

An Analysis on Section 89 of CPC: Settlement of Disputes Outside the Court

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Abstract: Section 89 of civil procedure code explains that Settlement of disputes outside the Court. Where it 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 observations of the parties. The Courts have been the way to go for resolving disputes, may it be civil, criminal, industrial, family, etc. As more and more cases file up before the courts, the more the time they take to be resolved. However, there exists an alternative mechanism for resolving these disputes where the involvement of the courts can be avoided. This mechanism is called ADR (Alternative Dispute Resolution) or Out of Court dispute settlement mechanisms. These provide a more informal, less expensive and less time consuming way of resolving the disputes among parties. ADR uses a neutral third party, who helps the parties achieve settlement by ensuring communication and coming to a decision acceptable by both the parties. The importance of ADR has been seen more and more as the time passes as the cases piling up before the courts are now beyond resolvable. Even the Courts have advised the use of ADR mechanisms in order to reduce the burden of the courts and save its time. The objective of this paper is to study the importance and the advantages of ADR. The research method used here is Empirical methods and a total of 200 responses have been collected through Convenient Sampling Method. It was found that the respondents think that ADR methods seem to be quite effective and would prefer them over the general judicial process as it is less expensive and less time consuming.

Keywords: Courts, Disputes, Resolution, Settlements, Conflicts, Arbitration, Mediation, Conciliation, Judgement

