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

+ **CS(OS) 65/2018**

VLS COMMODITIES PRIVATE LIMITEDPlaintiff

Through: Mr. Apoorva Bhumesb and Ms.
Madhavi Khare, Advocates.

versus

**LATE SOMESH MEHROTRA THROUGH (SADHNA
MEHROTRA) & ORS**Defendant

Through: Mr. Yashpal Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **24.02.2025**

1. The matter has been listed on an office note through a communication of Local Commissioner (*Sh. Amar Nath, Former District & Sessions Judge,*), who is in the midst of recording the evidence of the parties.
2. An order had been passed on 14th February 2025, by this Court, where certain directions were passed including a direction to decide the objections to the relevancy of questions being put to *PW-1*.
3. Counsel for defendant draws attention to *Order XXVI Rule 16A* of Code of Civil Procedure, 1908 ('**CPC**') and Chapter XII Rule 8 (iv) of Delhi High Court (Original Side) Rules, 2018 ('**the Rules**'), to state that the Commissioner's power is only to record the objections and the objections shall be decided by the Court at the time of final hearing or at the time when it deems appropriate.



4. To buttress this, he relies on a full Bench Judgment of this Court in ***Pushpa Devi v. Bimala Devi*** AIR 2000 Del 141.
5. Since these provisions and judgments have been brought to the notice of the Court, accordingly, the order dated 14th February 2025 is modified to the extent that the Local Commissioner shall follow the procedure that has been prescribed by this Court, in particular with the Rules (as noted above) and record all the objections during recording of evidence, leaving for the Court to decide the objections on the subsequent date.
6. The matter was listed on 20th February 2025 before the Local Commissioner, on which date, this objection was taken by counsel for defendant, subsequently, the matter is now listed on 12th March 2025.
7. Accordingly, Mr. Yashpal Singh, counsel for defendant states that he shall conclude the cross-examination on 12th March 2025, and at best if there is spillover, then on another subsequent date. He shall not dilate the cross-examination unnecessarily, since PW-1 has already been cross-examined on the previous three days.
8. Counsel for plaintiff states that they may not be forced to answer irrelevant questions. Needless to state, the Local Commissioner who is a *Retd. Judicial Officer* is well-equipped to decide on the flow of evidence recordal and consider all applicable procedures, rules, and regulations in the process.
9. List before the Joint Registrar on 13th May 2025, date already fixed.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 24, 2025/RK/bp