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# Syedna rival's son can pursue title battle: HC

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**Mumbai:** The Bombay high court on Tuesday allowed a plea by the son of Syedna Mufaddal Saifuddin's deceased uncle to pursue his father's challenge to the incumbent's claim as the Dai-al-Mutlaq or spiritual head of the Dawoodi Bohra community.

Justice Gautam Patel allowed Taher Fakhruddin's plea to be substituted as plaintiff in a suit filed in 2014 by his father Khuzema Qutbuddin to be declared the 53rd Dai and entitled to succeed his half-brother—52nd Dai late Syedna Mohammed Burhanuddin. Qutbuddin died in March 2016. Fakhruddin has also sought to be declared validly appointed to succeed his father as the 54th Dai.

Syedna's advocate argued that Fakhruddin must file his own suit and cannot continue

his father's suit which was filed for declaration of a personal status. Fakhruddin was appointed by his father and therefore entitled to continue his father's suit and establish that not only was his father correctly appointed as 53rd Dai but he is correctly appointed as his successor.

Justice Patel taking an "overall balance" and for "several distinct reasons" allowed Fakhruddin's plea with amendments. "Not to do so would not only forever non-suit the plaintiff but would conceivably end every possible challenge to the defendant's (Saifuddin's) appointment," he said. The judge also said that continuing with the suit "is equally possible and more appropriate in the interest of saving judicial time, money and not the least of all valuable amounts of paper". Justice Patel refused to stay his order.