

HIGH COURT OF UTTARAKHAND, NAINITAL

NOTIFICATION

No. 125 UHC/Admn.-B/XI-C/2005

Dated: July, 7 2012

Alternative Dispute Resolution (Amendment) Rules –2012

(To amend the Civil Procedure Mediation Rules, 2007)

- 1:- (a) These Rules may be called the Civil Procedure Mediation (Amendment) Rules, 2012.
- (b) These Rules shall come into force with immediate effect.
- 2:- Rule 24 of the Civil Procedure Mediation Rules, 2007 (original Rules) shall be amended as under -

Existing Rule	Amended Rule
Rule 24 (1): At the time of referring the disputes to mediation, the court shall, fix the fee of the mediator, and shall be payable by the parties as directed by the Court.	Rule 24 (1): The fee of the mediator shall be paid on case basis and not on meeting basis. The fee as fixed from time to time, shall be paid by State Legal Services Authority or District Legal Services Authority as the case may be.
Rule 24 (2): As far as possible a consolidated sum may be fixed rather than for each session or meeting.	Rule 24(2): The mediator shall be paid fee as per following scale: a. Successful Mediation: Rs. 5000/- per case. b. Unsuccessful Mediation: Rs. 1,000/- per case.
Rule 24(3): Each party shall bear the cost for production of witnesses on his side including experts, or for production of documents.	Rule 24 (3): The cost of mediation shall be borne by the State Legal Service Authority or District Legal Service Authority, as the case may be.
Rule 24(4): The mediator may, before the commencement of mediation, direct the parties to deposit equal sums, tentatively, to the extent of 40% of the probable costs of the mediation,	Rule 24(4): The mediator shall be paid the fee at the conclusion of the mediation as per clause (2) and upon a certificate issued by the Court.

<p>as referred to in clause (1) and (3). The remaining 60% shall be deposited with the mediator, after the conclusion of mediation. For the amount of cost paid to the mediator, he shall issue the necessary receipts and a statement of account shall be filed by the mediator in the Court.</p>	
<p>Rule 24(5): The expenses of mediation including fee, if not paid by the parties the Court shall on the application of the mediator or parties direct the concerned party to pay and if they do not pay the Court shall recover the said amounts as if there was a decree for the said amount.</p>	<p>Rule 24(5): Delete.</p>
<p>Rule 24(6): Where a party is entitled to legal aid under section 12 of the Legal Services Authority Act, 1987, the amount of fees payable to the mediator and costs shall be paid by the concerned Legal Services Authority under the Act.</p>	<p>Rule 24(6): Delete.</p>

By order of Court,

Sd/-
Registrar General