

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO. 37 OF 2024
IN
INTERIM APPLICATION (L) NO. 29757 OF 2023
WITH
INTERIM APPLICATION NO. 459 OF 2024
IN
APPEAL NO. 37 OF 2024
WITH
APPEAL NO. 108 OF 2025
IN
INTERIM APPLICATION (L) NO. 29757 OF 2023**

Jade Construction Pvt. Ltd.

.. Appellant

Versus

Krishan Kishore Mehra & Anr.

.. Respondents

Mr. Girish Godbole, Senior Advocate a/w Adv. Virendra Pereira, Adv. Anagh Pradhan, Adv. Anand Iyer i/b Divya Shah Associates, for the Appellant in APP/37/2024 and for Respondents in APP/108/2025.

Mr. Cyrus Ardeshir, Senior Advocate a/w Adv. Dhruva Gandhi, Adv. Megha Gupta, Adv. Lavanita Chityala i/b Hedgehog & Fox LLP, for the Appellant in APP/108/2025 and for Respondents in APP/37/2024.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JANUARY 29, 2026

P. C.

1. After much deliberation, we are happy to note that the parties have settled their disputes which form the subject matter of the above Suit. The in principle agreement arrived at between the parties is that for being allotted the flats on the 12th, 13th and 14th floors, each measuring about approximately 2900 sq. ft RERA carpet area (inclusive of 459 sq. ft RERA carpet area as additional area), the Plaintiffs shall pay a lumpsum consideration of Rs. 13,24,00,000/-. The amount payable by the Developer (the Defendant) towards hardship compensation of Rs. 2,04,00,000/- would be adjusted against the total consideration of Rs. 13,24,00,000/-. In other words, after the aforesaid adjustment, the amount payable by the Plaintiffs to the developer would be Rs. 11,20,00,000/- for allotment of the three flats on the 12th, 13th and 14th floors of the new building "B" at Santacruz (West), Mumbai 400054.

2. Since the amount is agreed between the parties, to workout the other modalities with reference to the time frame within which the aforesaid payment is to be made, as well as payment of stamp duty etc, the parties shall prepare Consent Terms and file the same in this Court. We must clarify that the lumpsum figure of Rs. 11,20,00,000/- is for all three flats and also

includes the maintenance charges already paid by the developer for the aforesaid three flats, till date.

3. In order to enable the parties to file the consent terms, we now place this matter on 9th February, 2026.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]