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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 166/2019 & CCP(O) 74/2019, I.A. 8900/2019, I.A. 11461/2019, I.A. 10609/2020 , I.A. 19721/2023, I.A. 33382/2024
M/S R K BARARIA Plaintiff

Through: Mr. Sanjay Bansal, Advocate

versus

NANDI INFRATECH PRIVATE LIMITED Defendant

Through: Mr. Vinay Kumar Garg, Sr. Advocate
with Mr. Bipin Kumar, Mr. Suresh Chandra Sharma, Mr. Mohit Kumar Saxena, Mr. Himanshu Shukla and Mr. R.S Rekhi, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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04.02.2026

I.A. 4623/2019

1. It is the contention of the Defendant that the interim injunction passed by this Court on 09.04.2019 is beyond the scope of Order XXXIX Rule 1 and 2. It is stated that the instnat suit is only for the recovery of money.

2. This Court on 09.04.2019 while entertaining the instant suit which is only for recovery of money has passed the following interim injunction:-

“3. Considering the nature of the disputes between the parties, since the amount claimed by the Contractor is quite substantial and the claim of the Company is primarily for liquidated damages, which are to be established at trial, any transfer of flats made by the Company in Amatra Homes project in Tower Nos. ‘A and J’ shall be subject to further orders of this court.



The Company is free to deal with those flats by informing the proposed buyers of the order of this Court. Let reply to the injunction application be filed within two weeks and rejoinder, if any, be filed within one week thereafter.”

3. A reply has been filed to the said application. In the said reply, the first objection is that the application as framed is not maintainable in law because it seeks for injunction beyond the scope of the Order XXXIX of CPC.
4. Learned Counsel for the Plaintiff seeks some time to produce judgments to show that in a money suit even though there is no injunction sought and interim injunction restraining sale of properties not covered in the suit can be passed.
5. List on 10.02.2026 in the supplementary list.

SUBRAMONIUM PRASAD, J

FEBRUARY 4, 2026

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