

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

APPEAL NO. 37 OF 2024

Jade Construction Pvt. Ltd. .. Appellant

Versus

Swarna N Mehra (deleted since deceased)
Krishan K. Mehra & Ors. .. Respondents

WITH

APPEAL NO. 108 OF 2025

Swarna N Mehra (deleted since deceased)
Krishan K. Mehra & Ors. .. Appellant

Versus

Jade Construction Pvt. Ltd. .. Respondents

IN

INTERIM APPLICATION (L) NO. 29757 OF 2023

WITH

INTERIM APPLICATION NO. 459 OF 2024

IN

APPEAL NO. 37 OF 2024

Jade Construction Pvt. Ltd. .. Applicant

Versus

Swarna N Mehra (deleted since deceased)
Krishan K. Mehra & Ors. .. Respondents

Mr. Girish Godbole, Senior Advocate a/w Adv. Anagh Pradhan, 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. Megha Gupta a/w Adv. Lavanita Chityala i/b Hedgehog & Fox LLP, for the Appellant in APP/108/2025 for Respondents in APP/37/2024.

Mr. Aditya Mirchandani, Director of Jade Construction Pvt. Ltd., present in Court.

Adv. Krishan Kishore Mehra (thr. V.C.), Respondent No.2 & Power of Attorney of Respondent No.3 in APP/37/2024 & Appellant No.2 & Power of Attorney of Appellant No.3 in APP/108/2025.

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

DATE: APRIL 8, 2026

P. C.

1. Both the above Appeals were filed challenging the Order passed by the Learned Single Judge dated 10th November, 2023. Both these Appeals were disposed of by an Order dated 4th March, 2026 as the parties had settled their disputes as recorded in the Consent Terms dated 4th March, 2026. In fact, the Suit pending before the Learned Single Judge was also disposed of in terms of these Consent Terms.

2. After the Consent Terms dated 4th March, 2026 were taken on record, the parties encountered certain difficulties in complying with the requirements under clause 4 of the Consent Terms. It is for this reason that

the Appellant (Jade Construction Pvt. Ltd) and the Respondents (Krishan K. Mehra & Anr.), have by consent now arrived at certain modifications/substitutions to the Consent Terms dated 4th March, 2026, and which are filed before this Court as Supplementary Consent Terms dated 7th April 2026.

3. The Supplementary Consent Terms have been signed by Mr. Aditya Mirchandani, a Director of the Appellant-Company, who is authorized to sign the Supplementary Consent Terms as per the Board Resolution dated 20th October, 2023. The said Board Resolution is also annexed to the Supplementary Consent Terms. Mr. Aditya Mirchandani is also present in Court today. He has stated before the Court that he has signed the Supplementary Consent Terms on behalf of the Appellant-Company after reading and understanding the same as well as the implications thereof.

4. The Supplementary Consent Terms are also signed by Mr. Krishan K. Mehra, for himself (Respondent No.2), as well as the constituted attorney of Respondent No.3. Respondent No. 3 is the wife of Respondent No.2. Mr. Krishan K. Mehra appeared before the Court through Video Conferencing and has stated that he has signed the Supplementary Consent Terms for himself as well as for Respondent No.3, after reading and

understanding the same as well as the implications thereof. The power of attorney executed by Respondent No.3 in favour of Respondent No.2 is also annexed to the Supplementary Consent Terms. As far as Respondent No.1 is concerned, she is the mother of Krishan K. Mehra who expired on 16th March 2024 and has thereafter been deleted in the proceedings.

5. The Supplementary Consent Terms have also been signed by the Advocates for the Appellant as well as the Advocates for the Respondents.

6. Considering these circumstances, the Supplementary Consent Terms dated 7th April, 2026 are taken on record and marked 'X' for identification. Any undertakings given in the Supplementary Consent Terms are accepted as undertaking given to the Court. There shall now be an order and decree in terms of the Consent Terms dated 4th March, 2026 read with the Supplementary Consent Terms dated 7th April, 2026. The above Suit, namely Suit (L) No. 29345 of 2023, is also disposed of in terms of the aforesaid Consent Terms read with the Supplementary Consent Terms.

7. Before we conclude, we note that the parties have annexed the drafts of the revised PAAAs to the Supplementary Consent Terms dated 7th April, 2026 recording the understanding arrived at between the parties for

allotment of Flat Nos. 1701, 1801 and 1901 (on the 12th, 13th and 14th habitable floors) in favour of Respondent Nos. 2 and 3 respectively, and the simultaneous relinquishment of the rights of Respondent Nos. 2 and 3 in the previously allotted Flat Nos. 901, 1001 and 1101 (on the 5th, 6th and 7th habitable floors) in favour of Appellant herein, in the building known as Mirchandani Triton in Ganga Jamuna Cooperative Housing Society (**Society**). The draft of the PAAAs annexed to the Supplementary Consent Terms have also been signed by Mr. Mirchandani on behalf of the Appellant, and by Mr. Krishan Kishore Mehra, for himself, as well as on behalf of his wife (Respondent No.3), as her constitute attorney. The Society has already passed a Special General Body Resolution dated 12th March, 2026 in the Special General Body Meeting held on 12th March, 2026 approving the original Consent Terms dated 4th March, 2026 and the PAAAs annexed thereto. By the present Order, the Supplementary Consent Terms dated 7th April, 2026 and the draft of the revised PAAAs annexed thereto are being accepted. The Supplementary Consent Terms dated 7th April, 2026 and the revised PAAAs annexed thereto do not provide for any substantial change which will affect any rights of the Society. The Society is a confirming party and an executant to these revised PAAAs. It is accordingly directed that the Society shall accept the terms of the revised PAAAs annexed to the Supplementary Consent Terms dated 7th April, 2026 and the revised PAAAs

shall override the relevant provisions of the Development Agreements (including the supplementary agreements and addendums, if any) entered into by and between the Society and the Appellant herein, wherein the reference to Flat Nos. 901, 1001 and 1101 is reflected to be the allotment of the Respondents respectively, and these flats shall now stand transferred to and form part of the Developers' Entitlement under the Development Agreements (including the supplementary agreements and addendums, if any). We order accordingly.

8. We further note that it is agreed that the Appellant shall provide the documents which are available with the Appellant as may be required in the process of registration of the PAAAs between the parties annexed to the Supplementary Consent Terms dated 7th April, 2026.

9. 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.]