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

+ **RFA(OS) 20/2023 & CM APPL. 56166-56168/2023**

MR. TARUN TEJPAL AND ANR. Appellants

Through: Mr. Siddharth Luthra, Senior
Advocate with Mr. Viresh B.
Saharya, Mr. Akshat Agarwal,
Advocates

versus

**MAJOR GENERAL M.S. AHLUWALIA
AND ORS. Respondents**

Through: Mr Chetan Anand with Mr Akash
Srivastava and Ms Tejaswani Singh,
Advocates for R-1

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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12.01.2024

CM APPL. 56167/2023 (for exemption)

1. Allowed, subject to just exceptions.
2. Accordingly, this application is disposed of.

CM APPL. 56168/2023 (condonation of delay)

3. Keeping in view the averments made in the application, the delay of 52 days in filing the present appeal is condoned.
4. Accordingly, this application is disposed of.



RFA(OS) 20/2023 & CM APPL. 56166/2023

5. Present appeal has been filed challenging the order dated 21st July, 2023 passed by the Learned Single Judge of this Court in **CS(OS) 622/2002** whereby the learned Single Judge has decreed the suit in favour of the Plaintiff-Respondent No.1 and awarded a sum of Rs.2,00,00,000/- (Rupees Two Crores) as damages to Respondent No.1 to be paid by the appellants. There is also a challenge to the order dated 1st September, 2023 passed in Review Petition No.230/2023, whereby the review application filed by the Appellant no.2 has been dismissed.

6. After some arguments, learned Senior Counsel for the Appellants states that the Appellants are ready and willing to deposit Rs.10,00,000/- (Rupees Ten Lakhs) each and tender an unconditional apology in a national English newspaper Hindustan Times within two weeks, specifically stating that the Respondents had neither asked nor accepted any bribe. It is ordered accordingly.

7. Upon the amounts being deposited by the Appellants, the same shall be kept in interest bearing fixed deposit receipts till further orders.

8. Consequently, the only issue that survives for consideration is the quantum of damages. Accordingly, list the present matter for hearing and disposal on 16th April, 2024.

9. At this stage, learned counsel for the Respondents states that the present appeal is not maintainable as it only challenges the judgment and not the decree which had been prepared prior to the filing of the present appeal. Learned Senior Counsel for the Appellants states that he shall address this issue on the next date of hearing.



10. Upon deposit of the aforesaid amount and publication of the apology, there shall be a stay of the execution petition being ***EX. P. 76/2023***.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 12, 2024/msh