



**TAMIL NADU  
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## Part III—Section 2

**Statutory Notifications and Orders issued by  
Heads of Departments.**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

## JUDICIAL NOTIFICATIONS

**Alternate Dispute Resolution Rules, 2018***(R.O.C. No. 57449-A/2017/F1)*

No. SRO C-26 /2018.

In exercise of the powers conferred under Section 89 of the Civil Procedure Code and of all other powers hereunto enabling, the High Court, Madras hereby makes the following Rules.

**Alternate Dispute Resolution Rules**

1. Where it appears to the Court that there exists elements of a settlement which may be acceptable to the parties, it shall, after the pleadings are complete and before framing of issues fix a date for the preliminary hearing to acquaint about the facts of the case and hear a brief representation of the facts not exceeding 30 minutes for each party and arrive at a prima facie conclusion as to whether the dispute falls outside the category of cases to be referred to Alternate Dispute Resolution Process.

2. If it appears to the Court that the dispute does not fall outside the category of cases to be referred to Alternate Dispute Resolution Process, it shall explain to the parties the advantages of choosing any one of the process for settlement, namely, i) Conciliation, ii) Mediation, iii) Arbitration, iv) Judicial Settlement including Lok Adalat and obtain the consent of the parties for such reference.

3. On receiving the observations and consent of the parties for such reference, as the parties may opt, the Court may furnish the parties a detailed statement of adjudicatory process including the costs and the time involved for the culmination of the same.

4. Where it appears to the Court that the dispute involves Domain Expertise it shall appoint a Conciliator who is an expert in the said field for conciliating and resolving the dispute, within a time frame to be fixed by the Court, and such reference shall be in accordance with the provisions of Section 64 of the Arbitration and Conciliation Act 1996.

5. Where it appears to the Court that the dispute involves complicated questions to be resolved or may require several rounds of negotiations, then the Court may refer the matter to Mediation before the Mediation Centre in the High Court.

6. Where faculty of Mediation is not available or where the parties opt for the guidance of the Judge for effecting settlement, then, the Court shall refer the dispute for mediation to an individual, selected by the parties, from the panel maintained by the Madras High Court Arbitration Centre.

7. Where the parties consent for reference of the dispute to arbitration, the Judge shall refer the matter to the Madras High Court Arbitration Centre for adjudication in accordance with the Rules framed there under or if the parties consent for a named Arbitrator of their choice to decide the disputes, then, refer the same to such named Arbitrator for adjudication within a time frame fixed by the Court for passing the Award.

8. Where it appears to the Court that the dispute does not involve complicated issues to be adjudicated or where the legal principles are clearly settled and there is no personal animosity between the parties (as in the case of Motor Accident Claims), the Court may refer the matter to the Lok Adalat.

9. Where it appears to the Court that the settlement of the dispute involved in the case, after receipt of observations from the parties, requires settlement of incidental disputes not directly involved in the suit/proceedings before it, but if conciliated, mediated, arbitrated or judicially settled or even if it involves non parties to the suit/proceedings and they have expressed their consent to such reference and it would finally adjudicate all the disputes comprehensively, then, the Court shall for referring the matter to Arbitration Mediation and Conciliation apply the provisions of Section 74 of the Arbitration and Conciliation Act 1996 and for judicial settlement and reference to Lok Adalat apply the provisions of Section 21 of the Legal Services Authorities Act 1987.

10. Where the parties settled the dispute(s) through any one of the aforesaid process and file the terms of such settlement or compromise into the Court, the Court shall follow the procedure stipulated under Order 23 Rule 3 of the Code for recording the terms of such settlement or compromise.

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11. Unless called for by the Authority appointed for adjudication or the Centre which is adjudicating the dispute referred to by the Court, the Court shall not send the original records to such Authority or Centre and in the event of the original records being sent, the Court shall receive a due acknowledgement of the receipt of the original records from such Authority or Centre as the case may be.

12. Prior to passing the decree in terms of the settlement or compromise arrived at between the parties, through the Alternate Dispute Resolution Process, under Order 23 Rule 3 of the Court, the Court shall call for the original records sent to the Authority or Centre and maintain it along with the case file.

High Court, Madras,  
20th September 2018.

C. KUMARAPPAN,  
*Registrar General.*