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A.Nos.2267 of 2019 and 4985 of 2021
in
C.S. No.1306 of 1992

V.BHAVANI SUBBAROYAN., J.

In Application No.2267 of 2019:

This application has been filed to direct the Advocate Receiver of the Wakf Estate to release the payment of Rs.20,00,000/- to the applicant/3rd defendant pending disposal of the aforesaid suit.

In Application No.4985 of 2021:

This application has been filed to direct the Advocate Receiver of the Wakf Estate to release the payment of Rs.2,40,000/- to the 6th and 8th defendants and 1,20,000/- to the 7th defendant pending disposal of the aforesaid suit.

2. Mr. V. Paul Das, the the learned Advocate Receiver has filed a memo indicating the details of disbursal amount to the parties concerned as per the orders on various applications as per the details given below:



"Amount disbursed as per the orders in A. No.4935/2008 dated

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1.Mr. Feroz	... Plaintiff	Rs.4,00,000/-
2. Mrs. Shanu Khaleel	... 2nd Defendant	Rs.4,00,000/-
3.Mr. Mohamed Ali	...3rd Defendant	Rs.4,00,000/-
4.Mr. Asgar Ali	...4th Defendant	Rs.4,00,000/-
5.Mr. M.A. Sattar	...12th Defendant	Rs.4,00,000/-
6.Mrs. Hazina Begam..	5th Defendant	Rs.2,00,000/-
7.Mr.Zhair Hussain	...6th Defendant]	
8.Mrs. Farida Begum...	7th Defendant]	
9.Mr. Asif Hussain	...8th Defendant]	Rs.4,00,000/-
10. Naseera Begum	...9th Defendant]	

Amount disbursed as per the orders in A. No.2508/2012 dated 16.04.2014

Mr. Feroz	... Plaintiff	Rs.3,00,000/-
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Amount disbursed as per the orders in A. No.7148/2017 dated 16.03.2018

1. Feroz	... Plaintiff	Rs.3,00,000/-
2.M.A. Subhan	... 10th Defendant	Rs.6,00,000/-
3.Mumtaj Begum	... 11th Defendant	Rs.3,00,000/-
4. Modi Habibullah	... 13th Defendant	Rs.6,00,000/-
5. Mrs. Shameem Mecci	...14th Defendant	Rs.3,00,000/-
6.Mr.Yusuf Hussain	...15th Defendant	Rs.6,00,000/-
7. Mr.A.A.Khaleel	...16th Defendant	Rs.6,00,000/-
8.Mr. Modi Azeem	...17th Defendant	Rs.3,00,000/-
9. Ms. Reshma	...18th Defendant	Rs. 25,000/-
10.Ms. Kiran	...19th Defendant	Rs. 25,000/-
11.Mrs.A. Shahin Alam	...20th Defendant	Rs. 50,000/-
12.Mr. Abbas Hussain...	21st Defendant	Rs.1,00,000/-
13.Mr. Mohammed Hussain...	22nd Defendant	Rs.1,00,000/-
14.Mr.Khalid Mohammed Modi..	23rd Defendant	Rs.6,00,000/-
15.Mrs. Nawreen Fathima	...27th Defendant	Rs.2,00,000/-
16.Mr. Arshad Ali	...28th Defendant	Rs.4,00,000/-

It may kindly be seen that the petitioners in the present applications have been paid Rs.4,00,000/- as per the order dated 04.11.2008 and since their names have been omitted in the order in the



Application No.7148 of 2017 dated 16.03.2018, they have not been paid any amount. Hence they have filed the present petition before the Hon'ble Court for granting a sum of Rs.6,00,000/- to them and the same may be kindly be allowed and orders may kindly be passed as follows and thus render justice.

- | | |
|---------------------------|----------------|
| 1. Mr. Jahir Hussain (D6) | --- 2,40,000/- |
| 2. Mr. Asif Hussain (D8) | ---2,40,000/- |
| 3. Mrs. Farida Begam (D7) | ----1,20,000/- |

Total	----- 6,00,000/- -----
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It also respectfully submitted that a sum of Rs.1,70,00,000/- may kindly be ordered to be disbursed to the beneficiaries of the above estate as per their respective due shares as determined by this Hon'ble Court in the order A.No.7148 of 2017 dated 16.03.2018 and thus render justice.

The sum of Rs.1,70,00,000/- is divided into 5 shares and each shares comes to Rs.34,00,000/-. The legal heirs of Abbasi Begam (daughter of Khan Sahib Mahdi Hussain Sahib) have to be given 1/5share viz. Rs.34,00,000/- and the legal heirs of Akbar Ali (Son of Khan Sahib Mahdi Hussain Sahib) have to be given 2/5th share viz. Rs.68,00,000/-.

Since the legal heirs of Hameed Ali (Son of Khan Sahib Mahdi Hussain Sahib) are residing in abroad and they are not parties to the present suit, their 2/5th share namely Rs.68,00,000/- has to be kept aside.

Accordingly, the beneficiaries of the Wakf Estae may kindly be ordered to be paid as follows:



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The legal heirs of Abbasi Begam

Mr. M.A. Subban	10th defendant	... Rs.9,70,000/-
Mr. Mumtaj Begam	11th defendant	... Rs.4,85,000/-
Mr. Modi Habibulla	13th defendant	... Rs.9,70,000/-
Mr. Kalid Mohamed	23rd defendant	... Rs.9,70,000/-

Total		34,00,000/-

The legal heirs of Akbar Ali

1. Feroz	... Plaintiff	Rs.9,00,600/-
2.Mr. Mohamed Ali ... 3rd Defendant		
Rs.9,00,600/- - 3,00,000/-		
already paid in excess		
...Rs.6,00,600/-		
3. Mr. Jahir Hussain	...6th Defendant	Rs. 3,60,240/-
5. Mrs. Farida Begam	...7th Defendant	Rs. 1,80,120/-
4. Mr. Asif Hussain	...8th Defendant	Rs. 3,60,240/-
5. Mrs. Shameem Mecci	...14th Defendant	Rs.4,50,300/-
6.Mr.Yusuf Hussain	...15th Defendant	Rs.9,00,600/-
7. Mr.A.A.Khaleel	...16th Defendant	Rs.9,00,600/-
8.Mr. Modi Azeem	...17th Defendant	Rs.4,50,300/-
9. Ms. Reshma	..18th Defendant	Rs. 45,030/-
10.Ms. Kiran	...19th Defendant	Rs. 45,030/-
11.Mrs.A. Shahin Alam	...20th Defendant	Rs. 90,060/-
12.Mr. Abbas Hussain...	21st Defendant	Rs.1,80,120/-
13.Mr. Mohammed Hussain...	22nd Defendant	Rs.1,80,120/-
14.Mrs. Nawreen Fathima	..27th Defendant	Rs.3,00,200/-
15.Mr. Arshad Ali	...28th Defendant	Rs.6,00,400/-

Total		Rs.65,44,560/-

*I respectfully submit that necessary orders may kindly be passed
in this matter accordingly and thus render justice."*



3. In view of the above, the learned Advocate Receiver is directed to disburse the amount as per the details given below within a period of two weeks from today.

In Application No.2267 of 2019:

Mr. Mohamed Ali (D3) ---Rs.6,00,600/-

In Application No.4985 of 2021:

1. Mr. Jahir Hussain (D6) --- 2,40,000/-

2. Mr. Asif Hussain (D8) ---2,40,000/-

3. Mrs. Farida Begam (D7) ----1,20,000/-

Total 6,00,000/-

4. In the result, the Application Nos.2267 of 2019 and 4985 of 2021 stand closed and post the matter before the Additional Master-I for continuation of Trial on 10.03.2022.

02.03.2022

Lbm

Note: Issue order copy today.



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in
C.S. No.1306 of 1992

02.03.2022



A.Nos.2267 of 2019 and 4985 of 2021
in C.S.No.1306 of 1992

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The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel.

2.The learned counsel submits that this Court, by an order dated 02.03.2022, allowed the applications A.Nos.2267 of 2019 and 4985 of 2021. However, in the order copy, it has been wrongly stated in Paragraph No.2 as follows:

Accordingly, the beneficiaries of the Wakf Estate may kindly be ordered to be paid as follows:

The legel heirs of Abbasi Begum

<i>Mr.M.A.Subban 10th defendant</i>	<i>... Rs.9,70,000/-</i>
<i>Mr.Mumtaj Begam 11th defendant</i>	<i>...Rs.4,85,000/-</i>
<i>Mr.Modi Habibulla 13th defendant</i>	<i>...Rs.9,70,000/-</i>
<i>Mr.Kalid Mohamed 23rd defendant</i>	<i>...Rs.9,70,000/-</i>

Total 34,00,000/-

The legel heirs of Akbar Ali

<i>1.Feroz</i>	<i>...Plaintiff</i>	<i>Rs.9,00,000/-</i>
<i>2.Mr.Mohamed Ali</i>	<i>...3rd Defendant</i>	
<i>Rs.9,00,600/- - 3,00,000/-</i>		



<i>already paid in excess</i>	<i>...Rs.6,00,600/-</i>
<i>3.Mr.Jahir Hussain ...6th Defendant</i>	<i>Rs.3,60,240/-</i>
<i>5.Mrs.Farida Begum...7th Defendant</i>	<i>Rs.1,80,120/-</i>
<i>4.Mr.Asif Hussain ...8th Defendant</i>	<i>Rs.3,60,240/-</i>
<i>5.Mrs.Shameem Mecci ...14th Defendant</i>	<i>Rs.4,50,300/-</i>
<i>6.Mr.Yusuf Hussain...15th Defendant</i>	<i>Rs.9,00,600/-</i>
<i>7.Mr.A.A.Khaleel...16th Defendant</i>	<i>Rs.9,00,600/-</i>
<i>8.Mr.Modi Azeem...17th Defendant</i>	<i>Rs.4,50,300/-</i>
<i>9.Ms.Reshma ... 18th Defendant</i>	<i>Rs.45,030/-</i>
<i>10.Ms.Kiran...19th Defendant</i>	<i>Rs.45,030/-</i>
<i>11.Mrs.A.Shahin Alam...20th Defendant</i>	<i>Rs.90,060/-</i>
<i>12.Mrs.Abbas Hussain...21st Defendant</i>	<i>Rs.1,80,120/-</i>
<i>13.Mr.Mohammed Hussain...22nd Defendant</i>	<i>Rs.1,80,120/-</i>
<i>14.Mrs.Nawreen Fathima...27th Defendant</i>	<i>Rs.3,00,200/-</i>
<i>15.Mr.Arshad Ali...28th Defendant</i>	<i>Rs.6,00,400/-</i>

Total *Rs.65,44,560/-*

Hence, learned counsel prayed for suitable directions.

3.Considering the submission made by the learned counsel on either side, this Court is inclined to correct the error made in Paragraph No.2 of the order dated 02.03.2022. Accordingly, the said portion of the Paragraph No.2 is substituted as follows:

Accordingly, the beneficiaries of the Wakf Estate may kindly be ordered to be paid as follows:



The legel heirs of Abbasi Begum

It was reported by the learned Advocate Receiver that M.A.Subban/10th defendant and Mumtaj Begam/11th defendant reported died and their respective share amount shall be kept in abeyance. The 13th and 23rd defendants has to be paid Rs.9,70,000/-each.

Mr.Modi Habibulla 13th defendant ...Rs.9,70,000/-
Mr.Kalid Mohamed 23rd defendant ...Rs.9,70,000/-

Total ***Rs.19,40,000/-***

The legel heirs of Akbar Ali

It was submitted by the learned Advocate Receiver that in so far as 3rd defendant is concerned, this Court by its order dated 02.03.2022 already directed the learned Advocate Receiver to disburse the amount of Rs.6,00,600/- to Mohamed Ali/3rd defendant in Application No.2267 of 2019. Apart from that, the persons to be paid by the receiver are as follows:-

<i>1.Feroz</i>	<i>...Plaintiff</i>	<i>Rs.9,00,600/-</i>
<i>2.Mr.Jahir Hussain</i>	<i>...6th Defendant</i>	<i>Rs.3,60,240/-</i>
<i>3.Mrs.Farida Rafiq</i>	<i>...7th Defendant</i>	<i>Rs.1,80,120/-</i>
<i>4.Mr.Asif Hussain</i>	<i>...8th Defendant</i>	<i>Rs.3,60,240/-</i>
<i>5.Mrs.Shamie Mecci</i>	<i>...14th Defendant</i>	<i>Rs.4,50,300/-</i>
<i>6.Mr.Yusuf Hussain</i>	<i>...15th Defendant</i>	<i>Rs.9,00,600/-</i>
<i>7.Mr.A.A.Kaleel</i>	<i>...16th Defendant</i>	<i>Rs.9,00,600/-</i>
<i>8.Mr.Modi Azam</i>	<i>...17th Defendant</i>	<i>Rs.4,50,300/-</i>
<i>9.Ms.Reshma</i>	<i>... 18th Defendant</i>	<i>Rs. 45,030/-</i>
<i>10.Ms.Kiran</i>	<i>...19th Defendant</i>	<i>Rs. 45,030/-</i>



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11.Mrs.A.Shahin Alam
12.Mrs.Abbas Hussain

...20th Defendant Rs. 90,060/-
...21st Defendant Rs.1,80,120/-

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ssd/lbm

13.Mr.Mohammed Hussain
14.Mrs.Nawreen Fathima
15.Mr.Arshed Ali

...22nd Defendant Rs.1,80,120/-
...27th Defendant Rs.3,00,200/-
...28th Defendant Rs.6,00,400/-

Total Rs.59,43,960/-

4.The learned Advocate receiver is hereby directed to disburse the aforesaid amount to the parties within a week from the date of receipt of copy of this order.

5. Registry is directed to carry out necessary amendment and issue order copy a fresh. Except the above said modification, the order remains intact in all other aspects.

6.These applications are clarified accordingly.

04.04.2022

ssd/lbm



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in C.S.No.1306 of 1992