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C.S.No.299 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.S.No.299 of 2002
and A.No.5546 of 2013

- 1.A.Y.Shirazi (Deceased)
2. Nargis Begum Shushtary (Deceased)
- 3.Syed Mohammed Sheerazice
- 4.Syed Ali Shirazie

- 5.Syed Abhas Sheeraice (Deleted)
(5th Plaintiff deleted as per Order dated 20.10.2022
in Appl.No.4663/2022 and time extended
as per Order dated 22.12.2022)

- 6.Saeedeh Mirza
(Plaintiffs 3 to 6 brought on record as legal heirs
of deceased plaintiffs vide Order dated 30.03.2007
in Appl.No.2779 and 2780 of 2007)

- 7.Renate G.Pusicha Shirazi
(7th Plaintiff is brought on record as legal heirs of the deceased
first plaintiff and amended as per the Order dated 17.02.2016
in Appl.Nos.763 to 765 of 2016 and Order dated 06.09.2016
in Appl.Nos.4424 & 4425 of 2016)

.. Plaintiffs

Versus

- 1.Alllahu Bilhari Trust
Rep by its Trustee, Mr.Syed Ali (deceased)



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Mr.S.Mardhuns Raziaq Ali
53, Armenian Street, Chennai – 600001
(Amended as per Order dated 17.02.2016 in
Appl.No.763 to 765 and Order dated 06.09.2016
in Appl.Nos.4424 & 4425 of 2016)

2.Sarkar-E-Abbassi Trust
210, Anna Salai, Thousand Lights Mosque
Chennai – 600 006
Rep. by its President
Mr.Syed Ali Ispahani (deceased)
Mr.Habib Husain
(Trustee of Second Defendant
substituted by Order dated 08.12.2020
on Memo in Appl.No.5546 of 2013)
(As per Order dated 23.01.2023 passed
in Appl.No.4662/2022, the name of the
second defendant is struck out)

3.Syed Ali (Deceased)
(3rd defendant impleaded in
I.A.No.136 of 2011 as per Order
dated 30.11.2011.)

4.S.Tajnisa Syed (Deceased)
5.S.Mardhuns Raziaq Ali
6.S.Fyzee Nazar Ali
7.S.Nowbal Hajara
8.S.Rahamath Shaheela
9.S.Shameen Hudhaya
10.Safiya Bilal
11.S.Araf Anwali Ali
(Defendants 5 to 11 are impleaded as
legal heirs of the deceased 3rd defendant as
per Order dated 08.12.2020 in Appl.No.5546 of 2013)

.. Defendants



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Civil Suit filed under Order VII Rule 1 of Original Side Rules read with Order VII Rule 1 of C.P.C. for the following reliefs :

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- a) for a declaration to declare the alleged will dated 16.11.1995 as null and void and of no effect and not binding on the plaintiffs;
 - b) for a permanent injunction restraining the defendants herein or their agents or servants or anyone acting on their behalf from dealing with the property and in particular, the suit schedule mentioned properties-Item Nos.I and II in any manner pursuant to the alleged will dated 16.11.1995;
 - c) for costs.

For Plaintiffs : Mr.C.A.Diwakar for P3 to P6

For Defendants : Mr.M.Devaraj for D1 & D5 to 11

JUDGMENT

This suit has been filed seeking for a declaration that the alleged will dated 16.11.1995 as null and void and of no effect and not binding on the plaintiffs and for a permanent injunction restraining the defendants herein or their agents or servants or anyone acting on their behalf from dealing with the property and in particular, the suit schedule mentioned properties, they are Item Nos. I and II in any manner pursuant to the alleged will dated 16.11.1995.

2. Heard the learned counsel for the plaintiffs and the learned counsel for the defendants.

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3. The parties to the suit had filed a Joint Memo of Compromise which brings an end to the dispute between the parties that has been pending before this Court for almost two decades. The said Joint Memo of Compromise is recorded and shall form part and parcel of this Judgment.

4. M/s.Sama Abdullah, Power of Attorney representing the plaintiffs; Mr.C.Mardhuns Raziaq Ali, the fifth defendant who is also Trustee of the the first defendant and Mr.S.Fyzee Nazeer Ali, the sixth defendant who is also the Power Agent of defendants 7 to 11 were present before this Court. This Civil Suit is decreed in terms of the Joint Memo of Compromise dated 26.04.2023.

5. Accordingly, the Civil Suit stands disposed of. No costs. Registry is directed to draft the decree.

dhk
Index : Yes
Internet: Yes

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K.KUMARESH BABU, J.

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