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

+ C. RULE 1/2026

BANK OF INDIAPlaintiff

Through:

versus

FIRESTAR DIAMOND FZE AND ORSDefendants

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **12.01.2026**

1. This matter has been listed before this Bench consequent to a letter of request received by the Ministry of Law and Justice, Department of Legal Affairs from the Senior Master of the King's Bench Division, UK, in connection with a litigation between Bank of India and (i) Firestar Diamond FZE, (ii) Firestar International Private Limited and (iii) Mr. Nirav Deepak Modi.

2. The letter states that the evidence of a witness who is located within the territorial jurisdiction of this Court is required to be recorded and seeks the assistance of this Court in that regard.

3. We deem it appropriate to reproduce the letter in *extenso* thus

F. No. J-21011(705) 2025-Judl.
Government of India
Ministry of law and Justice
Department of Legal Affairs
(Judicial Section)



Shastri Bhawan, New Delhi
Dated December, 2025

To,

The Registrar,
Hon'ble Delhi High Court,
Sher Shah Road, near India Gate
New Delhi-110503, India.

Sub: Letter of request from the Senior Master of the King's Bench Division of the Supreme Court of England and Wales in according to the Hague Convention dated 18th March, 1970 on the taking of evidence abroad in Civil or commercial matter.

Sir,

Please refer to the Letter of request for International Judicial Assistant received from the Senior Master of the King's Bench Division of the Supreme Court of England and Wales Copy enclosed), whereby it has been requested to allow and facilitate the taking of Testimony/evidence from the witness: **Mr. Animesh Barua of Bank of India**, Field General Manager Office, H-2, Middle Circle, Connaught Circus, New Delhi, India.

2. Hence, it is requested for kind consideration to issue a Commission under Order XXVI, Rule 19 of the Civil Procedure Code, 1908 for recording the statement etc. of the subject party and send a report of the same to the undersigned for onward transmission to the **British High Commission, New Delhi**.

Encls: as above

Yours Sincerely
Sd/-
(Dr. Krishna Mohan Arya)
Deputy Legal Adviser

4. The provisions in the CPC which cater to such an eventuality are Rules 19 and 20 of Order XXVI. However, Rule 20 of Order XXVI envisages the High Court acting only upon application by one of the parties to the proceeding before the Foreign Court, or upon an application by a Law Officer of the State Government acting under instructions from the State Government.



5. Though the government is not a party in the *lis* before the foreign Court, we have requested for the assistance of the learned Additional Solicitor General, Mr. Chetan Sharma, who has graciously appeared along with Mr. Amit Tiwari, learned CGSC.

6. Clearly, it would be necessary to implead the parties in the *lis* before the King's Bench and issue notice to them before proceeding further.

7. Accordingly, I deem it appropriate to have the same sequence of parties in this litigation as in the proceedings abroad. The Bank of India would, therefore, be reflected as the plaintiff and (i) Firestar Diamond FZE, (ii) Firestar International Private Limited and (iii) Nirav Deepak Modi, as the defendants.

8. It is made clear that the parties are being thus impleaded only for the sake of convenience, and it is not as though the *lis* is pending before this Court.

9. Let emergent notice be issued by all modes including e-mail at the e-mail IDs of parties/their legal representatives as reflected in the aforesaid extracted communication from the King's Bench, returnable on 15 January 2026.

10. Mr. Nirav Deepak Modi has been shown as a litigant in prison presently lodged at HMP Thameside, Griffin Manorway, Thameside, London, SE28 OFJ.



11. Notice would therefore have to issue to Mr. Nirav Deepak Modi through the Consulate General in the UK.

12. Mr. Chetan Sharma, learned ASG, is requested to ensure that the notice is duly issued to Mr. Nirav Deepak Modi.

13. Re-notify on 15 January 2026.

14. The Registry is directed to place on record proof of service as aforesaid.

15. The learned ASG, Mr. Chetan Sharma and Mr. Amit Tiwari, who are present in Court, are also requested to examine the issue and to assist this Court as to the future course of action to be taken in this matter, as there does not appear to be any earlier precedent in which the Court has acted on the basis of a communication from the foreign Court, without a party to the *lis* approaching the Court.

C. HARI SHANKAR, J.

JANUARY 12, 2026/aky