

ITEM NO.39

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.7127/2026

[Arising out of impugned final judgment and order dated 17-10-2025 in WPL No. 15275/2025 passed by the High Court of Judicature at Bombay]

SHYAMKAMAL C CO OP HOUSING SOCIETY LTD.

Petitioner(s)

VERSUS

INDIA FINANCE AND CONSTRUCTION CO. PVT. LTD. & ORS.Respondent(s)

IA No. 45816/2026 - CONDONATION OF DELAY IN FILING
IA No. 45813/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 47173/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 24-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Shyam Divan, Sr. Adv.
Mr. Ashutosh Jha, AOR
Mr. Dharendra Singh, Adv.
Mr. Oleander D Singh, Adv.
Mr. Pratham Sadh, Adv.
Mr. Shivam Tomar, Adv.

For Respondent(s) :Mr. Neeraj Kaul, Sr. Adv.
Mr. Dharam Jumani, Adv.
Mr. Shiv Vinayak Gupta, Adv.
Ms. Meenakshi Dhanuka, Adv.
Mr. Amit Aggarwal, Adv.
Mr. Mihir Nerukar, Adv.
Ms. Anushka Rawal, Adv.
Ms. Himani Singh, Adv.
Mrs. Bina Gupta, AOR

Mr. Soumya Dutta, AOR

For R.Nos.5 &6 Ms. Nina Nariman, Adv.
Mr. Sanjay Kr. Visen, Adv.
Mr. Prashant Sharma, Adv.
Mr. Ashruta Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. We heard Mr. Shyam Divan, the learned senior counsel appearing for the petitioner (housing society), Mr. Neeraj Kishan Kaul, the learned senior counsel appearing for the respondent nos.1 and 2, respectively, and Ms. Nina Nariman, the learned counsel appearing for the respondent nos. 5 and 6, respectively.

2. Having regard to the nature of the dispute between the parties, we believe that they should sit, talk and try to resolve the dispute. In other words, we want the parties to go

for mediation and put an end to the entire litigation.

3. In view of the aforesaid, we appoint Hon'ble Mr. Justice Shahrukh Jimi Kathawalla, former Judge of the High Court of Bombay to act as a Mediator between the parties.

5. The fees of the learned Mediator and other modalities shall be fixed in consultation with the parties.

6. The parties shall get in touch with the learned Mediator at the earliest.

7. Registry shall inform about this order to the learned Mediator at the earliest.

8. Once, we are in receipt of the report that may be forwarded by the learned Mediator, we shall proceed to hear the matter further.

9. The High Court, in its impugned judgment and order, has remanded the matter to the District Deputy Registrar, Co-operative Societies, Mumbai City-III, Competent Authority under Section 5 of the MOFA 1963 Bandra (East), Mumbai - 400051. Since, we have asked the parties to go for mediation, the authority concerned shall not proceed further.

10. At this stage, Ms. Nariman pointed out that one of the housing societies, namely, Shyamkamal "A", should also be asked to join the mediation. Shyamkamal "A" shall also join the mediation proceedings.

11. List the matter immediately after receipt of the mediation report.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)