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

CNR No. DLHC011265952018

+ **CS(COMM) 845/2018**

M/S HIGHWAY SERVICE STATIONPlaintiff

Through: Mr. Sanat Kumar, Sr. Adv., Mr. Akhil Sachar, Ms. Sunanda Tulysan, Mr. Vinayak Batta, Mr. Sangram Singh and Ms. Gulnar Arora, Adv.

versus

BHARAT PETROLEUM CORPORATION LTD. & ANR

.....Defendants

Through: Mr. Shalabh Gupta, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.08.2026

IA No.23408/2026 (filed on behalf of plaintiff seeking directions for further cross-examination of PW1)

1. This is an application filed by the plaintiff seeking that the further cross-examination of PW1 be recorded before the learned Joint Registrar (Judicial) instead of the Local Commissioner.
2. It is noticed that in the conspectus of a similar application, *vide* order dated 27.11.2025 passed in the present proceedings, it was, *inter alia*, recorded as under:

“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.”

3. Learned senior counsel for the applicant/ plaintiff submits that despite the aforesaid directions, the cross-examination of PW-1 has not yet concluded, and it is also emphasized that during the said cross-examination, extraneous questions were being put to the witness which have no nexus with the controversy in the present suit.

4. In the above conspectus, with the consent of respective counsel for the parties, the following directions are issued:

(i) Learned counsel for the defendant no.2 undertakes that the cross-examination of PW1 shall be concluded within the next two sittings before the learned Local Commissioner. It is agreed that if the same is not done, the remaining cross-examination shall happen before the learned Joint Registrar; and

(ii) The Local Commissioner is requested to ensure compliance with the aforesaid timeline and also with the directions in the aforesaid order dated 27.11.2025 and also ensure that the questions put to PW1 are strictly in conformity with the Bharatiya Sakshya Adhiniyam, 2023. Consequently, questions which are not relevant / impermissible shall be disallowed by the Local Commissioner.

5. The application is disposed of in the above terms.

SACHIN DATTA, J

AUGUST 25, 2026/cl