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

+ **CS(COMM) 166/2019**

M/S R K BARARIA

..... Plaintiff

Through: **Mr. Sanjay Bansal, Advocate.**

versus

NANDI INFRATECH PRIVATE LIMITED

..... Defendant

Through: **Mr. Kirti Uppal, Senior Advocate
with Ms.Tulika Bhatnagar,
Mr.Bipin Kumar & Mr.Suresh
Chandra Sharma, Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.08.2019

I.A. 11461/2019

1. Issue notice. Mr.Sanjay Bansal, learned counsel for the plaintiff accepts notice.
2. This is an application by the defendant for modification of an order dated 05.07.2019. Mr. Kirti Uppal, learned Senior counsel appearing for the applicant/defendant submits that instead of depositing ₹5,00,00,000/- from the proceeds of the sale of the apartments in question, the defendant be permitted to furnish security by way of 16 apartments in the same project which, according to him, would fetch a value of more than ₹5,00,00,000/-.
3. It is also evident from the application that the joint measurement ordered by this Court through a Local Commissioner has not yet taken place. Learned counsel for the parties will jointly attempt to identify an

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architect or civil engineer who will be able to undertake the joint measurement in terms of the previous orders of this Court. They may also each nominate an architect or civil engineer who can jointly carry out the assigned task.

4. Learned Senior Counsel for the defendant states that he will file a further affidavit, alongwith documents in support of the valuation contained in the tabular chart annexed with the application as Document D-3. The affidavit may be filed within one week.

5. Learned counsel for the plaintiff may file a reply to the application within two weeks thereafter, and also deal with the additional affidavit filed by the defendant.

6. In the meantime, parties may also explore among themselves the possibility of settling their disputes through mediation.

7. List on the date fixed i.e. 18.09.2019.

PRATEEK JALAN, J

AUGUST 23, 2019

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