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Gujarat HC allows Syedna Taher as legal heir of 'Dawood Bohra' spiritual head Syedna Burhanuddin

But Justice R H Shukla of Gujarat High Court permitted Syedna Taher as legal heir of his father and ordered continuation of the case in the court.

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Gujarat High Court (Source: File Photo)

A single judge bench of the Gujarat High Court on Thursday allowed Syedna Taher Fakhruddin to be joined as a legal heir of his father, Syedna Khuzaima Qutbuddin, who passed away in March this year. But at the same time, the court stayed the implementation of the order till December 5, so as to allow the respondent party to challenge the order before a higher bench or in the Supreme Court. The bench headed by Justice R H Shukla passed the order in a case pertaining to a dispute about succession after the death of Dawoodi Bohra's spiritual head and community's 52nd 'Dai-al-Mutlaq' Syedna Mohammed Burhanuddin in January 2014.

The dispute arose after Syedna Burhanuddin's elder son Shahzada Mufaddal, took over as the spiritual head or 'Dai-al-Mutlaq' of the community, against the claim made by his uncle Syedna Khuzaima. Syedna Khuzaima claimed himself to be the

spiritual head of the community by virtue of being deceased Syedna Burhanuddin's brother and latter's 'mazoon' or deputy for over 50 years.

After Syedna Burhanuddin's death, Syedna Khuzaima had filed a suit in the Bombay High court for a declaration that he was the 53rd 'Dai-al-Mutlaq' by virtue of being 'mazoom' of the deceased spiritual head. Simultaneously, he also filed a petition in the Gujarat High Court pertaining to a large number of properties under Dawood Bohra's wakfs and trusts, of which the 'Dai-al-Mutlaq' is the sole trustee under the community's traditional laws..But Syedna Khuzaiifa passed away in USA on March 31, 2016. Khuzaiifa's son, Syedna Taher Fakhruddin, petitioned in the Gujarat high court seeking substitution of his name in the complaint.

He submitted that Shahzada Muffadal, within a week of his father's (Khuzaiifa) death, filed affidavits before different charity offices stating that the Bombay High Court had dismissed the suit filed by Syedna Khuzaiifa. Syedna Taher argued that Shahzada Muffadal had sought ex-parte orders by taking advantage of Syedna Khuzaiifa's death. But Shahzada Mufaddal's counsels-advocates Mihir Joshi and Sharvil Majmudar, contended that Syedna Khuzaima was fighting the case in his personal capacity and hence, his son Syedna Taher, could not be allowed to be his legal heir. But Justice R H Shukla of Gujarat High Court permitted Syedna Taher as legal heir of his father and ordered continuation of the case in the court.