

## XI

### Analogous Provisions

#### Section 89 of Code of Civil Procedure, 1908 (as inserted by C.P.C. (Amendment) Act, No. 46 of 1999)

**Settlement of disputes outside the Court.** (1) Where appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the Court may reformulate the terms of a possible settlement and refer the same for—

- (a) arbitration;
  - (b) conciliation;
  - (c) judicial settlement including settlement through Lok Adalat; or
  - (d) mediation.
- (2) Where a dispute has been referred--
- (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act;
  - (b) to Lok Adalat, the Court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of Section 20 of the Legal Services Authorities Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute referred to the Lok Adalat;
  - (c) for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a lok Adalt and all the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act;
  - (d) for mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.

#### **Order X, Rules 1A to 1C as inserted by CPC (Amendment) Act, 1999**

##### **1A. Direction of the Court to opt for any one mode of alternative dispute resolution .—**

After recording the admissions and denials, the court shall direct the parties to the suit to opt either mode of the settlement outside the court as specified in sub-section (1) of Section 89. On the option of the parties, the court shall fix the date of appearance before such forum or authority as may be opted by the parties.

**1B. Appearance before the conciliation forum, or authority.—** Where a suit is referred under rule 1A, the parties shall appear before such forum or authority for conciliation of the suit.

**1C. Appearance before the Court consequent to the failure of efforts of conciliation.**— Where a suit is referred under rule 1A and the Presiding Officer of conciliation forum or authority is satisfied that it would not be proper in the interest of justice to proceed with the matter further, then, it shall refer the matter again to the court and direct the parties to appear before the court on the date fixed by it.

**Section 16 of Court Fees Act, 1870 as inserted by Code of Civil Procedure  
(Amendment) Act, 1999**

**“16. Refund of fee.**—Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such plaint.”

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