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

+ EX.P. 275/2012 & EX.APPL.(OS) 221/2018

**46 M/S BHANDARI ENGINEERS &
BUILDERS PVT LTD**

..... Decree Holder

Through: Mr. S. S. Jauhar, Advocate
versus

**M/S MAHARIA RAJ
JOINT VENTURE & ORS**

..... Judgment Debtors

Through: Mr.Sanjay Agnihotri, Mr.Rakesh
Kumar, Mr.Vikram Singh Yadav and
Mr.Akash Kumar, Advocates for JD
No.4

Mr.Dayan Krishnan, Senior Advocate
as Amicus Curiae with Ms. Aakash
Lodha, Mr. Sanjeevi Seshadri and
Ms.Niharika Kaul, Advocates

Mr.Sanjiv Kakra, Advocate as
Amicus Curiae with Mr.Irfan Ahmad
and Mr.Mayank Bhargava, Advocates

+ EX.P. 276/2012

**47 M/S BHANDARI ENGINEERS &
BUILDERS PVT LTD**

..... Decree Holder

Through: Mr. S. S. Jauhar, Advocate
versus

**M/S YOU ONE MAHARIA
(JV) DELHI & ORS**

..... Judgment Debtors

Through: Mr.Dayan Krishnan, Senior Advocate
as Amicus Curiae with Ms. Aakash
Lodha, Mr. Sanjeevi Seshadri and
Ms.Niharika Kaul, Advocates

Mr.Sanjiv Kakra, Advocate as
Amicus Curiae with Mr.Irfan Ahmad
and Mr.Mayank Bhargava, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **05.12.2019**

1. After some hearing, learned counsel for judgment debtor No.4



submits that judgment debtor No.4 is willing to pay 25% of the award amount to the decree holder but not the remaining portion. Let the said amount be paid to the decree holder.

2. Learned counsel for the decree holder submits that the judgment debtor No.4 has means and capacity to pay the amount but is not deliberately paying the same and therefore, is liable to be detained in prison. He further submits that he would be filing an appropriate application for the detention of judgment debtor No.4.

3. Learned counsel for decree holder seeks permission to serve interrogatories on judgment debtor No.4 with respect to the affidavit of assets filed by the judgment debtor. The decree holder is permitted to serve the interrogatories on judgment debtor No.4 through his counsel whereupon judgment debtor No.4 shall reply to the same on affidavit within a period of three weeks thereafter.

EX.APPL.(OS) 221/2018

4. The decree holder is seeking substitution of legal representatives of judgment debtor No.2. The application is allowed and the two legal heirs of judgment debtor No.2 mentioned in para 3 (i) and (ii) of the application are substituted in place of deceased judgment debtor No.2.

EX.P. 275/2012 & EX.P. 276/2012

5. Issue fresh notice to newly added judgment debtor No.2 (i) and (ii) by all modes including *dasti* returnable on 11th February, 2020.

6. The order dated 11th January, 2016 is modified and fresh guidelines are issued today by a separate judgment.

J.R. MIDHA, J.

DECEMBER 05, 2019

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