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

+ W.P.(C) 9143/2018

ARTI SHARMA

..... Petitioner

Through: Ms Banita Seth, Advocate.

versus

DELHI DISPUTES RESOLUTION SOCIETY (REGD)

& ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.08.2018

C.M. No.35271/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 9143/2018 & C.M. No.35270/2018

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. By issuing a Writ of Mandamus or any other appropriate Writ for issuing directions to Respondent No.1 to 3 to withdraw of the Mediation/Conciliation Report dated 03/05/2018 issued by respondent no.3 and holding that the Settlement dated 21.12.2017 arrived at between the Petitioner and the Respondent before Respondents 1 to 3 is legal and binding.

B. By issuing a Writ of Mandamus or any other appropriate Writ for issuing direction to Respondent No.4 to withdraw the Suit no.148/2016 titled “GANGA SARAN VS. VINAY SHARMA” pending before Sh. Amitabh

Rawat, SCJ-CUM RC[NE], Karkar Dooma Courts, Delhi and in case the said case is not withdrawn by him the same shall be treated as withdrawn.”

3. It is the petitioner’s case that the dispute between the petitioner and respondent no.4 were dully settled in terms of the settlement agreement dated 21.12.2017. It is further states that the said settlement was arrived at before respondent nos.1 to 3 and is legally binding. The petitioner’s grievance is that respondent no.3 (who was appointed as an Mediator) has furnished a report indicating that the case was not found fit for mediation and conciliation for the reasons stated therein.

4. Plainly, it would not be apposite to entertain the said controversy – whether the concerned parties had fully settled their disputes before the Mediator – in these proceedings under Article 226 of the Constitution of India.

5. It is the petitioner’s case that the settlement arrived at on 21.12.2017 is legally binding. The petitioner is at liberty to take such steps to enforce the same if otherwise entitled to. The question whether the settlement was arrived at by mediation is a question that would be considered in those proceedings.

6. The petition is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 31, 2018
MK