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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 667/2015**

VHB LIFE SCIENCES LTD

..... Appellant

Represented by: Mr.P.Srivastva, proxy Adv. for
Mr.Ravikesh Sinha, Adv.

versus

AKUMS DRUGS & PHARMACEUTICALS LTD Respondent

Represented by: Mr.P.K.Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.01.2016

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CM 29894/2015

For the reasons stated in the application 25 days delay in filing the appeal is condoned.

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1. Impugned order dated October 01, 2015 records that on an earlier date, as recorded in the order dated July 20, 2015 parties, consented to be referred to mediation which has failed.
2. The order further records that it is most unfortunate that when matter was referred for mediation it has ended as a non starter.
3. We fail to understand the logic and reasoning of the second paragraph of the impugned order for the reason mediation is purely voluntary. If parties agree to be referred to mediation and mediation fails, it is neither fortunate nor unfortunate.

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4. The further directions directing parties to appear before mediator ignores the law of mediation which we have noted hereinabove. Mediation is voluntary. No Court can force the parties to appear before a mediator.
5. The final direction in paragraph 5 has baffled us. It records that if settlement is not reported the managing directors of the two companies would be present in Court to interact with the Court.
6. To say the least the direction is not warranted.
7. The impugned order gives an impression as if the Court was forcing a mediation settlement down the throat of the parties.
8. The appeal is disposed of quashing the observations as also the direction issued in paragraph 5 of the impugned order dated October 01, 2015.
9. No costs.

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Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 14, 2016
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