taking the lead in evolving policy matters relating to the mediation. The committee has decided that 40 hours training and 10 actual mediation was essential for a mediator. The committee is in the process of finalizing a National Mediation Programme. Efforts are also made to institutionalize its functions and to convert it as the apex body of all the training programmes in the country.

The Supreme Court of India in *Afcons Infrastructure Limited and Another Vs. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 Supreme Court Cases 24* also clarified anomalies in Section 89 and interchanged the definitions of "Mediation" and "Judicial Settlement" as given in Section 89 (Relevant para: 11 to 13). It was also clarified that there is no requirement to formulate the terms of settlement as per mandate of Section 89. (Relevant Para: 14 to 19).

Having regard to the provision of Rule 1A of Order 10 of the Code, the civil court should invariably refer cases to ADR process. Only in certain recognized excluded categories of cases, the Court may choose not to refer to an ADR process. If the case is unsuited for reference to any of the ADR process, the court shall briefly record the reasons for not referring the case to any of the settlement procedures prescribed under section 89 of the Code. It is mandatory for the Courts to consider recourse to ADR process under section 89 of the Code but actual reference to an ADR process in all cases is not mandatory. If the case falls under an excluded category then it should not be referred to Mediation process but in all other cases reference to Mediation or any ADR process is mandatory. (**Relevant Para of Afcons: 24 & 26**)

### **MEDIATION: DEFINITION AND CONCEPT**

Mediation as a tool for dispute resolution is not a new concept, knowingly or unknowingly we might have had occasions to resolve several disputes involving human relationship through the process of mediation may be in the capacity as a child, youth, friend, parent, brother or sister and in various capacities. Urge to mediate is a natural human instinct and to fight is beyond human dignity.

Mediation is a voluntary, party centered and structured negotiable process where a neutral third party assists the parties

in amicably resolving their dispute by using specialized communication and negotiation techniques. Process of dispute resolution through mediation enables the parties to resolve the dispute themselves and preserve relationships giving complete mental satisfaction a must for an orderly society.

Earlier, there was no specified definition of mediation It was first time defined under section 3 sub clause (h) of **The Mediation Act 2023**, which is enforced on 09<sup>th</sup> October 2023. According to the above mention section mediation “*includes a process, whether referred to by the expression meditation, pre-litigation mediation, online meditation, community mediation, conciliation or an expression of similar import, whereby parties attempts to reach an amicable settlement of their dispute with the assistance of a third person referred to as mediator, who does not have the authority to impose a settlement upon the parties to the dispute.*”

In a mediation process, several key individuals such as **referral judge, mediator, disputed parties, advocates**, play vital roles to ensure that the process is fair, effective, and resolution-focused. These important persons in mediation include both those who directly participate in the process and those who support or influence it.

## **ROLE OF REFERRAL JUDGES**

In mediation, the key to success depends on Judges referring appropriate cases, which occurs at the very beginning of the process. Conversely, failure is dependent on referring inappropriate cases. Judges who refer the cases for settlement through any of the ADR methods are known as Referral Judges. The role of a Referral Judge is of great significance in court-referred mediation. In Court annexed mediation, the fountainhead of mediation is the Referral Judge who initiates the process by passing a referral order in a pending litigation, either with the consent of the parties who are willing to try mediation or in cases where the referral judge considers it fit and appropriate to send parties for mediation after being satisfied that there exist elements of settlement.

## **IMPORTANT GUIDELINES FOR REFERRAL JUDGES**

There are some guidelines given for Referral Judges by Mediation and Conciliation Project Committee, Supreme Court of India:-

1. As per Section 89 and Rule 1-A of Order 10 of Code of Civil Procedure, the court should explore the possibility of referral to mediation after the pleadings are complete and before

framing the issues when the case is taken up for preliminary hearing for examination of parties under Order 10 of the code. If for any reason, the court could not be considered and referred the matter to ADR processes before framing issues, the case can be referred even after framing of the issues.

In family disputes or matrimonial cases, the ideal stage for mediation would be immediately after service of respondent and before filing of objections/written statements. In such cases, the relationship between concerned parties becomes hostile on account of the various allegations in the petition. The hostility would be further aggravated by the counter-allegations made in written statement or objections.

**2.** After completion of the pleadings and before framing of the issues, the court shall fix a preliminary hearing for appearance of parties to acquaint itself with the facts of the case and the nature of the dispute between the parties.

**3.** The court should first consider whether the case is not fit to be referred to any ADR processes. If the case is not suitable for any ADR process then court should record a brief order referring to the nature of the case and why it is not fit for reference to ADR processes. If case can be referred to ADR processes, the court should explain the choice of five ADR processes to the parties to enable them to exercise their option.

**4.** The court should first ascertain regarding choice of parties for arbitration and should inform the parties that

arbitration is an adjudicatory process and reference to arbitration will permanently take the suit outside the ambit of the court.

**5.** If the parties are not agreeable for arbitration, the court should ascertain whether the parties are agreeable for reference to conciliation which will be governed by the provisions of the Arbitration and Conciliation Act. If all the parties agree for reference to conciliation and agree upon the conciliator/s, the court can refer the matter to conciliation in accordance with section 64 of the Arbitration and Conciliation Act.

**6.** If parties are not agreeable for arbitration and conciliation, the court after taking into consideration the preferences or options of parties, refer the matter to any one of the other three other ADR processes.

(a) Lok Adalat;

(b) Mediation by a neutral third party facilitator or mediator; and

(c) A judicial settlement, where a Judge assists the parties to arrive at a settlement.

**7.** If the case is simple or relating to a matter where the legal principles are clearly settled and there is no personal animosity between the parties, the court may refer the matter to Lok Adalat.

**8.** If the case is complicated and requires negotiations, the court should refer the case to mediation. If the facility of

mediation is not available or where the parties opt for the guidance of a Judge to arrive at a settlement, the case can be refer to another Judge for attempting settlement.

**9.** If ADR process is not successful, then court shall proceed with hearing of the case. If case is settled, then court shall examine the settlement and shall make a decree in terms of it keeping in view the legal principles of Order 23 Rule 3 of the Code.

**10.** If the settlement includes terms and conditions which are not the subject matter of the suit, the settlement shall be governed by Section 74 of the Arbitration and Conciliation Act (if it is a Conciliation Settlement) or Section 21 of the Legal Services Authorities Act, 1987 (if it is a settlement by a LokAdalat or by mediation which is a deemed Lok Adalat).

**11.** If any term of the settlement is *ex facie* illegal or unforceable, the court should draw the attention of parties thereto to avoid further litigations and disputes about executability.

**12.** The court shall record the mutual consent of the parties of the case is referred to arbitration or conciliation. If the reference is to any other ADR process, the court should briefly record that having regard to the nature of dispute, the case deserves to be referred to Lok Adalat, or mediation or judicial settlement, as the case may be. The Referral Order should not be an elaborate order.

**13.** The requirement in Section 89 (1) of CPC that the

court should formulate or reformulate the terms of settlement would only mean that court has to briefly refer to the nature of dispute and decide upon the appropriate ADR process.

**14.** If the Presiding Judge of the case assists the parties and if settlement negotiations fail, he should not deal with the adjudication of the matter, to avoid apprehensions of bias and prejudice. It is, therefore, advisable to refer cases proposed for Judicial Settlement to another Judge.

**15.** If the court refers the case to an ADR process (other than Arbitration), it should keep track of the case by fixing a hearing date for the ADR Report. The period allotted for the ADR process should not exceed from the period as permitted under applicable Mediation Rules. The Court should take precaution that under no circumstances the ADR process shall be used as a tool in the hands of an unscrupulous litigant to delay the trial of the case.

**16.** The court should not send the original judicial record of the case at the time of referring the case for an ADR forum, however only copies of relevant papers of the judicial record should be annexed with referral order. If the case is referred to a Court annexed Mediation Centre which is under the exclusive control and supervision of a Judicial Officer, the original file may be made available wherever necessary.

## **ROLE OF MEDIATOR**

Mediation is a dynamic process in which the mediator assists the party to negotiate the settlement for resolving disputes. In doing so, the mediator uses the four functional stages of mediation are:

- Introduction and opening statements
- Joint session
- Seperate session
- Closing

## **ROLE OF ADVOCATES**

Like that, the advocate have a proactive role to play in the mediation process and they should know the concept and process of mediation and the positive role to be played by them while assisting the parties in mediation. The role of the lawyer commences even before the case comes to the court and it continues throughout the mediation process and even thereafter, whether the dispute has been settled or not. His role in mediation is functionally different from his role in litigation.

## **ROLE OF PARTIES**

In mediation parties have a direct, active and decisive role in arriving at an amicable settlement of their dispute. Though the

parties get the assistance of their advocate and the neutral mediator, the final decision is of the parties. Though consent of the parties is not mandatory for referring a case to mediation and though the parties are required to participate in the mediation, mediation is voluntary as the parties retain their authority to decide whether the dispute should be amicably settled or not and what should be the terms of the settlement.

### **STAGE OF REFERRAL OF CASES IN MEDIATION**

The appropriate stage for considering reference to Mediation in civil suits is after the completion of pleadings and before framing the issues. If for any reason, the Court did not refer the case to Mediation before framing issues, nothing prevents the court from considering reference even at a later stage. However, considering the possibility of allegations and counter allegations vitiating the atmosphere and causing further strain on the relationship of the parties, in family disputes and matrimonial cases the ideal stage for mediation is immediately after service of notice on the respondent and before the filing of objections/written statements by the respondent. An order referring the dispute to Mediation may be passed only in the presence of the parties and/ or their authorized representatives.  
**(Relevant Para of Afcons:24,41 &42)**

## **REFERRAL ORDER**

The mediation process is initiated through a referral order. The referral judge should understand the importance of a referral order in the mediation process and should not have a casual approach in passing the order. The referral order is the foundation of a court-referred mediation. An ideal referral order should contain among other things details like name of the referral judge, case number, name of the parties, date and year of institution of the case, stage of trial, nature of the dispute, the statutory provision under which the reference is made, next date of hearing before the referral court, whether the parties have consented for mediation, name of mediator to whom the case is referred for mediation, the date and time for the parties to report before the institution/mediator, the time limit for completing the mediation, quantum of fee/remuneraton if payable and contact address and telephone numbers of the parties and their advocates.

## **CASES SUITABLE FOR REFERENCE IN MEDIATION**

All cases are not suitable for mediation. Only appropriate case which are suitable for mediation should be referred for mediaton. Success of mediation will depend on the proper selection and reference of only suitable cases by referral judges.

All suits and cases of civil nature in particular the following categories of cases (whether pending in civil courts or other special tribunals/forums) are normally suitable for Mediation.

(a) All cases relating to trade, commerce and contracts, including dispute arising out of contracts (including all money suits), specific performance, suppliers and customers, bankers and customers, developers/builders and customers, landlords and tenants/licensor and licensee.

(b) All cases arising from strained or soured relationships, including :-

- dispute relating to matrimonial causes, maintenance, custody of children
- dispute relating to partition/division among family members/ coparceners/co-owners
- dispute relating to partnership among partners

(c) All cases where there is a need for continuation of the pre-existing relationship in spite of the disputes, including:-

- disputes between neighbours (relating to easementary rights, encroachments, nuisance etc.)
- disputes between employers and employees
- disputes among members of societies/ associations/ apartment owners' associations

(d) All cases relating to tortious liability,

(e) Claims for compensation in motor accidents or other accidental cases.

- (f) All consumer dispute, including disputes where a trader/supplier/manufacturer/service provider is keen to maintain his business/ professional reputation and credibility or product popularity.
- (g) All criminal compoundable cases.
- (h) Cases under Section 138 of Negotiable Instrument Act.

### **CASES NOT SUITABLE FOR REFERENCE IN MEDIATION**

As held by the **Supreme Court of India in Afcons case**, having regard to their nature, the following categories of cases are normally considered **unsuitable** for Mediation :-

- (a) Representative suits under Order I Rule 8 of Code of Civil Procedure which involves public interest or interest of numerous persons who are not parties before the court.
- (b) Disputes relating to election to public offices.
- (c) Cases involving grant of authority by the court after enquiry, as for example, suits for grant of probate or letters of administration.
- (d) Cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion, etc.
- (e) Cases requiring protection of courts, as for example, claims against minors, deities and mentally challenged and suits for declaration of title against the Government.

The above enumeration of “suitable” and “unsuitable” categorization of cases is not exhaustive or rigid and is illustrative. The types of cases including criminal cases which can be referred to Mediation are subjected to just exceptions or addition by the courts or tribunals exercising its jurisdiction or discretion in referring a dispute/case to Mediation.

In spite of the categorization mentioned above, a referral judge must independently consider the suitability of each case with reference to its facts and circumstances. **(Relevant Para of Afcons: 27 & 28)**

### **ROLE OF REFERRAL JUDGES AFTER CONCLUSION OF MEDIATION**

The referral judge plays a crucial role even after the conclusion of mediation. Even though the dispute was referred for mediation, the court retains its control and jurisdiction over the matter and the result of mediation will have to be placed before the court for passing consequential orders. Before considering the report of the mediator the referral judge shall ensure the presence of the parties or their authorized representative in the court.

If there is no settlement between the parties, the court proceedings shall continue in accordance with law. In order to ensure that the confidentiality of the mediation process is not

breached, the referral judge should not ask for the reasons for failure of the parties to arrive at a settlement. Nor should the referral judge allow the parties or their counsel to disclose such reasons to the court. However, it is open to the referral judge to explore the possibility of a settlement between the parties. To protect confidentiality of the mediation process, there should not be any communication between the referral judge and the mediator regarding the mediation during or after the process of mediation.

If the dispute has been settled in mediation, the referral judge should examine whether the agreement between the parties is lawful and enforceable. If the agreement is found to be unlawful or unenforceable, it shall be brought to the notice of the parties and the referral judge should desist from acting upon such agreement. If the agreement is found to be lawful and enforceable, the referral judge should act upon the terms and conditions of the agreement and pass consequential orders. The court should apply the principles of Order 23 Rule 3 of the Code and make a decree/order in terms of the settlement, in regard to the subject matter of the suit/proceeding. In regard to matters/disputes which are not the subject matter of the suit/proceedings, the court will have to direct that the settlement shall be governed by Section 21 of the Legal Services Authorities Act, 1987 (in respect of settlements by a Lok Adalat

or a Mediator). Only then such settlements will be effective.  
(Relevant Para of Afcons: 37 & 40)

## **STRATEGIES FOR A MORE EFFECTIVE** **REFERRAL JUDGES IN MEDIATION**

1. ***Avoiding delay of Trial :-*** In order to prevent any misuse of the provision for mediation by causing delay in the trial of the case, the referral judge, while referring the case for mediation, shall post the case for further proceedings on a specific date, granting time to complete the mediation process as provided under the Rules or such reasonable time as found necessary.
  
2. ***Motivating and preparing the Advocates and Parties for Mediation :-*** The referral judge plays the most crucial role in motivating the Advocates and parties to resolve their disputes through mediation. Even if the parties are not inclined to agree for mediation, the referral judge may try to ascertain the reason for such disinclination in order to persuade and motivate them for mediation. The referral judge should explain the concept and process of mediation and its advantages and how settlement to mediation can satisfy underlying interest of the parties. Even when the case in its entirety is not suitable for mediation a Referral Judge may consider whether any of the issues involved in the dispute can be referred for mediation.

**3. *Ensure presence of the parties or authorized representatives at the time of referral* :-** As a referral judge, ensuring that the parties themselves or their authorized representatives are present at the time of referral to mediation is a key procedural and strategic consideration. This presence is not merely a formality, it is essential to the effectiveness, integrity, and informed participation in the mediation process. Direct communication with the parties helps secure their commitment to the mediation process. When parties are present, they are more likely to take the referral seriously. Judicial encouragement has greater impact when delivered directly to the party. It signals that the court takes the mediation process seriously and expects the parties to do the same.

**4. *Explain Role of Mediator* :-** A referral judge should tell the parties that the mediator is a neutral facilitator whose job is to help them communicate and possibly reach a settlement. The mediator does not decide the case and is not on anyone's side. What you discuss in mediation is confidential and won't be shared with the court, except to confirm whether mediation happened and whether a resolution was reached. If you settle, the agreement can be made part of the court record. If not, your case will return to court.

**5. *Explain Right to Self Determination and Confidentiality* :-** It should be explained to the parties that they have the power to make their own decisions about the outcome of their dispute, not the mediator, not the court, and not any third party has the power to make the decision.

**6. *Encourage Advocates and Litigants to choose Mediation* :-** A referral judge should encourage the advocates and litigants by telling them about the benefits of the mediation that it is a real opportunity to resolve this dispute more efficiently, and on their own terms and they maintain full control over the outcome of their settlement, and if an agreement is reached, it can save their time, money, and stress.

**7. *Explain benefits of mediation* :-** A referral judge can tell the parties the benefit of mediation that the meditation is often faster, less expensive, and less stressful than going through full litigation. Mediation also gives them the chance to speak openly and explore solutions that a court might not be able to offer. It should also be told to the parties that mediation is a confidential process where both parties meet with a trained, neutral mediator to try to resolve the dispute without the need for a trial.

**8. *Willingness of parties* :-** In mediation, the willingness of the parties is a critical factor that greatly affects the success and

effectiveness of the process. Willingness is important because without willingness the process of mediation becomes mechanical or confrontational, Parties may attend the mediation process but refuse to engage and without willingness meaningful dialogue or compromise doesn't happen and with willingness, parties communicate more effectively, solutions are more likely to emerge and agreements are more sustainable and respected. As a referral judge, one can foster willingness of parties by explaining mediation clearly (its purpose, process, and benefits), assuring parties that their legal rights remain intact, encouraging open-mindedness, not necessarily in terms of settlement and reminding parties that mediation can help them avoid the risks, delays, and costs of trial.

9. ***Selection of Cases*** :- The referring Judge should evaluate all the important factors which in his discretion will facilitate a successful mediation. For example, if it is an older case where the parties have a lower emotional investment, and it involves quantum issues between educated litigants, these factors would strongly suggest that the matter should be referred for mediation. There may be other factors which, in the judges' experience, make a case suitable for a successful mediation. However, no case should be sent to mediation merely to clear a Judge's docket; it will only delay resolution, result in a failed experience, and end up back on the Judge's calendar. A referral

Judge before selecting the cases appropriate for the mediation should consider following factors:

a. Party Characteristics

- ◆ costs and time in mediation are not more than litigation.
- ◆ the parties and their advocates have a positive attitudes towards mediation.
- ◆ Government is not a party to the suit.

b. Case Characteristics

- ◆ case should not involve complex legal issues, ambiguous precedent, Constitutional issues or Public Policy.
- ◆ A referral Judge should ascertain whether previous attempts to mediation have failed and why.

**FORMAT OF REFERRAL ORDER**

NEXT DATE OF PROCEEDINGS IN  
THE REFERRAL COURT:-----

Court Case No-----

Name of the referral Judge;-----

SUIT NO./CASE NO.;-----

NAME & ADDRESS OF THE PARTIES;-----

V/s

DATE OF INSTITUTION OF THE CASE-----  
NATURE OF SUIT;-----  
STAGE OF THE CASE AT THE TIME OF REFERRAL;-----  
NO. OF HEARING(S) AT THE TIME OF REFERRAL;-----  
BRIEF FACTS OF CASE-----

-

This court after conferring with the parties to the suit and ascertaining that there exists the element of settlement, and in pursuant to Section 89 of CPC refers the case to Mediation.

The concerned parties are directed to report to the Judge In-Charge, Mediation Centre,-----  
on-----at-----am/pm. The concerned parties alongwith their respective advocates, if any, are also directed to participate in the mediation proceedings. Participation in Mediation is in Good Faith.

No fee shall be payable by the parties for mediation.

Mediation settlement arrived at between the parties in writing (in case of settlement), after recording the terms and conditions of the settlement, the Mediation shall report the settlement through Judge Incharge, Mediation Centre to this court for further directions and proceeding.

The Mediation proceedings are confidential. The parties and their respective advocates or any other person with parties, who is allowed to attend the mediation proceedings, shall not disclose any deliberations of mediation proceedings to any

court/forum etc.

Mediator is requested/directed to report the final outcome of the mediation on-----

Signature & Name of the Referral Judge with date-----

----

Signature of Plaintiff/Complainant/Petitioner/Appellant Signature of Defendant/Respondent.Accused

Mobile/Phone no.-----Mobile/Phone no-----

Mobile/Phone no.-----Mobile/Phone no-----

Mobile/Phone no.-----Mobile/Phone no-----

## **CONCLUSION**

Mediation has emerged as a fast growing disputes redressal mechanism. The referral judge plays a pivotal role in promoting and normalizing the use of mediation within the justice system. While judges do not participate in the mediation itself, their influence at the referral stage can significantly shape willingness of parties to engage and the overall success of the process. By referring appropriate cases to mediation, judges help to ensure that parties are given the opportunity to resolve their disputes in a manner that it is faster, more cost-effective, and more collaborative than traditional litigation. Judges uphold justice not only by adjudicating cases, but by guiding parties toward processes that may better serve their needs. While making such reference the court shall take into account the option if any

exercised by the parties and the suitability of the case for the particular ADR method. In the light of judicial pronouncements a referral judge is not required to formulate the terms of settlement or to make them available to the parties for their observations. The referral judge is required to acquaint himself with the facts of the case and the nature of the dispute between the parties and to make an objective assessment to the suitability of the case for reference to Mediation.

**“A good settlement is better than a good lawsuit.”**

*Thank You*