

COMS No.1 of 2021

04.10.2021 Present: Mr.Ankush Dass Sood, Senior Advocate, alongwith Mr.Sunil Mohan Goel, Advocate, for the plaintiff.

Mr.Sanjeev Bhushan, Senior Advocate, alongwith Mr.Maam Singh, Advocate, for defendants No.1 to 3.

Mr.Kush Sharma, Advocate, for defendant No.4.

COMS No.1 of 2021 & OMP Nos.40 and 41 of 2021

In sequel to order dated 30.09.2021, learned counsel for the plaintiff submits that parties, in principle, have agreed for amicable settlement and for that purpose defendant No.2-Pankaj Dutt has started from Manali to Shimla to discuss modalities of the offer to be made for compromise, which shall be communicated to the authorized person of the plaintiff. It is further submitted that for facilitating the amicable settlement, it would be appropriate to refer the matter for mediation and learned counsel for defendant No.4 has submitted that defendant No.4 has no objection for amicable settlement, but subject to the protection of right of Tourism Finance Corporation-respondent No.4 being mortgagee, as it has provided loan against the property involved in the present suit and being mortgagee it has first charge upon the property and, therefore, for protection of interest of defendant No.4, specific order be made.

In the aforesaid circumstances, matter is referred to learned Mediator Mr.N.K. Sood, Senior Advocate, for mediation with direction to learned counsel for the parties to contact learned Mediator today itself for fixing a date for appearance of the parties, including defendant No.4 before him and also on

subsequent dates as and when directed to do so to facilitate and ensure effective mediation proceedings.

Records be made available to learned Mediator.

Considering concern shown by learned counsel for defendant No.4 and also considering rights of defendant No.4 to take steps to ensure the recovery of loan under the relevant laws, learned Mediator is requested to submit his preliminary report with respect to proposed terms for amicable settlement by next date of hearing with specific mention with respect to the term 'protecting interest of defendant No.4'.

List for preliminary report of learned Mediator on 19.10.2021.

(Vivek Singh Thakur)
Judge

October 4, 2021
(Purohit)