

A.No.239 of 2021
in C.S.No.214 of 2020

C.V.KARTHIKEYAN J,

The defendants have filed the earlier suit in C.S.No.207 of 2019. However, owing to further circumstances the plaintiff has instituted the present suit in C.S.No.214 of 2020. No interim relief has been sought in the suit.

2. This application has been filed to waive pre institution mediation and settlement as mandated under Section 12A of the Commercial Courts Act 2015 which provision stipulates that the plaintiff have to go through the process of pre institution mediation if there is no urgency in the suit.

3. It has been notified by this Court that the Legal Services Authorities are to act as mediators with respect to the mediation process. However, this application has been filed seeking to waive pre institution mediation.

C.V.KARTHIKEYAN.J.

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4. I am now granting the order sought through it is only advisable for the parties to try to settle the issues through mediation which would save much time and efforts spent in the Court proceedings.

5. However, the learned counsels stated that since there is an earlier suit pending in C.S.No.207 of 2019, naturally there would not be any possibility of effective settlement being reached in the mediation process. The learned counsels also stated that which would only be in the interest of the parties that both the suits move forward in determining the issues raised and an adjudication process through trial is adhered to.

6. In view of these facts, permission is granted to waive the pre institution mediation process in so far as the present suit is concerned.

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