

# High court frames questions in Syedna succession row

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The Bombay high court on Monday framed issues (questions) to be answered in the succession row within the Bohra Muslim community for appointing 53rd Dai Ul Mutlaq.

Justice Gautam Patel framed the issues while hearing a suit filed by Khuzaima Qutbuddin challenging the succession of Mufaddal Saifuddin as the Syedna. 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.

“What are the requirements of a valid nass (investiture, the passing on of the title of succession)? Whether the plaintiff proves he was ever conferred with a validly pronounced nass,” asked Justice Patel.

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## Battle lines

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parties to file their affidavits of documents and give copies to each other by October 14. Justice Patel said: “Complete the admission, completion and denial (of issues) by November 10.”

The other issues which have been framed are whether a “nass” can be superseded by a subsequent nass or whether it can be retracted. The judge also sought to know if both the parties can mutually decide on experts who can interpret the texts and scriptures referred to in the suit and the

replies thereafter. “Is there anyone in the legal fraternity capable of doing it? Who is the scholar (who is mutually acceptable)? Otherwise it will be an expert against expert situation,” said Justice Patel.

Advocate for the Khuzema Qutbuddin pointed out to the court that the HC does not have any official translator for the dialect of Arabic referred to in the affidavits and suit. To which Justice Patel asked: “How are these rival texts to be compared otherwise?”

Mufaddal Saifuddin's advocate told the court that they knew experts but that the plaintiff (Khuzema Qutbuddin) will never accept them.

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