

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 755 OF 2026**

Rajesh M. Kapadia

... Petitioner

V/s.

Federal Bank Limited And Anr.

... Respondents

Senior Counsel Mr. Pankaj Sawant a/w Gouresh Mogre, Tripty Kapadia, Anusya Raghavan i/b Joy Legal Consultants, for the Petitioner.

Mr. Benny Joseph a/w Sona Maria and Mrunal Bende, for the Respondents.

Mr. T. G. Khan, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th FEBRUARY, 2026.

P.C. :

1. Today at 2:00 p.m., Mr. Pankaj Sawant, learned Senior Counsel for the Petitioner on behalf of the Petitioner (Accused No. 2) circulated a praecipe dated 17th February, 2026 requesting for urgent listing of this Petition on the grounds stated in the praecipe. Same is taken on record and marked 'X' for identification. The paragraph No. 2 of the praecipe dated 17th February, 2026 reads as follows:

The Application filed by the Accused today regarding the adjournment was rejected and the Hon'ble Judge of Kurla Court has kept the matter at 5:00 p.m. today for passing orders without hearing arguments of either parties and has informed the litigant to remain present at 5:00 p.m. While rejecting adjournment application along with the Affidavit filed by the Accused and has dispense the right of the parties to argue the matter. Therefore we request that the Hon'ble Court take up the matter urgently today.

2. In view of the urgency sought to be made out, this Petition was taken up at 3:30 p.m.

3. On 16th February, 2026, the following order was made :

1. This Petition was circulated in view of the urgency expressed in the praecipe dated 16th February, 2026.

2. Mr. Benny Joseph, learned Advocate, appears and states that he has instructions to appear on behalf of Respondent No. 1 and waive service of notice on behalf of Respondent No. 1. He requests for 2 weeks time to file reply placing stand of Respondent No. 1 on record.

3. Leave to file reply is granted. Reply be

filed on or before 5th March, 2026 with an advance copy to the Advocate for the Petitioner on record.

4. Ms. Dabholkar, learned APP appears on behalf of the Respondent No. 2 – State.

5. At the request of Mr. Benny Josheph, learned Advocate for Respondent No. 1 and by consent of parties, list on 10th March, 2026.

6. Considering the issue involved in the present Petition, parties are put to notice that subject to time constraint an endeavor would be made to dispose of this Petition finally at the stage of admission.

4. This Petition was adjourned at the request of Mr. Benny Joseph, learned Advocate for the Respondent No.1 and is now fixed on 10th March, 2026 for disposal at the admission stage.

5. Mr. Pankaj Sawant as well as Mr. Benny Joseph submit that the request for adjournment made before the Trial Court was declined by the Trial Court, and the Trial Court has fixed the matter at 5:00 p.m. for passing orders.

6. Considering the submissions made by Mr. Sawant and Mr. Joseph and the next date in the Petition being 10th March, 2026,

the learned Judicial Magistrate First Class, 30th Court Kurla, Mumbai is directed to differ the proceedings of C.C. No. 1088/SS/2015 post 10th March, 2026 i.e. the returnable date in the present Petition.

(ASHWIN D. BHOBE, J.)

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KOTAWADEKAR

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by GITALAXMI
KRISHNA
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Date:
2026.02.17
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