

HC to frame issues in Syedna row

dna correspondent @dna

The Bombay high court will frame issues in the petition challenging the appointment of the Syedna next month.

On Monday, the court said it will frame the issues to be decided while hearing the suit filed by Khuzaima Qutbuddin challenging the succession of the 53rd Dai Ul Mutlaq, Mufaddal Saifuddin.

During the hearing in June, Justice Gautam Patel had said that he would decide on the main suit instead of deciding on interim relief.

"My suggestion is that there is very little point in keeping the motion pending. You will be allowed to function subject to the outcome of the suit," said Justice Patel.

The court made these observations while hearing the plaint filed by Qutbuddin challenging the succession of his nephew, who is now the incumbent 53rd Dai Ul Mut-



Case history

Saifuddin, through his brother Dr Qaidjoher Ezzuddin, who is the Constituted Attorney, opposed reliefs sought in the declaratory suit filed by Khuzaima Qutbuddin, stepbrother of the late 52nd Dai, Mohammed Burhanuddin. Affidavit denies all levelled charges of falsehood committed by Mufaddal and others in making him the Syedna.

laq. Qutbuddin has filed a declaratory suit seeking that he be declared as the 53rd Dai and the opponent be restricted from having any authority over the properties.

Saifuddin, through his elder brother Dr Qaidjoher Ezzuddin, who is the Constituted Attorney, opposed reliefs sought in the declaratory suit filed by Qutbuddin, stepbrother of the late 52nd Dai, Mohammed Burhanuddin.

In an affidavit of 400 pgs filed in response to Qutbud-

din's petition, Qaidjoher contended, "The suit is based on false and untenable cases. Bohras across the world have given misaq (oath of allegiance) to Mufaddal...only a handful from the community have not accepted him."

The affidavit annexes several photographs depicting the late Syedna falling back on Mufaddal and leading him in prayer meets held during Muharram. Further, the affidavit denies all levelled charges of falsehood commit-

ted by Mufaddal and others in making him the Syedna.

"Defendant has not threatened the plaintiff or his family. They are not deprived of entry in Saifee Mahal in his capacity as a member of the community, but is opposed to him seeking entry into the Mahal as the 53rd Dai and seeking injunction against Mufaddal's entry," stated the affidavit.

In June 2011, Saifuddin was nominated successor, as per the press statement from the community. Qutbuddin publicly challenged the succession first time after the death of Syedna Mohammed Burhanuddin on January 17.

Qutbuddin claimed that he did not challenge the false claims made by Syedna Mufaddal until now because he (Qutbuddin) had been asked to maintain his appointment in confidence by Syedna Burhanuddin and was waiting for the late leader to get well to take up the issue with him.