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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 133/2016**
M/S BEBO TECHNOLOGIES PVT LTD

..... Appellant

Represented by: Ms.Girija Krishan Varma, Adv.

versus

MICROSOFT CORPORATION & ANR

..... Respondent

Represented by: Mr.Saikrishna Rajgopala and
Ms.Safia Said, Advs.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **30.11.2016**

CM No.44364/2016

Exemption is allowed subject to all just exceptions.

CM No.44365/2016

Six days' delay in refilling the appeal is condoned.

FAO(OS) (COMM) 133/2016

1. Though caveat has not been lodged but counsel as above appears for respondent No.1 and 2.

2. Limited grievance in the appeal is to the disposal of IA No.20856/2015 reasoning as under:

“25. This application filed by the Defendants under Order VII Rule 11 CPC seeks the rejection of the plaint.

26. The Court does not find any ground having been made out by the Defendants for rejection of the plaint. Consequently, this application is dismissed.”

3. The appellant’s application invoked Order VII Rule 11 of the Code of Civil Procedure.

4. We find that the pleas of the appellant seeking rejection of the plaint/dismissal of the suit have not been noted, much less dealt with by the learned Single Judge.

5. Under the circumstances, the impugned order is set aside to the extent it dismisses IA No.20856/2015. The application is restored afresh for decision before the learned Single Judge.

6. The application would be listed before the roster Bench on January 17, 2017.

7. No costs.

PRADEEP NANDRAJOG, J.

YOGESH KHANNA, J.

NOVEMBER 30, 2016
VLD