



HALF YEARLY REPORT 2023

HIGH COURT OF ORISSA MEDIATION CENTRE

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Introduction

The High Court of Orissa Mediation Centre was inaugurated in the premises of the High Court of Orissa on 3rd January 2015 by Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India in the presence of the Chief Justice and companion Judges of the High Court of Orissa. The Mediation Centre was functioning in a room adjacent to the old Arbitration Centre in the heritage building. The space was inadequate for its effective functioning. With the increase in the cases referred for mediation, the need for more space was felt. Apart from that, space was also needed to accommodate the newly constituted Permanent and Continuous Lok Adalat for the High Court (P&CLA). The Centre therefore, was shifted to Aain Seva Bhawan.

Inauguration of the Mediation Centre at its new location

The Mediation Centre was inaugurated at its new location at Aain Seva Bhawan, CDA, Cuttack on 20th Nov 2021 by Justice A.M. Khanwilkar and Justice A. S. Bopanna, Judges, Supreme Court of India in the presence of the Chief Justice and companion Judges of the High Court of Orissa. The Centre having two wings, one for the Mediation Centre and the other for the Permanent and Continuous Lok Adalat of the high Court of Orissa, started functioning on the second floor of the newly constructed Aain Seva Bhawan. This obviated the need for space felt in the old Mediation Centre.

Mediation Monitoring Committee

The committee to look after the functioning of the Centre consists of the following members.

Chairman



Justice S. Talapatra

Members



Justice B. Rath



Justice K.R. Mohapatra



Justice S. Ratho



Justice M.S. Sahoo

Facilities in the New Mediation Centre

The drawbacks and deficiencies in the old Mediation Centre were redeemed by functioning of the Centre in its new location. The Mediation wing of the Centre has 10 spacious rooms having central AC facilities. Four of the state-of-the-art rooms are being used to hold mediation proceedings. Two rooms are dedicated for psychological counseling. In appropriate cases psychological counseling by well qualified psychologists/psychiatrists, is made available to the parties. There are two separate waiting rooms, one each for the advocates and the parties. There is a crèche for the children with toys in it. The children accompanying the parties can enjoy their visit to the Centre by playing in it. The mediation rooms are ICT enabled and are equipped with all the recent equipment to allow the parties to attend the proceedings in virtual mode from remote locations. The entire Centre, except for the rooms where mediation proceedings take place, is under round the clock CCTV surveillance. In addition

to pure drinking water facility, the Centre also has got a pantry used for serving tea and snacks to the mediators, advocates, parties and other people visiting the Centre. Apart from the two lifts inside the building, there is one capsule lift fitted on the facade of the building which helps the elderly and persons with difficulty in movement, to avoid the stairs to reach the lifts inside the building. To reduce the use of papers and for the convenience of the parties and advocates in getting access to the files and records, all the disposed of and pending files in the Centre have been digitized.



Children playing in the Creche at the Centre

The Permanent and Continuous Lok Adalat wing has got three spacious rooms. The Permanent and Continuous Lok Adalat Court Rooms are functioning in two of the rooms and the Permanent Lok Adalat (PUS) is functioning in the other room. Apart from that there is one room being used as the advocates' lounge and another room is being used as the Parties' lounge.

Internship at the Centre

Under the guidance of the office, many Law students from various law colleges and universities have interned in the Centre. From the inception of the Centre, 55 students have successfully completed the internship programme in the Centre. The details of the students from the colleges and universities along with the period of their internship are set out below.

Sl. No	Period of Training	No. of Intern Students	University/ College
1	26.11.2018 to 20.12.2018	1	National Law University, Cuttack
2	06.06.2022 to 26.06.2022	15	(i) SOA National Institute of Law, Bhubaneswar (01) (ii) University Law College, Bhubaneswar (01) (iii) MS Law University, Cuttack (08) (iv) National Law University, Cuttack (03) (v) KIIT School of Law, Bhubaneswar (01) (vi) Amity Law School, Noida (01)
3	05.05.2022 to 25.05.2022	13	(i) National Law University, Cuttack (01) (ii) MS Law College, Cuttack (06) (iii) The Law College, Cuttack (06)
4	04.08.2022 to 25.08.2022	06	(i) Biraja Law College, Jajpur (04) (ii) University Law College, Vanivihar, Bhubaneswar (02)
5	23.11.2022 to 13.12.2022	18	(i) Ms Law University, Cuttack (11) (ii) The Law College, Cuttack (07)
6	10.02.2023 to 03.03.2023	02	SOA National Institute of Law (SOA University), BBSR

Case Statistics

Cases referred by Courts for Mediation

Since the inception 604 Court cases have been referred to the Centre. Out of those cases 577 cases have already been disposed of. While mediation was successful in 124 cases, in 453 cases mediation was unsuccessful. As on date 27 proceedings are pending.

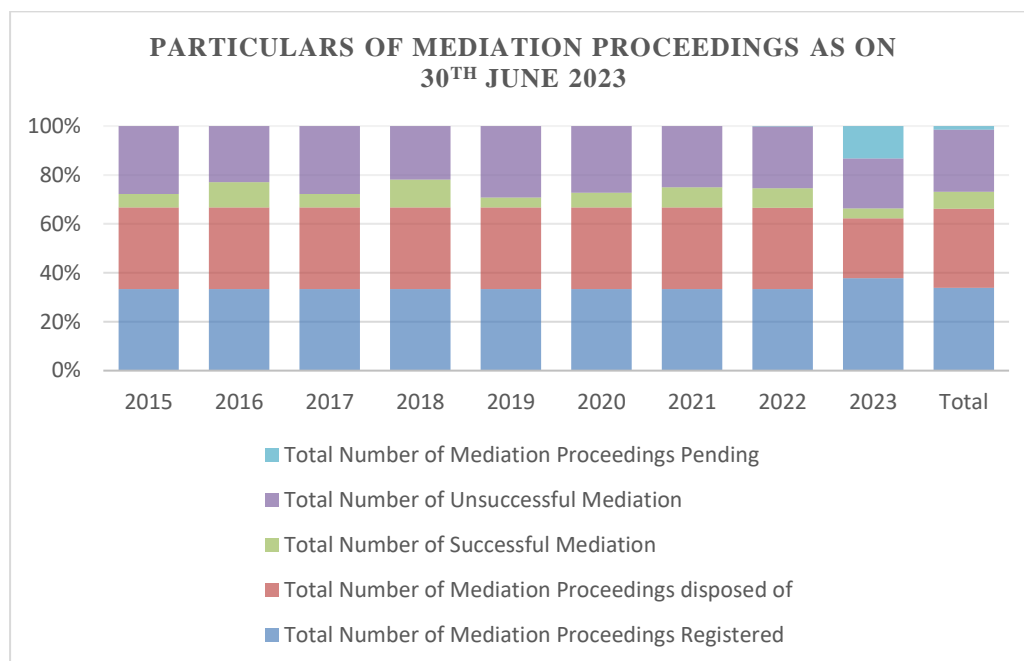
During this year 74 cases were registered and out of those cases 48 were disposed of. Out of the disposed of cases mediation in 8 cases was successful and in the rest of the cases it was unsuccessful. The following table shows the details of the mediation proceedings till 30th June 2023

Year	Total Number of Mediation Proceedings Registered	Total Number of Mediation Proceedings disposed of	Total Number of Successful Mediation	Total Number of Unsuccessful Mediation	Total Number of Mediation Proceedings Pending
2023 (up to 30 th June)	74	48	08	40	26

The details of cases instituted and its status from 2015 to 30th June 2023 are set out below.

Particulars of Mediation Proceedings as on 30th June 2023

Year	Total Number of Mediation Proceedings Registered	Total Number of Mediation Proceedings disposed of	Total Number of Successful Mediation	Total Number of Unsuccessful Mediation	Total Number of Mediation Proceedings Pending
2015	90	90	15	75	00
2016	48	48	15	33	00
2017	96	96	16	80	00
2018	38	38	13	25	00
2019	41	41	05	36	00
2020	11	11	02	09	00
2021	28	28	07	21	00
2022	187	186	45	141	01
2023	74	48	08	40	26
Total	613	586	126	460	27



Pre- litigation Mediation

Pre-litigation mediation is a consensual process whereby the plaintiff and the respondent come together to settle the dispute amicably between them with the aid of an impartial adjudicator, before the institution of a suit or even before sending the notice by the court. It is a preferred way of settlement because it ensures a win - win situation for the litigants since the main instruments of the process are negotiation and understanding.

Pre-litigation mediation covers a wide range of cases such as domestic, commercial, consumer, property, minor cases amongst others. Pre-litigation mediation in cases of commercial disputes is guided by the Commercial Courts Act, 2015. By an amendment in 2018 section 12A was inserted that made a provision for Pre-litigation mediation.

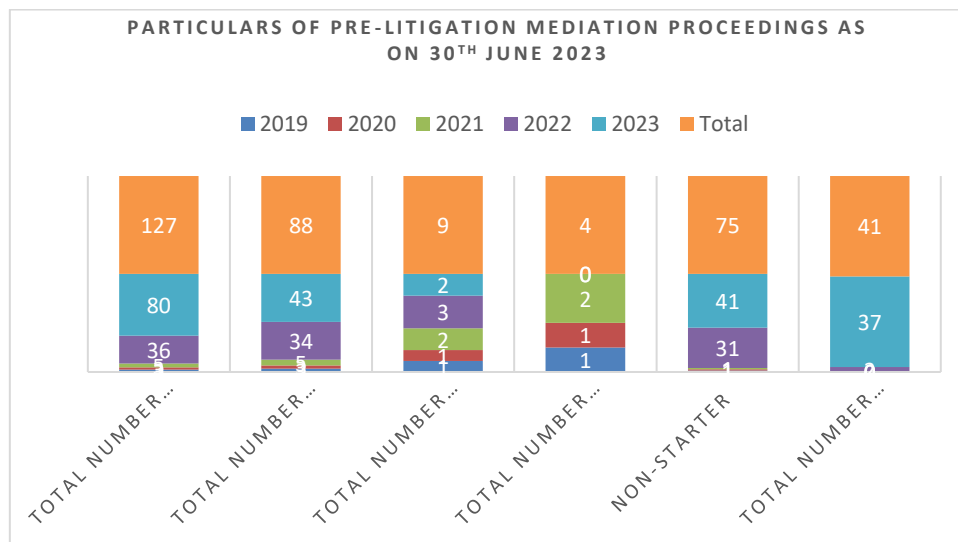
A pre-litigation Mediation Desk was opened in the High Court of Mediation Centre on 16th May 2019.

For the period from 1st January 2023 to 30th July 2023, 80 pre-litigation mediation cases were filed. Out of those cases 43 cases were disposed of. In two of the cases mediation was successful and the rest 41 cases ended as non-starters.

The details of Pre- Litigation cases instituted and its status from 2019 to 2023 are set out below.

Particulars of Pre-litigation Mediation Proceedings as on 30th June 2023

Year	Total Number of Pre-Litigation Mediation Proceedings Registered	Total Number of Pre-Litigation Mediation Proceedings disposed of	Total Number of Pre-Litigation Successful Mediation	Total Number of Pre-Litigation Unsuccessful Mediation	Non-Starter	Total Number of Pre-Litigation Mediation Proceedings Pending
2019	03	03	01	01	01	00
2020	03	03	01	01	01	00
2021	05	05	02	02	01	00
2022	36	34	03	00	31	02
2023	80	43	02	00	41	37
Total	127	88	09	04	75	41



Reception area of the two wings of the Mediation Centre

40- Hour Mediation training of Judicial Officers and Advocates

The Centre in collaboration with the Odisha State Legal Services Authority arranged a training programme for 15 advocates on 21st and 22nd November and 3rd December to 5th December 2021. After the Civil Procedure Mediation Rules was amended to include Judicial officers as mediators, two training programmes for Judicial officers were conducted. The first training programme in which 28 Judicial Officers were trained was on 9th April 2022 to 11th April and on 16th and 17th April 2022. The second training programme also including 28 Judicial Officers was conducted from 2nd to 6th July 2022. A regional training programme for the advocates of Western Odisha was arranged at Rourkela in the district of Sundergarh from 1st April 2023 to 5th April 2023. Likewise, a regional training programme for the advocates of Koraput, Kalahandi, Rayagada, Malkangir and Nabarangpur was inaugurated on 28th June 2023 and is scheduled to be completed on 2nd July 2023. All the training programmes were conducted under the aegis of the Mediation and Conciliation Project Committee (MCPC), Supreme Court of India and by the trainers of MCPC.

The details of the training programme are set out below.

Sl. No.	Number of Advocates/Judicial Officers who have undergone 40 Hours Mediation Training.	Date of Training	Place of Training
1.	15	21.11.2021 to 22.11.2021 and 03.12.2021 to 05.12.2021	Odisha Judicial Academy, Cuttack
2.	28	09.04.2022 to 11.04.2022 and 16.04.2022 to 17.04.2022	Odisha Judicial Academy, Cuttack
3.	28	02.06.2022 to 06.06.2022	Odisha Judicial Academy, Cuttack
4.	22	01.04.2023 to 05.04.2023	Rourkela
5.	24	28.06.2023 to 02.07.2023	Regional judicial Academy at Jeypore

Panel of Mediators

Sl. No.	Name of the Mediator	Profession	Contact Number	E-mail
1.	<i>Mr. Yeeshan Mohanty</i>	Advocate	9338100793	yeeshan.mohanty@gmail.com
2.	<i>Mr. Bibhuti Keshari Biswal</i>	Advocate	9437310349	b.kbiswal@yahoo.in
3.	<i>Mr. Rasmi Ranjan Satpathy</i>	Advocate	9861127939	rashmi.satapathy@gmail.com
4.	<i>Mr. Bijaya Kumar Nayak-3</i>	Advocate	9437926525	nayakbijayakumar966@gmail.com
5.	<i>Mr. Manoj Kumar Mohanty-2</i>	Advocate	9437208986	mohantymanojkumar303@gmail.com
6.	<i>Ms. Bijyalaxmi Tripathy</i>	Advocate	9437450048	advbltripathy@gmail.com
7.	<i>Mr. Suwendu Kumar Paikray</i>	Advocate	9861093249	sweetmohanty83@gmail.com
8.	<i>Mr. Prafulla Kumar Mohapatra</i>	Advocate	9861385606	prafulladv33@gmail.com
9.	<i>Mr. Paramanda Swain</i>	Advocate	9861211121	
10.	<i>Mr. Prakash Chandra Mishra</i>	Advocate	9437273735	
11.	<i>Mr. Karunakar Das</i>	Advocate	9937194437	karunakardasadv@gmail.com
12.	<i>Mr. Subash Chandra Pradhan</i>	Advocate	9437356970	subashadvocate15@gmail.com
13.	<i>Mr. Samarendra Mohanty</i>	Advocate	9437310525	
14.	<i>Mr. Biswaranjan Das</i>	Advocate	9937191491/ 7008013787	bdas.adv@rediffmail.com
15.	<i>Mr. Punyasloka Das</i>	Advocate	9937019370	punyaslokad@yahoo.com
16.	<i>Mr. Prabhash Chandra Panda</i>	Advocate	9437183815	prabhaspanda.adv@gmail.com
17.	<i>Mr. Prasanta kumar Das</i>	Advocate	9437226358/ 9090907707	advprashantadas@gmail.com

18.	<i>Mr. Sanjay Kumar Das-2</i>	Advocate	9337267574/ 8917350523	dassanjaykumar556@gmail.com
19.	<i>Mr. Sanjeeb Chakravorty</i>	Advocate	9238603736	sc.adv@rediffmail.com
20.	<i>Mr. Akshaya Kumar Dora</i>	Advocate	9437018575	akshayadora13@gmail.com
21.	<i>Mr. Bijaya Kumar Panda</i>	Advocate	9937671061	pandabijayctc9@gmail.com
22.	<i>Mr. Manu Charan Swain</i>	Advocate	9853758325	
23.	<i>Mr. Damaodar Sahoo</i>	Advocate	9938871823	damodar@gmail.com
24.	<i>Ms. Sadaya Laxmi Pattanaik</i>	Advocate		sadaylaxmipatnaik@gmail.com
25.	<i>Ms. Dipti Rekha Nanda</i>	Advocate	9861326246	diptirekhananda03@gmail.com
26.	<i>Ms. Usha Rani Padhi</i>	Advocate	8594829599	usharanipadhi01@gmail.com
27.	<i>Ms. Sanjukta Bala Das</i>	Advocate	9437450505	sanjuktabaladas@gmail.com
28.	<i>Ms. Tapaswini Sinha</i>	Advocate	9861076295	Tapaswinisinha009@gmail.com
29.	<i>Ms. Pramila Mohanty</i>	Advocate	8984827565	pramilamohantyadv1124@gmail.com
30.	<i>Ms. Rashmi Lenka</i>	Advocate	9437107888/ 9438435888	adv.rashmilenka@gmail.com
31.	<i>Ms. Mamata Mohanty</i>	Advocate	9437228271	mamatamohanty08@gmail.com
32.	<i>Ms. Sanjukta Patra</i>	Advocate	9437808808	sanjuktapatra987@gmail.com
33.	<i>Ms. Sujata Rout</i>	Advocate	9861964298	sujatarout24@gmail.com
34.	<i>Ms. Bidyutlata Mohanty</i>	Advocate	9937402603	bj8862766@gmail.com
35.	<i>Ms. Rati Mohanty</i>	Advocate	9861247447	ratimohanty@gmail.com

36.	<i>Ms. Reena Nayak</i>	Advocate	9437307986	reenanayak1969@gmail.com
37.	<i>Ms. Sunanada Biswal</i>	Advocate	9776050029	sunandabiswal14@gmail.com
38.	<i>Ms. Namita Chakravorty</i>	Advocate	8280216184/ 7978042596	
39.	<i>Ms. Prajna Priyambada</i>	Advocate	9338964834	prajna.priyambada.adv@gmail.com
40.	<i>Ms. Sushree Sangita Ray</i>	Advocate	9338480215	
41.	<i>Ms. Jayanti Nayak</i>	Advocate	9776991183	jayantinaikadv@gmail.com
42.	<i>Ms. C. Kasturi</i>	Advocate	8249173619	ckckadv@gmail.com
43.	<i>Ms. Arnapurana Sahoo</i>	Advocate	8327763552	arnapurnasahoo5@gmail.com
44.	<i>Ms. Namita Pattnaik</i>	Advocate	9437205847	pattanaiknamita@gmail.com
45.	<i>Ms. Mina kumari Das</i>	Advocate	9437225286	advminakumari@gmail.com
46.	<i>Ms. Rita Devi</i>	Advocate	9861278880/ 7653098326	rita01devi63@gmail.com
47.	<i>Mr. Pranab Ranjan Chhatoi</i>	Advocate	9437124478	pranabranjanChhatoi1968@gmail.com
48.	<i>Mr. Pratap Keshari Deo</i>	Advocate	9040647579/ 9437310946	pratapkesharideoadv@gmail.com
49.	<i>Mr. Janmejaya Dash</i>	Advocate	9861076962	janmejyadashsai@gmail.com
50.	<i>Mr. Pradeep Kumar Rout</i>	Advocate	9437157424	pradeeproutheadv@gmail.com
51.	<i>Mr. Jateswar Nayak</i>	Advocate	9437196265	adv.jateswar@gmail.com
52.	<i>Ms. Manasi Das</i>	Advocate	9439257801	Dasmanasidec12@gmail.com
53.	<i>Mr. Sachidananda Nayak</i>	Advocate	9937672263	Nayaksachi321@gmail.com
54.	<i>Mr. Ashis Kumar Mishra</i>	Advocate	9437150110	ashisodisha@gmail.com

55.	<i>Ms. Rehena Khatun</i>	Advocate	8763086664	Rehenakhatun.adv@gmail.com
56.	<i>Mr. Bibhudutta Barik</i>	Advocate	9583811740	Bibhuduttabarik.adv@gmail.com
57.	<i>Mr. Khageswar Raj</i>	Advocate	7008662738	Kraj.advocate@gmail.com
58.	<i>Ms. Subhashree Mohanty</i>	Advocate	94399503336	subhasreeadv@gmail.com
59.	<i>Mr. Somnath Satapathy</i>	Advocate	9861094466/ 7978377220	Somnathsatapathy51@gmail.co
60.	<i>Mr. Debasis Mitra</i>	Advocate	8658523829	mitradebasis@gmail.com
61.	<i>Mr. Ramakanta Panda</i>	Advocate	9437264889	Ramakanta.panda16@gmail.com



A corridor of the Mediation Centre

Honorarium of Mediators

As per sub rule-26 of the Civil Procedure Mediation Rules, 2007, the honorarium to the mediators is paid by the Odisha State Legal Services Authority from the State grant in the following manner:

SI No.	Nature of Cases	Honorarium to be paid to the Mediators
1	On settlement through mediation of a matrimonial case(including Criminal), custody, guardianship, probate, partition and possession	Rs. 5,000/-
2	Connected cases	Rs. 1,000/- per case subject to a maximum of Rs. 3,000/- (regardless of the connected cases)
3	In case of no settlement/unsuccessful mediation (In case the party fails to arrive at an amicable settlement despite three effective hearings) All other matters	Rs. 2,500/- Rs. 2,000/- per case (with two or more connected cases, the maximum would be Rs. 3,000/-)

As per the civil Procedure Mediation (Amendment) Rules, 2019, honorarium of Rs. 1,000/- is paid to the Mediator by the Odisha State Legal Services Authority in successful Pre-litigation Mediation cases

As per Rule 29 (iv) of the Civil Procedure Mediation (Amendment) Rules, 2019, in case of the Pre-litigation Commercial matters, the disputes are be governed by and dealt with as per the provisions of Commercial Courts (Pre-Institution Medication and Settlement) Rules, 2018. As per the Rule-3 (1) a party to a Commercial Dispute, files an application along with a fee of Rs.1000/- payable to the Odisha State Legal Service Authority by way of Demand Draft. As per Rule-11 of the said Rules, the parties to the Commercial disputes pay to the Odisha State Legal Service Authority, a onetime Mediation fee, to be shared equally, as per the quantum of the Claim as specified in the Schedule-2 which is set out below.

SCHEDULE-II
Mediation Fee
[See Rule-11]

Sl. No.	QUANTUM OF CLAIM	MEDIATION FEE PAYABLE TO AUTHORITY (In Indian Rupees)
1.	From Rs.3,00,000 to Rs.10,00,000	Rs.15,000/-
2.	From Rs.10,00,000 to Rs.50,00,000	Rs.30,000/-
3.	From Rs.50,00,000 to Rs.1,00,00,000	Rs.40,000/-
4.	From Rs.1,00,00,000 to Rs.3,00,00,000	Rs.50,000/-
5.	Above Rs.3,00,00,000	Rs.75000/-



A state-of-the-art Mediation room at the Centre

Success stories

1. Dr. Akshaya Parida (name changed) retired from a reputed hospital where he was working as a doctor. Due to irregular payment, he had Rs. 5,00,000/- due from the hospital. Dr. Parida filed a case against Mr. Debasish Senapati (name changed) the Executive head of the said hospital, in the High Court of Orissa claiming his dues from Mr. Senapati.

The Hon'ble Chief Justice directed the parties to be present before the Orissa High Court Mediation Centre for mediation and amicable settlement of the dispute between the parties. Accordingly, the matter was registered at High Court of Orissa Mediation Centre and a mediator was assigned with the case. The mediation proceedings were held in joint and single sittings. Finally, the mediator was able to settle the dispute between the parties amicably. Mr. Debasish Senapati (name changed) the Executive head of the hospital agreed to pay Rs. 3,00,000/- as full and final payment to Dr. Parida who agreed to the settlement.

The dispute of six years was resolved only in three days of the mediation.

2. One Ajay Kumar Das (name changed), a teacher by profession had married Smt. Pravasini Lenka (name changed) in the year 2012. From their wedlock they had one son.

After two years of marriage some family problems arose between them and then wife started living separately from Mr. Das with her son. Soon the dispute between them aggravated and they filed various cases against each other in various forums. The husband approached to the High Court of Orissa for settlement of their dispute. The High Court sent the matter to the Mediation Centre for mediation between the parties. A mediator was appointed to settle the matter amicably between the parties. In the very first sitting the mediator settled the dispute between the parties. After a prolonged mediation session the wife

agreed to reside with her husband. They agreed to lead a happy conjugal life with their son in Bhubaneswar.

Within seven days of the Order of the High Court the dispute could be settled between the parties.

3.Mr. Bibhudutta Sharma (name changed) is a Bhubaneswar based builder. Mrs. Soubhagini Sahoo (name changed) had some property dealing with him. A dispute arose between them relating to the property dealings and both of them filed many cases against each other. When Mrs. Sahoo brought a criminal charge against Mr. Sharma, he approached the High Court of Orissa for anticipatory bail. On hearing the matter, the Hon'ble Court was pleased to refer the dispute to the High Court of Orissa Mediation Centre. A trained mediator was appointed to settle the matter amicably.

In the first sitting the matter could not be settled between the parties. However, in the second sitting the parties came to a mutual agreement and mediation became successful.

Officers and Staff

The staff of Mediation Centre is deputed from High Court of Orissa. The Coordinator, a Judicial Officer in the Cadre of District judge, being assisted by the Additional Coordinator, an officer in the Cadre of Senior Civil judge, manages the sittings and other activities of the Centre. A Section Officer is in charge of the Superintendent of the Centre and there are two assistant Section Officers to assist him. In addition, there is one Class -IV employee (peon) who plays a very important role in carrying out the daily activities of the Centre.
