

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 48 OF 2026

Anand Rajesham Mittapell and Anr. .. Petitioners

V/s.

Capri Global Capital Limited .. Respondent

Mr. Vivek N. Machha with Rajni Vivek Machha, Krishma Wadhe, Shrikant Kompelli and Vignesh Ballu, for the Petitioners.

Mr. Chetan Agrawal, for the Respondents.

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**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 6th MARCH 2026.

PC:

1. The Petitioners have filed this Petition in peculiar circumstances.
2. The grievance of the Petitioners is that in the pending Securitisation Application before the Debt Recovery Appellate Tribunal-3, Mumbai (DRT), interim orders have been passed in favour of the Petitioners from time to time. The Petitioners were constrained to approach the DRT in the pending Securitisation Application on each occasion that the Respondents issued notices to take physical possession of the subject asset. On each occasion the DRT directed the Petitioners to deposit specific amounts and the action of taking physical possession was deferred.

3. It is brought to our notice that in terms of the order of the DRT, amounts of Rs. 2 lakh, Rs. 3 lakh and Rs. 4.5 lakh were indeed deposited by the Petitioners with the Respondents.

4. It is the case of the Petitioners that despite compliance with the directions issued by the DRT in such interim orders, the respondents are again and again issuing notices for taking physical possession and in this background, the Petitioners are constrained to invoke the writ jurisdiction of this Court.

5. We find substance in the contention raised by learned counsel for the Respondents that the Writ Petition in its contents and prayer clauses does not reflect the aforesaid specific contention raised on behalf of the Petitioners. There is no reference to the latest notice issued to the Petitioners threatening physical dispossession of 11/03/2026.

6. In that light, the learned counsel for the Petitioners seeks leave to amend the Writ Petition to bring on record the latest such notice and to appropriately add pleadings in the Writ Petition.

7. Since there is urgency for the Petitioners, it is submitted that this Petition may be taken on 9th March 2026 and it is submitted that amendment will be carried out before the said date.

8. In view of the above, leave is granted to the Petitioners to amend the Petition in view of the observations made hereinabove. The amendment be carried out by tomorrow (7th March 2026). The amended copy be served on the learned counsel for the Respondents.

9. List this Petition for further consideration on 9th March 2026,
'High on Board'

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)