

BDPPS

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

WRIT PETITION NO. 3918 OF 2015

Mrs. Bhavna Dayalal Vora & Ors. Petitioners.

V/s

Allahabad Bank & Others Respondents.

Mr. Prashant G. Pandey for the Petitioner.

Mr. Bhavil Manek with Mr. U.N. Ajitkumar for Respondent No.1.

Mr. K. Shah with Mr. S. Shaikh, Ms. Niraja Patani i/b Raval Shah & Co. for Respondent Nos. 2 and 3.

**CORAM: R.M. BORDE &
A.S. GADKARI, JJ.**

DATE: 6th January, 2017

P.C.:-

1] Admittedly, proceedings initiated by the Petitioners for redressal of their grievance are pending before the DRT, Mumbai. By virtue of the interim order passed by this Court on 28.04.2015, it is directed that no third party interest shall be created either by the Bank or by the borrower and if any such agreement is entered into by the borrower, the same shall be subject to further orders that may be passed in S.A. and in this Petition.

2] Learned Counsel for the Petitioners contend that the Bank has

already created interest in favour of the third party. If that be so, creation of such interest also shall be subject to outcome of the litigation pending before the DRT. Parties to the proceedings before us shall not further create any interest in the property until disposal of the proceedings before DRT. All contentions of the respective parties are specifically kept open for consideration by the DRT. DRT shall decide the pending proceedings expeditiously.

3] With the directions as above, Writ Petition is disposed of.

(A.S. GADKARI, J.)

(R. M. BORDE, J.)