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

+ **CS(COMM) 166/2018**

NRP PROJECTS PRIVATE LIMITED

..... Plaintiff

Through: Mr.Manu Seshadhri, Ms. Aakriti
Gupta and Mr. Sahil, Advocates.

versus

INDIAN OIL CORPORATION LIMITED

..... Defendant

Through: Mr. Divjyot Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.05.2024**

I.A. 11247/2024 (under Section 75 read with Order XXVI and Section 151 CPC and Order XV-A Rule 6(o) & (p) of CPC as amended by Commercial Courts Act, 2015 and Rule 8, Chapter XII of the Delhi High Court (Original Side) Rules, 2018 seeking appointment of Local Commissioner on behalf of the plaintiff)

1. The application under Section 75 read with Order XXVI and Section 151 CPC and Order XV-A Rule 6(o) & (p) as amended by the Commercial Courts Act, 2015 and Rule 8, Chapter XII of the Delhi High Court (Original Side) Rules, 2018 has been filed on behalf of the plaintiff seeking recording of the evidence by the learned Local Commissioner.
2. It is submitted in the application that no evidence has been led by the plaintiff and the cross-examination of DW-1, is pending since 06.05.2019, after which the parties had been trying for a settlement. However, till date, no cross-examination has been concluded.



3. Learned counsel appearing on behalf of the defendant submits that the matter is already listed before the learned Joint Registrar on 29.05.2024, on which date the plaintiff has to cross-examine the witness of the defendant and there is no *prima facie* merit in the application.
4. Learned counsel appearing on behalf of the plaintiff, seeks adjournment.
5. Be listed on 24.05.2024.

MAY 16, 2024/RS

NEENA BANSAL KRISHNA, J