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

+ CS(COMM) 277/2016

M/S CAPITAL LAND BUILDERS (P) LTDPlaintiff

Through: Mr. Shalabh Gupta and Mr. Ashish
Negi, Advocates.

versus

M/S BHARAT PETROLEUM CORP LTDDefendant

Through: Mr. Naveen Kumar Chaudhary and
Mr. Tejas Bobal, Advocates for D-2

(64)

+ CS(COMM) 845/2018

M/S HIGHWAY SERVICE STATIONPlaintiff

Through: Mr. Naveen Kumar Chaudhary and
Mr. Tejas Bobal, Advocates

versus

BHARAT PETROLEUM CORPORATION LTD. & ANR

.....Defendants

Through: Mr. Shalabh Gupta and Mr. Ashish
Negi, Advocates for D-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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27.11.2025

I.A. 29623/2025 in CS(COMM) 277/2016

I.A. 29672/2025 in CS(COMM) 845/2018

1. I.A. 29623/2025 has been filed by the Plaintiff seeking restoration of



I.A. No.15249/2025; and I.A. 29672/2025 has been filed by the Plaintiff seeking restoration of I.A. No.15250/2025.

2. It is pertinent to mention that this Court *vide* Order dated 18.11.2025 dismissed I.A. No.15249/2025 and I.A. No.15250/2025 for non-prosecution.

3. Learned Counsel appearing for the Defendant No.2 states that he has no objection if the present applications are allowed and I.A. No.15249/2025 and I.A. No.15250/2025 are restored to their original numbers.

4. Accordingly, the present applications are allowed.

5. I.A. No.15249/2025 and I.A. No.15250/2025 are restored to their original numbers.

6. The applications are disposed of.

I.A. No.15249/2025 in CS(COMM)-277/2016

I.A. No.15250/2025 in CS(COMM)-845/2018

7. The instant applications have been filed by the Plaintiff seeking recall of the Order dated 19.03.2025, passed by this Court in I.As. No. 7074-75/2025, which were filed by the Plaintiff seeking appointment of Local Commissioner for recording of evidence.

8. This Court *vide* Order dated 19.03.2025 appointed a Local Commissioner for the purpose of recording of evidence.

9. In the present Applications, it is stated that the Order dated 19.03.2025 be recalled and a direction be passed that the evidence will be recorded by the learned Joint Registrar of this Court.

10. This Court has perused the applications.

11. At this juncture, this Court is not inclined to allow these applications. However, considering the fact that the Director of the Plaintiff Company, who is around 82 years old, is to be examined, the learned Local



Commissioner is requested to expedite the hearing and ensure that the questions are put strictly in conformity with the Indian Evidence Act, 1872.

12. With these observations, the applications are disposed of.
13. List before the Local Commissioner on 17.12.2025.

SUBRAMONIUM PRASAD, J

NOVEMBER 27, 2025

Rahul