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

+ **CS(OS) 223/2016 and I.A. Nos. 5721/2016 and 7971/2016**

TATA COMMUNICATIONS LIMITED Plaintiff

Represented by: Ms. Padmaja Kaul and Mr.
Mohit Rohatgi, Advocates.

versus

ANAND AHUJA Defendant

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.10.2017

1. Even on pass-over none is present on behalf of the defendant.
2. Despite service of bailable warrants to the defendant through the SHO PS Connaught Place, defendant is not present.
3. Issue non-bailable warrants against the defendant to be executed through the SHO, PS Connaught Place returnable on 27th November, 2017.
4. In case the defendant is arrested before the next date, he would be produced before this Court by mentioning the matter.

MUKTA GUPTA, J.

OCTOBER 23, 2017

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1. After the order was passed by this Court, defendant along with his learned counsel Mr. Girijesh Pandey, Advocate appears in Court and states that he was delayed in reaching the Court due to the delay in arrival of the

train as he has to come from Mumbai.

2. In view of the explanation rendered non-bailable warrants issued against the defendant is recalled.

3. On 17th February, 2017 defendant sought time to file an affidavit undertaking to refrain from indulging in any defamation of the plaintiff and its officers and also to tender an unqualified apology.

4. An affidavit has been filed by the defendant tendering his unconditional apology and undertaking not to write/publish any incriminating or defamatory material against the plaintiff or its officers or any other person and not to upload any defamatory material in public domain against the authority and company as mentioned in the suit in future.

5. Learned counsel for the plaintiff submits that in view of this undertaking of the defendant the suit be decreed in terms of prayers (i) to (iv) and she has instructions from the plaintiff to give up prayers (v) and (vi) in the plaint.

6. Defendant, who is present in Court and identified by the learned counsel, affirms the affidavit filed by him. He tenders his unconditional apology and undertakes not to write/publish any incriminating or defamatory material against the plaintiff or its officers or any other person. Defendant further undertakes not to upload any defamatory material in public domain against the authority and company as mentioned in the suit in future. Defendant further undertakes to write to the various authorities for withdrawal of all his earlier emails and messages sent to the various authorities. Defendant undertakes that the necessary compliance in terms of prayer (ii) in the suit will be made within three days from today.

7. In view of the undertakings made by the defendant, who is present in

Court and has also filed an affidavit, suit is decreed in terms of prayers (i) to (iv) in the suit.

8. Learned counsel for the plaintiff gives up prayers (v) and (vi) in the suit.

I.A. Nos. 5721/2016 (under Order XXXIX Rule 1 and 2 CPC) and 7971/2016 (under Order XXXIX Rule 2A CPC)

Applications are disposed of as infructuous.

OCTOBER 23, 2017
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MUKTA GUPTA, J.



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