

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.270 OF 2011

The Union Bank of India	..Appellant
V/s.	
Shivanand Shankar Kore & Ors.	..Respondents

None present for the Appellant.

CORAM : M. S. SONAK, J.

DATE : 05 APRIL 2017

P.C.

1. This appeal was admitted on 06-04-2011, however till date, respondent Nos.1, 2, 3 and 5 have not been served.

2. The challenge in this appeal is to the order dated 27 August 2010 and thereby, certain interim reliefs came to be granted in favour of the respondents-plaintiffs in the suit.

3. This Court, in its order dated 06 April 2011 by admitting the appeal had made it clear that the pendency of this appeal will not operate as stay of the proceedings of the suit and the Trial Court will proceed with the hearing of the suit.

4. Accordingly, it is reasonable to presume that the suit has itself been disposed of by now. In any case, the learned Trial Judge is directed to dispose of the suit on its own merits and in accordance with law. In so disposing of the suit the learned Trial Judge need not be influenced by any of the observations made in the impugned or the circumstance that the impugned order could not be interfered with by this Court, in this Appeal.

5. All contentions of all the parties are left open for determination of the learned Trial Judge, in case, the suit is still pending.

6. At this stage, it is not necessary to interfered with the impugned order. However, insofar as, the issue of impounding of document is concerned, the same is left open.

7. The appeal is accordingly disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)