

ORDER BELOW EXH.49 IN REGULAR CIVIL APPEAL NO.101/2016
(CNR NO: MHRT040006242016)
(Bhagoji Pandurang Golabade Vs. Sharayu Shrinivas Dandekar)

1. Read the application and say. Heard learned counsel for the appellant and the respondent on the present application.
2. By the present application, the appellant contends that the appeal was earlier referred to mediation and that the mediation proceedings were not completed. On that ground, the appellant has prayed for referring the appeal again to mediation.
3. The respondent has resisted the application by filing a say, contending that the present application is false and frivolous and deserves to be rejected.
4. On perusal of the record, it reveals that as per the order below Exhibit-1 dated 10.07.2024, the appeal was referred to mediation. Order below Exhibit-1 dated 10.07.2024 that “if no settlement is arrived at, on the next date after resumption of the appeal in this Court, the appeal shall be proceeded with arguments without paper book.”
5. It is evident from the record that the mediation proceedings have failed and the non-settlement report is placed on record at Exhibit-48 dated 07.12.2024. Thereafter, the matter is pending for final arguments.

6. Learned counsel for the appellant prayed for appeal be again referred to mediation. On the other hand, learned counsel for the respondent has expressed unwillingness to participate in mediation.

7. Mediation can be effective only when both parties voluntarily agree to resolve the dispute through such process. In the present case, considering the age of the appeal i.e. **2016**, the earlier failure of mediation and the clear unwillingness of the respondent to participate in mediation, no useful purpose would be served by again referring the matter to mediation.

8. In view of the above facts and circumstances, the application is devoid of merit and there exist no element of settlement. Thus, application is hereby rejected.

Khed.
Date- 21.01.2026.

sd/-
(V.T. Nirgude)
District Judge – 2, Khed.

Certificate

I affirm that the contents of this pdf file order are same word as per original order.
Name of Stenographer : S.K.Inamdar

Court Name : District Judge 2, Khed.
Date of Decision : 21.01.2026
Order Signed by P.O. on : 21.01.2026
Order uploaded on : 21.01.2026