

Iresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL ST NO. 22169 OF 2024
WITH
INTERIM APPLICATION NO. 11621 OF 2024
IN
SECOND APPEAL NO. 22169 OF 2024**

M86 Residency Private Limited
(Earlier Known as Wadhwa Residency
Pvt. Ltd.)

.....Appellant

Vs.

Ketan Kataria

.....Respondent

Mr. Vikramjit Garewal a/w. Mr. Abir P and Mr. Kartik Joshi a/w.
Authorised Signatory Ms. Pooja Shroff through VC for the Appellants.
Mr. Manish Gala i/b. Law Square for Respondent No.1.
Ms. Rahila Memon i/b. S.I. Joshi & Co. for Respondent No. 2.

CORAM : GAURI GODSE, J.

DATE : 5th SEPTEMBER 2024

ORDER:

1. This second appeal was adjourned to enable the parties to make an attempt to explore the possibility of an amicable settlement. Respondent no. 1 is personally present. Though his lawyer is of the opinion that an amicable settlement is not possible, in my opinion, it is in the interest of justice of the respondent no. 1 that a genuine attempt is made to explore the possibility of an amicable settlement.

2. Hence, I have directly interacted with the respondent no. 1. On a query being made to the respondent no. 1, he submits that he is agreeable to make an attempt to explore the possibility of settlement provided a mediator is appointed through the Court. Respondent no. 1 further submits that if in the mediation process he is unable to agree to any terms, he should be heard on merits.

3. Needless to record that mediation terms are never forced upon any party. In the event the mediation talks fail and the parties do not arrive at any amicable terms, the appeal has to be heard on merits.

4. In view of the aforesaid, I find it appropriate to give an opportunity to the parties to make a genuine attempt to explore the possibility of an amicable settlement.

5. Parties submit that they are agreeable to go for mediation before Mr. Nirman Sharma, Advocate practicing in this Court. Learned counsel for the appellant submits that the learned Mediator Mr Nirman Sharma has consented to mediate.

6. Hence, Mr Nirman Sharma is appointed as Mediator.

7. Learned Mediator is at liberty to issue necessary direction for payment of mediation charges, if any.
8. Learned counsel for the appellant submits that the mediation charges, if any, shall be borne by the appellant.
9. Learned counsel for the appellant shall intimate this order to the learned Mediator.
10. List the Second Appeal under the caption "For Settlement" on 15th October 2024.

[GAURI GODSE, J.]