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

+ **CO.APP. 22/2016**

BIG SHOE BAZAAR INDIA PVT LTD Appellant
Represented by: Mr.Shekhar Kumar, Adv.

versus

EXPERIAN SERVICES INDIA PVT LTD Respondent
Represented by: Nemo.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **07.10.2016**

CM No.37946/2016

Allowed, subject to just exceptions.

CO.APP. 22/2016

1. Keeping in view the grievance of the appellant of not being served before the impugned order dated August 01, 2016 was passed the remedy of the appellant is to first move an application in Co. Pet. No.864/2015 drawing attention of the learned Single Judge to the facts which are pleaded in the appeal. It is settled law that before a grievance is projected before the Court of First Instance the Appellate Court cannot be called upon to decide the grievance.

2. Dismissing the appeal we simply observe that if the appellant would move an application before the learned Company Judge pointing out that the appellant was unserved when the impugned order dated August 01, 2016 was passed the same shall be decided by the learned Company Judge as per law.

CM No.37944-37945/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 07, 2016

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