

Present: Asmita Samajder [J.O. Code – WB00956],

**Civil Judge (Senior Division),
9th Court, Alipore,
South 24 – Parganas.**

Title Suit 2122 of 2016

[CNR No. – WBSP02- 000975 -2016]

Order dated: 02/03/2021

None of the parties taken any steps. It appears from the record that today is fixed for hearing of petition dated 24/07/2019 filed by the defendant of this suit.

It further appears from the record that the dispute in the instant matter has been resolved through mediation and the Ld. Advocate Mediator has filed his report on 24/12/2018 before this court. If we peruse the mediation report, we would find that the parties to this suit have already settled the matter in dispute involved in this suit before such Advocate Mediator through ADR (mediation) and in terms of the report of mediation, a petition has been filed for closure of the case by the defendant.

It transpires from the Ld. Mediator's report that the terms envisaged in such report are not illegal or invalid and they are not opposed to public policy either. The instant suit related to recovery of money and the matter has already been finalized between the parties to this suit before the Ld. Advocate Mediator.

Materials available on case record reveal that the plaintiff bank had issued a '*No Dues Certificate*' in respect of the loan account of the defendant of this suit. It had been mentioned in such certificate that the defendant had settled the loan by OTS on 30/03/2019 and that there are no further liabilities in the loan. The loan account mentioned in such certificate relates to the same one which is involved in the present *lis*.

Accordingly, in view of the mediation report showing the matter as 'settled' and considering the documents that are already on record, I am of the opinion that this suit should be decreed in terms of the mediation report.

Accordingly, the petition dated 24/07/2019 filed by the defendant is disposed of.
Hence, it is

ORDERED

That the suit and the same is decreed on compromise as per the terms of the mediation report dated 24/12/2018 filed by Advocate Mediator namely D.K. Ghosh.

Let the mediation report dated 24/12/2018 be made part of the decree.

Suit is disposed of accordingly.

D/C by me;

Sd/-

Civil Judge (Sr. Div.), 9th Court,
Alipore, South 24-Parganas