

The Need To Institutionalize Mediation as an Alternate Dispute Resolution In Pakistan



An alternative to costly and time-consuming litigation is Mediation:

If you have a case pending at the High Court of Sindh or Civil Courts at Karachi, request the Presiding Officer of the court to refer your case for mediation at KCDR.

What is Mediation?

Mediation gives the disputants the opportunity to reach an agreement through a flexible out-of-court process. All parties meet with a trained mediator who helps them to communicate with each other and reach an agreement for settlement of their dispute.

Benefits of Mediation:

- Conducted professionally by trained and internationally accredited Mediators.
- Recommended by National Judicial Policy and protected under the Section 89-A, Order X Rule 1A of CPC.
- Usually settlement reached within 1-5 sessions.
- Settlement reached in 70% of cases.
- Communication with the mediator and the proceedings remain private and confidential.
- Legal rights of the parties are not affected.

How can women litigants benefit from mediation?

- Various disputes of women that are pending or are not yet filed in court can easily be resolved through mediation:
- Land & property disputes,
- Business & financial disputes,
- Financial disputes pertaining to family,

| Value of Claim (Rs) | Fee per party (Rs) |
|---------------------|--------------------|
| Upto 1 million | 7,500 |
| 1 - 2 million | 15,000 |
| 2 - 3 million | 22,500 |
| 3 - 4 million | 30,000 |
| 4 - 5 million | 37,500 |
| 5 - 6 million | 45,000 |
| Over 6 million | 50,000 |

How much will it cost?

The cost of mediation will be based on the value of the claim. Fee for each party will be calculated as per the provided schedule.

- Women entrepreneurs,
- Contractual disputes.

When will the Mediation Session be held?

After receiving prescribed fees and relevant documents, KCDR will schedule a mediation session at a mutually convenient date and time (usually within one week) at KCDR office premises. The mediator will contact the parties before the session.

What happens at Mediation?

Each party gives a brief account of the dispute. The mediator will then discuss the issues involved with the parties, both individually and through combined discussions. Once the mediator understands the key issues of the dispute and any areas of agreement, he can encourage the parties to think of possible solutions.

What happens if no agreement is reached?

If no agreement is reached, parties would be free to continue with court proceedings. Anything disclosed during the mediation is confidential and cannot be used in court unless both parties agree.

Who can attend the Mediation?

You can come by yourself or with a legal representative / lawyer. Since it is not a trial in court, witnesses are not required.

How to try Mediation?

The disputants may request the Presiding Officer of the court to refer their case for mediation to KCDR or if a case is not yet filed in the court, KCDR may be contacted for resolution of dispute through mediation.

For further information please contact

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Case Administrator / Mediator
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OR

Visit KCDR from Monday through Saturday between 9:00 am to 5:00 pm.