

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.7951 of 2015

Date of Decision: November 28, 2015

Vandana Sharma

.... Petitioner

vs.

Dr. Pankaj Kaul

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Arjun Sharma, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 10.11.2015 passed by learned Addl. District Judge, Mohali, vide which the request of the petitioner for referring the divorce petition filed by the respondent to the Mediation and Conciliation Centre for reconciliation, was declined.

Suffice to say that divorce petition is pending between the parties. Both the parties are happened to be doctors by profession. Vide impugned order dated 10.11.2015, prayer of the petitioner for referring the matter to the Mediation and Conciliation Centre was declined while passing the following order:

“ Shri Arjun Sharma Adv., filed vakalatnama on behalf of respondent. Instead of filing written reply, learned counsel for respondent submitted that the

matter may be referred to the Mediation Centre. Perusal of the file makes out that on previous date, parties were heard when they attended reconciliation proceedings, but no element of compromise could be perceived. More over it was noted that allegations levelled were such that no amicable settlement was possible at that stage.

After citing judgment of Hon'ble Apex Court in a case K. Srinivas Rao Vs. D.A. Deepa Civil Appeal No.1794 of 2013, learned Counsel insisted that the matter must be referred for mediation, but the petitioner showed his unwillingness to reference of the matter to the mediation Centre. The matter can not be referred to the Mediation Centre against the wish of the parties. Consequently request for referring the matter to the Mediation centre can not be granted at this stage. Respondent is directed to file written statement on 30.11.2015.

On the earlier occasion also on 29.10.2015, the following order was passed:

"Parties were heard. In view of the allegations levelled in the petition, there does not appear any prospectus at this stage for amicable settlement between the parties. Let written statement be filed till 10.11.2015."

I am of the view that the mere fact that some allegations have been levelled, the court cannot presume that there are no chances of settlement between the parties. The court should always

be hopeful. Even if one of the parties opposed the prayer, it is always open to the court to refer the matter to the Mediation and Conciliation Centre, where the trained mediators will make efforts for reconciliation between the parties.

Learned counsel for the petitioner states that it was a love marriage between the parties and reconciliation efforts by the trained mediators may be fruitful.

In view of the matter, the impugned order is set aside and the matter is referred to the Mediation and Conciliation Centre of this Court, where the experienced/trained mediator will be deputed for making reconciliation between the parties. The Mediation and Conciliation Centre will send its report directly to the learned Addl. District Judge, S.A.S. Nagar, Mohali.

Accordingly, the present revision petition is disposed of.

Since the filing of the written statement will result in accrimony between the parties, as some counter allegations may be levelled, therefore, the filing of the written statement before the lower court is stayed till the report of Mediation and Conciliation Centre of this Court is received.

November 28, 2015
sarita

(KULDIP SINGH)
JUDGE