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

+ **FAO (COMM) 183/2025 & CM APPL. 42558/2025, CM APPL. 42559/2025**

M/S E. I. TECHNOLOGIES PVT LTD.Appellant

Through: Mr. Rohan Dewan, Advocate

versus

BENTLEY SYSTEMS INCORPORATED & ORS.Respondents

Through: Mr. Ankur Katyal and Mr. Mukul Pratap Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 25.03.2026

1. Pursuant to order dated 11th January, 2026, it is informed by the counsel for parties that the Local Commission has been executed and report has been filed. The Court has also received evidence of Disk No.1 and 2, along with report of the Local Commissioner, in three sealed envelopes, which have been placed before the Court.

2. By consent of parties, following directions are passed:-

- i. The application under *Order XXXIX Rule 4* of the Code of Civil Procedure 1908 [“*CPC*”], which had been adjudicated *vide* impugned order dated 21st April 2025 passed by the District Judge (Commercial), South East, Saket Court, in CS (COMM) No.3888/2024, shall not be pressed by parties.



- ii. Appellant is at liberty to file a fresh application under *Order XXXIX Rule 4 CPC* before the Trial Court, which shall be adjudicated on its own merits, taking into account the Local Commissioner's report and findings.
- iii. Counsel for appellant states that fee of the Local Commissioner and additional costs have been paid by appellant as per the direction contained in *paragraph 10 (IV)* of order dated 11th December 2025. He states that the said costs be shared by the respondents. This aspect of sharing of cost shall be considered by the Trial Court as part of the adjudication of the fresh application itself, taking into account the plea of the parties.
- iv. Liberty is granted to the parties to place their objections *qua* the report of Local Commissioner as well.
3. The appeal is, therefore, disposed of in the above terms.
4. Pending applications also stand disposed of accordingly.
5. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

MARCH 25, 2026/pr/sk+tk