



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2986 OF 2026

Mohamad Latif Khan ... Petitioner
versus
Ishrat Shakir Nuri and Ors. ... Respondents

Mr. Sanjiv A. Sawant with Mr. Abhishek P. Deshmukh for Petitioner.
Mr. Santosh Mali, for Respondent Nos. 2 and 3.

CORAM: N.J.JAMADAR, J.

DATE : 10 MARCH 2026

P.C.

1. Heard the learned Counsel for the parties.
2. An arguable question as to whether, in view of the judgment of the Division Bench of this Court in the case of **Ashok Babulal Avasthi V/s. Munna Nizamuddin Khan and Anr.**¹, the trial Court was justified in declining to exercise discretion to implead the Petitioner as party Defendant to the suit, arises for consideration.
3. Issue notice to the Respondents for final disposal, returnable on 7 April 2026.
4. Mr. Mali waives service on behalf of Respondent Nos. 2 and 3.
5. In addition to notice through Court, the Petitioner is at liberty to serve the Respondent No. 1 by private service and file an affidavit of service.

(N.J.JAMADAR, J.)

¹ 2024(2) Mh.L.J. 322