

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 02nd DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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

E.Feroz
residing at Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras - 600 020.

..Plaintiff

-Versus-

1. Khan Sahib Mahdi Hussain Sahib
Wakf estate, represented by its
Muthavalli Mrs.Shanoo Khaleel
No.32/1, R.V.Road, Basavangudi,
Bangalore - 4.

2. Mrs.Shanoo Khaleel *(Deceased)

3. A.Mohamed Ali
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras - 20.

4. A.Asgar Ali *(deceased)

5. Mrs.Hasina Begum **(deceased)

6. Zahir Hussain alias Niaz

7. Farida Begum

8. Asif Hussain

9. Mrs.Naseera Begum

Defendant 6 to 9 are residing at
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras - 20.

10. M.A.Subban
12, Damodarpuram, Adyar,
Madras - 600 020.

11. Mrs.Mumtaz Begum
12. M.A.Sattar *(died)
Defendant 11 Residing at No.32, Coles Road,
Contonment, Bangalore.

13. Modi Habibullah
24, Bore Bank Road,
Benson Town, Bangalore - 46.

*14. Mrs.Shameem Mecci
*15. Mr.Yusuf Hussain,
rep.by its P.A.Holder, Mr.Shameem Mecci,
*16. Mr.A.A.Khaleel

Defendants 14 to 16 residing at No.14,
Plot No.25, Advocate Janakiraman Street,
Muthu Lakshmi Nagar, Chitlapakkam,
Chennai - 600 064.

* D14 to D16 impleaded as per order dated 21.09.2007 in Appl.No. 3517 of
2007 extended dated 03.04.2008.

* 17. Modi Azeem,
Son of Modi Abdullah
No.24, 2nd Cross Wheeler Road,
Sindhi Colony, Bangalore - 560 006.

* (17th defendant impleaded as per order dated 05.10.2009 in A.No.870 of
2001)

* 18. Mrs.Reshma, D/o. late Parveen Banu
* 19. Ms.Kiran D/o. late Parveen Banu

* Defendants 18 & 19 are residing at
No.27, Pantheon Apartments,
Pantheon Road, Egmore,
Chennai - 600 008.

* 20. Mrs.A.Shahin Alam,
D/o. Late Hasina Begum

* 21. Mr.Abbas Hussain, S/o. Late Hasina Begum

* D21 name amended as per order
of this court dated 23.03.2011 in A.No.1745 of 2011
in C.S.No.1306 of 1992.

* 22. Mr.Mohamed Hussain,
S/o. Late Hasina Begum

Defendants 20 to 22 are residing at
No.9, New No.112,
Sardar Patel Road, Adyar,
Chennai - 600 020.

* (D18 to D22 impleaded as LR's of deceased D5 as per orders in
A.No.4929 of 2010 dated 15.09.2010.)

* 23. Mr.Khalid Mohammed Modi,
S/o. Late M.A.Sattar
No.32, 3rd Floor, Colts Road,
Frazer Town, Bangalore - 560 005.

* (23rd Defendant impleaded as L.R's of 12th defendant as per the order of
this court dated 17.02.2011 and extended by orders dated 24.02.2011 &
28.02.2011 in A.No.949 of 2011 in C.S.No.1306 of 1992.)

* 24. Dr.Mrs.Nahid Kaleel

* 25. Mrs.Salmakhalul

Defendants 24 and 25 residing at 32/1,
R.V.Road, Basavangudi, Bangalore - 4.

* (Defendants 24 and 25 are brought on record as legal heirs of the deceased 2nd defendant as per order dated 24.01.2013 in A.No.322 of 2013)

** 26. Mrs.Sarwari Begum,
W/o. Late A.Asgar Ali

** 27. Mrs. Nawreen Fathima,
D/o. late A.Asgar Ali

** 28. Mr.Arshed Ali,
S/o. late A.Asgar Ali

Defendants 26 to 28 are residing at
No.E-145, 5th Main Road, Kamaraj Nagar,
Thiruvanniyur, Chennai - 600 0041. ... Defendants

** (Defendants 26 to 28 are brought on record as legal heirs of deceased 4th defendant and as per order dated 25.02.2014 in A.No. 1362 of 2014 & Extended as per order dated 10.03.2014 in C.S.No.1306 of 1992.)

A.No.4985 of 2021

1. Zahir Hussain alias Niaz
2. Farida Begum
3. Asif Hussain

All Residing at
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras -20.

...Applicants/Defendants 6 to 8

-VS-

1. E.Feroz
Residing at Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras 20.

...1st Respondent/Plaintiff

2. Khan Sahib Mahdi Hussain Sahib
Wakf estate, represented by its
Muthavalli Mrs.Shanoo Khaleel
No.32/1, R.V.Road, Basavandgudi,
Bangalore - 4.

...2nd Respondent/1st Defendant

3. A.Mohamed Ali
Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras - 20.

...3rd Respondent /3rd Defendant

4. Mrs.Naseera Begum
Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras - 20.

5. M.A.Subban
12, Damodarpuram, Adyar,
Madras - 600 020.

6. Mrs.Mumtaz Begum
No.32, Coles Road,
Contonment, Bangalore.

7. Modi Habibullah
24, Bore Bank Road,
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8. Mrs.Shameem Mecci

9. Mr.Yusuf Hussain,
Rep.by its P.A.Holder, Mr.Shameem Mecci

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17. Mr.Khalid Mohammed Modi,
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18. Dr.Mrs.Nahid Kaleel

19. Mrs.Salmakhalul

18 & 19 residing at 32/1,
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20. Mrs.Sarwari Begum,
W/o. Late A.Asgar Ali

21. Mrs. Nawreen Fathima,
D/o. late A.Asgar Ali

22. Mr.Arshed Ali,
S/o. late A.Asgar Ali
20 to 22 are residing at
No.E-145, 5th Main Road, Kamaraj Nagar,
Thiruvannamiyur, Chennai - 600 0041.

...20th to 22nd Respondents /
26th to 28th Defendant

Application praying that this Hon'ble Court be pleased to direct the Advocate Receiver of the Wakf Estate to release the payment of Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand only) to the 6th and 8th Defendant and Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only) to the 7th Defendant pending disposal of the above suit.

A.No.2267 of 2019

A.Mohamed Ali
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras - 20.

...Applicant/3rd Defendant

-vs-

1. E.Feroz
Residing at Gulistan,
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...1st Respondent/Plaintiff

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Wakf estate, represented by its
Muthavalli Mrs.Shanoo Khaleel
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Bangalore - 4.

...2nd Respondent/1st Defendant

3. Mrs.Shanoo Khaleel (Deceased)

...3rd Respondent/2nd Defendant

4. A.Asgar Ali (deceased)

5. Mrs.Hasina Begum (deceased)

6. Zahir Hussain alias Niaz

7. Farida Begum

8. Asif Hussain

9. Mrs.Naseera Begum

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No.12, Damodarpuram, Adyar,
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12. M.A.Sattar **(died)

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Son of Modi Abdullah
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(17th defendant impleaded as
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21. Mr.Abbas Hussain,
S/o. Late Hasina Begum

(Defendant 21 name amended as per order
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(D18 to D22 impleaded as LR's of deceased D5 as per orders in A.No.4929
of 2010 dated 15.09.2010.)

23. Mr.Khalid Mohammed Modi,

S/o. Late M.A.Sattar
No.32, 3rd Floor, Colts Road,
Frazer Town, Bangalore - 560005.

(23rd Defendant impleaded as L.Rs of 12th defendant as per the order of this court dated 17.02.2011 and extended by orders dated 24.02.2011 & 28.02.2011 in A.No.949 of 2011 in C.S.No.1306 of 1992.)

24. Dr.Mrs.Nahid Kaleel

25. Mrs.Salmakhalul

Defendants 24 and 25 residing at 32/1,
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(Defendants 24 and 25 are brought on record as legal heirs of the deceased 2nd defendant as per order dated 24.01.2013 in A.No.322 of 2013)

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28. Mr.Arshed Ali,
S/o. late A.Asgar Ali

Defendants 26 to 28 are residing at
No.E-145, 5th Main Road, Kamaraj Nagar,
Thiruvanmiyur, Chennai - 600 0041.

...4 to 28 Respondents/4 to 28 Defendants

(Defendants 26 to 28 are brought on record as legal heirs of deceased 4th defendant and as per order dated 25.02.2014 in A.No. 1362 of 2014 & Extended as per order dated 10.03.2014 in C.S.No.1306 of 1992.)

Application praying that this Hon'ble Court be pleased to direct the Advocate Receiver of the Wakf Estate to release payment of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the Applicant /3rd Defendant pending disposal of the above suit.

These Applications coming on this day before this court for hearing in the presence of M.Muniruddin Sheriff, Advocate for the Applicants in A.No.4985 of 2021 and for the respondents 6 to 8 in A.No.2267 of 2019 and Mr.S.J.Jagadev, advocate for the 1st Respondent in A.No.4985 of 2021 and A.No.2267 of 2019 and M/s.Gladys Daniel advocate for the 3rd respondent in A.No.4985 of 2021 and for the applicant in A.No.2267 of 2019, and upon reading the memo of the Advocate Receiver filed herein and order dated 04.01.2022 made C.S.No.1306 of 1992 and A.No.4985 of 2021,**The Court made the following Order:-**

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 04.11.2008

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/-

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:

The legal heirs of Abbasi Begam

(*) 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. 13th and 23rd defendants has to be 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/-
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The legal 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:-*

1. Feroz	... Plaintiff	Rs.9,00,600/-
(*) 2. Mr. Jahir Hussain	...6th Defendant	Rs. 3,60,240/-
(***) 3. Mrs. Farida Rafiq	...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 Azam	...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. Arshed Ali	...28th Defendant	Rs.6,00,400/-
Total		(*) Rs.59,43,960/-

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

(*) 3. 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.**

(*) () Amended as per order
dated 10.03.2022 made in
A.Nos.2267 of 2019 and 4985 of 2021 in C.S.No.1306 of 1992**

**Sd./-(25.03.2022)
Assistant Registrar (O.S-II)**

(*) Amended as per order
dated 04.04.2022 made in
A.Nos.2267 of 2019 and 4985 of 2021
in C.S.No.1306 of 1992**

**Sd./-(12.04.2022)
Assistant Registrar (O.S-II)**

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.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 02nd DAY OF MARCH 2022.

Sd./-
ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

KY

07.03.2022

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

ORDER :-

DATED 02.03.2022
10.03.2022
04.04.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 07.03.2022
25.03.2022
12.04.2022

APPROVED ON: 07.03.2022
25.03.2022
12.04.2022

Copy to:

1. Mr.V.Pauldas
Sub Judge (Retd.,)
Advocate Receiver,
No.56, Additional Law Chamber,
High Court Building, Chennai.

2. Receiver seat.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 02nd DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

A.No.4985 of 2021

and

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in

C.S.No.1306 of 1992

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A.No.4985 of 2021

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3. Asif Hussain

All Residing at
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras -20.

...Applicants/Defendants 6 to 8

-vs-

1. E.Feroz
Residing at Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras 20.

...1st Respondent/Plaintiff

2. Khan Sahib Mahdi Hussain Sahib
Wakf estate, represented by its
Muthavalli Mrs.Shanoo Khaleel
No.32/1, R.V.Road, Basavandgudi,
Bangalore - 4.

...2nd Respondent/1st Defendant

3. A.Mohamed Ali
Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras - 20.

...3rd Respondent /3rd Defendant

4. Mrs.Naseera Begum
Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras - 20.

5. M.A.Subban
12, Damodarpuram, Adyar,
Madras - 600 020.

6. Mrs.Mumtaz Begum
No.32, Coles Road,
Contonment, Bangalore.

7. Modi Habibullah
24, Bore Bank Road,
Benson Town, Bangalore - 46.

8. Mrs.Shameem Mecci

9. Mr.Yusuf Hussain,
Rep.by its P.A.Holder, Mr.Shameem Mecci

10. Mr.A.A.Khaleel

8 to 10 residing at
No.14, Plot No.25,
Advocate Janakiraman Street,
Muthu Lakshmi Nagar, Chitlapakkam,
Chennai 600 064.

11. Modi Azeem,
Son of Modi Abdullah
No.24, 2nd Cross Wheeler Road,
Sindhi Colony, Bangalore - 560 006.

12. Mrs.Reshma, D/o. late Parveen Banu

13. Ms.Kiran D/o. late Parveen Banu

12 & 13 residing at
No.27, Pantheon Apartments,

Pantheon Road, Egmore,
Chennai - 600 008.

14. Mrs.A.Shahin Alam,
D/o. Late Hasina Begum

15. Mr.Abbas Hussain, S/o. Late Hasina Begum

16. Mr.Mohamed Hussain,
S/o. Late Hasina Begum

14 to 16 are residing at
No.9, New No.112,
Sardar Patel Road, Adyar,
Chennai - 600 020.

17. Mr.Khalid Mohammed Modi,
S/o. Late M.A.Sattar
No.32, 3rd Floor, Colts Road,
Frazer Town, Bangalore - 560 019.

18. Dr.Mrs.Nahid Kaleel

19. Mrs.Salmakhalul

18 & 19 residing at 32/1,
R.V.Road, Basavangudi, Bangalore - 4.

20. Mrs.Sarwari Begum,
W/o. Late A.Asgar Ali

21. Mrs. Nawreen Fathima,
D/o. late A.Asgar Ali

22. Mr.Arshed Ali,
S/o. late A.Asgar Ali
20 to 22 are residing at
No.E-145, 5th Main Road, Kamaraj Nagar,
Thiruvanmiyur, Chennai - 600 0041.

...20th to 22nd Respondents /
26th to 28th Defendant

Application praying that this Hon'ble Court be pleased to direct the Advocate Receiver of the Wakf Estate to release the payment of Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand only) to the 6th and 8th Defendant and Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only) to the 7th Defendant pending disposal of the above suit.

A.No.2267 of 2019

A.Mohamed Ali
'Gulistan', No.9, Sardar Patel Road,
Adyar, Madras - 20.

...Applicant/3rd Defendant

-vs-

1. E.Feroz
Residing at Gulistan,
No.9, Sardar Patel Road,
Adyar, Madras 20.

...1st Respondent/Plaintiff

2. Khan Sahib Mahdi Hussain Sahib
Wakf estate, represented by its
Muthavalli Mrs.Shanoo Khaleel
No.32/1, R.V.Road, Basavandgudi,
Bangalore - 4.

...2nd Respondent/1st Defendant

3. Mrs.Shanoo Khaleel (Deceased)

...3rd Respondent/2nd Defendant

4. A.Asgar Ali (deceased)

5. Mrs.Hasina Begum (deceased)

6. Zahir Hussain alias Niaz

7. Farida Begum

8. Asif Hussain

9. Mrs.Naseera Begum

Defendant 6 to 9 are residing at
'Gulistan', No.9, Sardar Patel Road,
Adyar, Chennai -600020.

10. M.A.Subban
No.12, Damodarpuram, Adyar,
Chennai - 600020.

11. Mrs.Mumtaz Begum

12. M.A.Sattar ** (died)

Defendant 11 Residing
at No.32, Coles Road,
Contonment, Bangalore.

13. Modi Habibullah
No.24, Bore Bank Road,
Benson Town, Bangalore -46.

14. Mrs.Shameem Mecci

15. Mr.Yusuf Hussain,
Rep.by its P.A.Holder, Mr.Shameem Mecci,

16. Mr.A.A.Khaleel

Defendants 14 to 16 residing at No.14,
Plot No.25, Advocate Janakiraman Street,
Muthu Lakshmi Nagar, Chitlapakkam,
Chennai - 600064.

17. Modi Azeem,
Son of Modi Abdullah
No.24, 2nd Cross Wheeler Road,
Sindhi Colony, Bangalore - 560 006.

(17th defendant impleaded as
per order dated 05.10.2009
in A.No.870 of 2001)

18. Mrs.Reshma,
D/o. late Parveen Banu

19. Ms.Kiran
D/o. late Parveen Banu,

Defendants 18 & 19 are residing at
No.27, Pantheon Apartments,
Pantheon Road, Egmore,
Chennai - 600008.

20. Mrs.A.Shahin Alam,
D/o. Late Hasina Begum

21. Mr.Abbas Hussain,
S/o. Late Hasina Begum

(Defendant 21 name amended as per order
of this court dated 23.03.2011 in A.No.1745 of 2011
in C.S.No.1306 of 1992.

22. Mr.Mohamed Hussain,
S/o. Late Hasina Begum

Defendants 20 to 22 are residing at
No.9, New No.112,
Sardar Patel Road, Adyar,
Chennai - 600 020.

(D18 to D22 impleaded as LRs of deceased D5 as per orders in A.No.4929
of 2010 dated 15.09.2010.)

23. Mr.Khalid Mohammed Modi,
S/o. Late M.A.Sattar
No.32, 3rd Floor, Colts Road,
Frazer Town, Bangalore - 560005.

(23rd Defendant impleaded as L.Rs of 12th defendant as per the order of
this court dated 17.02.2011 and extended by orders dated 24.02.2011 &
28.02.2011 in A.No.949 of 2011 in C.S.No.1306 of 1992.)

24. Dr.Mrs.Nahid Kaleel

25. Mrs.Salmakhalul

Defendants 24 and 25 residing at 32/1,
R.V.Road, Basavangudi, Bangalore - 4.

(Defendants 24 and 25 are brought on record as legal heirs of the deceased
2nd defendant as per order dated 24.01.2013 in A.No.322 of 2013)

26. Mrs.Sarwari Begum,
W/o. Late A.Asgar Ali

27. Mrs. Nawreen Fathima,
D/o. late A.Asgar Ali

28. Mr.Arshed Ali,
S/o. late A.Asgar Ali

Defendants 26 to 28 are residing at
No.E-145, 5th Main Road, Kamaraj Nagar,
Thiruvanmiyur, Chennai - 600 0041.

...4 to 28 Respondents/4 to 28 Defendants

(Defendants 26 to 28 are brought on record as legal heirs of deceased 4th
defendant and as per order dated 25.02.2014 in A.No. 1362 of 2014 &
Extended as per order dated 10.03.2014 in C.S.No.1306 of 1992.)

Application praying that this Hon'ble Court be pleased to direct the
Advocate Receiver of the Wakf Estate to release payment of Rs.20,00,000/-
(Rupees Twenty Lakhs only) to the Applicant /3rd Defendant pending
disposal of the above suit.

These Applications coming on this day before this court for hearing
in **The Court made the following Order:-**

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 04.11.2008

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/-

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:

The legal heirs of Abbasi Begam

(*) 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. 13th and 23rd defendants has to be 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 legal 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:-***

1. Feroz	... Plaintiff	Rs.9,00,600/-
(*) 2. Mr. Jahir Hussain	...6th Defendant	Rs. 3,60,240/-
(***) 3. Mrs. Farida Rafiq	...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 Azam	...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. Arshed Ali	...28th Defendant	Rs.6,00,400/-
Total		(*) Rs.59,43,960/-

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

(*) 3. 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.**

(*) () Amended as per order
dated 10.03.2022 made in
A.Nos.2267 of 2019 and 4985 of 2021 in C.S.No.1306 of 1992**

**Sd./-(25.03.2022)
Assistant Registrar (O.S-II)**

(*) Amended as per order
dated 04.04.2022 made in
A.Nos.2267 of 2019 and 4985 of 2021
in C.S.No.1306 of 1992**

**Sd./-(12.04.2022)
Assistant Registrar (O.S-II)**

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.

Sd./-V.B.S.J.
02.03.2022

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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