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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

PAMIDIGHANTAM SRI NARASIMHA; J., ATUL S. CHANDURKAR; J.

Civil Appeal No(s). 7435/2012; 24-09-2025

RAKSHA DEVI versus PARKASH CHAND

Civil Procedure – Compromise/Settlement – Mediation – Supreme Court – Power of Trust, Simplicity, and Efficacy in Dispute Resolution - A protracted litigation, spanning almost four decades, was successfully resolved through mediation efforts undertaken by Senior Advocate, appointed by the Court, who travelled to Hamirpur, Himachal Pradesh, interacted with rival family members, and inspected the properties - Supreme Court lauded the efforts, noting that the resolution was a direct consequence of the parties trusting the mediator.

Mediation – Swadeshi Mediation – Lawyers as Mediators – Cultivating New Skills- Supreme Court emphasized the power of trust, simplicity, and efficacy of persuasion through mediation as opposed to adversarial litigation - Observed that if lawyers are to evolve as mediators, they must cultivate a distinct set of skills and adopt a new attitude towards dispute resolution, one that diverges from adversarial litigation - The fundamental principle for this evolution is to "listen, rather than speak," where "Mediators speak by listening" - The model envisioned by the Court, termed "Swadeshi Mediation," involves transcending the binary often embedded in western approaches that separate professionalism from individual character, by affirming that "Goodness is an essential value, it is neither divorced from professionalism nor unattainable through power of the will" - This process requires the mediator to shed argumentative skills and adversarial demeanour. [Paras 5-8]

For Appellant(s): Mr. Akhil Sachar, Adv. M/S. Karanjawala & Co., AOR Ms. Babita Rawat, Adv.

For Respondent(s): Mr. G. Arudhra Rao, Adv. Mr. Merusagar Samantaray, AOR

J U D G M E N T

1. After almost four decades, a protracted litigation has reached a satisfying conclusion, owing to outstanding efforts of Sr. Adv. Gaurav Agrawal, appointed by this Court as the mediator. He successfully brought about a settlement between the parties, and we are happy to dispose of this Civil Appeal in terms of the agreement reached.

2. Notice on the present case was issued way back in November 2011. When the matter came up for hearing before us on 23.10.2024, we requested Mr. Gaurav Agrawal to undertake the process of mediation.

3. When the mediation report was placed before this Court, Mr. Akhil Sachar, learned counsel appearing on behalf of the appellant, commenced with thanking Mr. Gaurav Agrawal. He submitted that he never realized that an advocate could transcend his routine duty of presenting arguments before the Court to this extent. He elaborated by saying that Mr. Gaurav Agrawal travelled all the way to Hamirpur, Himachal Pradesh, interacted with rival members of the family and, along with them, went to inspect the land and other properties in the village. Mr. Sachar submitted that the parties trusted the mediator, the direct consequence of which is resolution of this dispute.

4. Mr. G. Arudhra Rao, learned counsel for the respondent, joined Mr. Sachar in appreciating the efforts of Mr. Gaurav Agrawal. While ably shouldering the difficult responsibility of conveying the initial disagreement of his client on certain issues, he was

happy to inform us that his client has finally agreed to the suggestions of the mediator and has requested us to dispose the civil appeal in terms of the agreement.

5. More than anything, we are happy to see that the young and able members of the bar, Mr. Akhil and Mr. Arudhra, got a chance to witness the power of trust, simplicity and efficacy of the technique of persuasion through mediation, as opposed to *adversarial* in litigation.

6. We believe that the essence of dispute resolution lies in selfless endeavour which is at the core of harmonious living. This is precisely what transpired, as the mediator shed the argumentative skills and adversarial demeanor of a lawyer and embarked on a journey to Hamirpur to mediate the dispute between the parties.

7. If lawyers are to double-up and evolve as mediators, a development which we consider is inevitable, they must cultivate a distinct set of skills and adopt a new attitude towards dispute resolution, one that diverges from *adversarial* litigation. The acquisition of these skills and mind set begins with revisiting certain traditional techniques and practices developed for argumentation. Here, the fundamental principle is to listen, rather than speak. Mediators speak by listening. The model of mediation that we envision for our country, which may be termed *swadeshi mediation*, involves transcending the binary often embedded in western approaches, where professionalism is separated from individual character. Goodness is an essential value, it is neither divorced from professionalism nor unattainable through power of the will.

8. In view of the settlement as reported to us, we dispose of the Civil Appeal with the following directions;

i) the Agricultural Land no. 2022/11288 comprising in Khata no. 41, Khatoni Nos. 126 to 137, Khasra no. 150 admeasuring 12K-13M in village Jharlog Uparla Tappa Mehlata, Tehsil Moranj, District Hamirpur, which is shown in the name of appellant Raksha Devi be measured by the Patwari in the presence of both the parties.

ii) the respondent Prakash Chand may choose 7 Kanals, 10 Marlas of the demarcated land and the same shall be handed over to him by the appellant in the presence of the Patwari.

iii) the House and cow-shed in Abadi Area would be retained by Raksha Devi and her children, Vishal and Akash.

iv) The shops and the land below the shop and behind the shop would be retained by Raksha Devi and children.

9. We direct the Registry to draw a decree in terms of the settlement as indicated in para 8.

10. With these directions, the Civil Appeal stands disposed of.

11. Pending application(s), if any, shall stand closed.