



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 & ors.

...Respondents

Mr. Sanjiv Sawant a/w Mr. Abhishek Deshmukh, Ms. Bhakti
Wast, for the Petitioner.

Mr. Mayur Khadeparkar, a/w Mr. Mrityunjay B., for the
Respondent No. 1.

Mr. Santosh Mali, for Respondent Nos. 2 & 3 – BMC.

CORAM : N. J. JAMADAR, J.

DATE : 20th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 02nd February, 2026 passed by the learned Judge, City Civil Court, in Chamber Summons No. 3125/2025, whereby the Chamber Summons taken out by the Petitioner seeking impleadment in LC Suit No. 2869/2025, instituted by Respondent No. 1 against Respondent Nos. 2-Municipal Corporation and Respondent No.3-Assistant Commissioner, came to be dismissed.
3. The learned Judge, City Civil Court was of the view that, the petitioner failed to demonstrate that, he was either a necessary party or a proper party. It seems that, the petitioner claims to have been appointed by the manager of Baba Dawal

Shah Dargah, which is stated to be a Trust, to supervise all the electrical work at the Baba Dawal Shah Dargah. The petitioner has also been authorized to oversee and monitor the security of the premises, as required.

4. If Baba Dawal Shah Dargah is a Trust, or for that matter, a Waqf institution, and claims to be aggrieved by the alleged unauthorized construction erected by the Respondent No. 1 – plaintiff, who is the holder of the adjacent property, it is for the Baba Dawal Shah Dargah to seek impleadment in the suit, if so advised. Thus, keeping open the liberty to the said Baba Dawal Shah Dargah to seek impleadment in the suit, the Writ Petition stands disposed

5. It is hereby made clear that, in the event Baba Dawal Shah Dargah seeks impleadment in the suit, the learned Judge, City Civil Court, shall decide the same on its own merits and in accordance with law. It is not be understood that, this Court has expressed any opinion on the aspect as to whether Baba Dawal Shah Dargah would be either a necessary or proper party to the suit.

[N. J. JAMADAR, J.]