

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19/2012

(From the judgment and order dated 09.09.2011 in FAO (OS) No.299 of 2010 of THE HIGH COURT OF DELHI AT NEW DELHI)

ANJAN KUMAR SINGHI & ANR.

Petitioner(s)

VERSUS

RANJAN KUMAR SINGHI & ORS.

Respondent(s)

WITH

S.L.P....CC NO. 9267 of 2012

With I.A.1 (C/delay in filing SLP and permission to place addl.documents on record and c/delay in refiling SLP and office report)

S.L.P....CC NOs. 9523-9524 of 2012

With I.A.1-2 (C/delay in filing SLP and permission to place addl.documents on record and office report)

Date: 01/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr.Krishnan Venugopal, Sr.Adv.

In CC 9267 & 9523- Mr.Biju Mattam, Adv.

9524/12 Mr.Abir Phukan, Adv.

Ms.Indu Sharma, Adv.

(In SLP(C)19/12) Mr.Raj Shekhar Rao, Adv.

Ms.Sangeeta Mandal, Adv.

Ms.Vineeta Bhardwaj Atri, Adv.

Ms. Indu Sharma, Adv.

For Respondent(s) Mr.K.K.Venugopal, Sr.Adv.

(In SLP(C)19/12) Mr.Biju Mattam, Adv.

Mr.Abir Phukan, Adv.

Ms.Indu Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C)No.19 of 2012 and SLP.....CC Nos.9523-9524 of 2012

Delay condoned.

These petitions are directed against orders dated 09.09.2011 and 02.12.2011 passed by the Division Bench of the Delhi High Court in FAO(OS) No.299 of 2010 and CM Nos.21830-21831 in FAO No.299 of 2010 respectively.

On 16.1.2012, the Court had, after taking cognizance of the statement made by the counsel for the parties that there is a distinct possibility of an amicable settlement of the disputes, referred the matter for mediation of Shri Justice R.C.Lahoti (former Chief Justice of India).

Shri Justice R.C.Lahoti has sent a letter in a sealed envelope.

The envelope was opened in the Court. Shri Justice R.C.Lahoti has informed the Court that despite efforts made by him to persuade the parties, who are real brothers, to settle all the disputes, no settlement could be reached. In the letter, Shri Justice R.C.Lahoti has also noted that one of the parties voluntarily deposited the particular amount by way of fees in the form of cheques and then observed that as the negotiations did not result in a settlement, he returned the cheques. We appreciate the grace shown by the former Chief Justice of India, who invested his valuable time without charging a single penny.

We have heard learned counsel for the parties and carefully perused the record.

In our opinion, the detailed reasons recorded by the learned Single Judge and the Division Bench for refusing to entertain the application filed under Order VII Rule 11 CPC are legally correct and the impugned order does not call for interference under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

However, it is made clear that if the suit pending before the Delhi High Court is required to be finally disposed of on merits then the observations contained in the orders impugned in these petitions shall not prejudice either party.

At this stage, learned counsel for both the sides again made joint request that all the disputes between their clients may be referred to the Mediation Centre of the Delhi High Court for exploring the possibility of an amicable settlement.

Shri K.K.Venugopal, learned senior counsel for the respondents in SLP(C)No. 19/2012 placed before the Court a list of 18 disputes pending between the parties. The list is taken on record.

We appreciate the statement of the learned counsel and direct the parties to appear before the Mediation Centre of the Delhi High Court on 19.02.2013. We have no doubt that the Incharge, Mediation Centre, Delhi High Court will nominate a team of experienced mediators which will make an attempt to persuade both the parties to amicably settle their disputes.

S.L.P....CC No.9267 of 2012

The case is adjourned for two months.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master