

CM-1777-LPA-2021 WITH CM-2257-LPA-2021 IN/AND LPA-408-2020 :{ 1 }:

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

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(PROCEEDINGS THROUGH V.C.)

CM-1777-LPA-2021 WITH CM-2257-LPA-2021 IN/AND LPA-408-2020

DATE OF DECISION: OCTOBER 25, 2021

BHIM SAIN

.....Appellant

VERSUS

STATE OF HARYANA AND ORS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Parminder Singh, Advocate,
for the appellant.

Mr. Raman Kumar Sharma, Addl.A.G., Haryana,
for respondent Nos.1 to 4.

Mr. Vikram Singh, Advocate,
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

With the oral consent of counsel for the parties, the main
appeal is taken on board for hearing.

Learned counsel for the appellant has made an offer to argue
the appeal on merits but we have not permitted him to do so in the light of
the order dated 07.07.2020 passed by the Division Bench of this court, when
the appeal was taken up for hearing and consideration for the first time. On
the said date, the following order was passed:-

“CM-1034-LPA-2020

1. Allowed, subject to all just exceptions.

LPA-408-2020 WITH CM-1035-LPA-2020

1. Notice of motion limited to Respondent No.5 with a view to exploring the possibility of settlement of his disputes with the Appellant through mediation. Notice dasti in addition.

2. List on 30th July, 2020.

3. Status quo be maintained in the meanwhile.”

In pursuance of the said order, on 30.07.2020, the matter was referred to the Mediation and Reconciliation Centre of District Karnal and the parties were directed to appear there on 14.08.2020. Awaiting the report, the matter was adjourned to 05.11.2020. The report of the Mediation and Reconciliation Centre, Karnal, was received wherein it was stated that efforts for conciliation have been made on various dates i.e. 14.08.2020, 28.08.2020, 18.09.2020, 29.09.2020, 05.10.2020 and 06.10.2020 but the parties failed to settle their dispute and the mediation proceedings remained unsuccessful.

In the light of notice of motion order dated 07.07.2020 limited to the extent of exploring the possibility of settlement of dispute between the parties through mediation, which remained unsuccessful and the merits of the case having been already considered by the co-ordinate Bench while issuing notice, we are unable to accept the contention of counsel for the appellant that the appeal can be argued by him on merits once again.

In view of the above, we do not find any justification for continuing with the present appeal once the mediation and conciliation proceedings have ended in failure and, therefore, dismiss the appeal.

