

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 337 OF 2014

Khuzemabhai Syedna Taher Saifuddin Saheb
alias Khuzemabhai STS Qutbuddin alia Kuzamia
Qutbuddin

...Plaintiff

Versus

Mufaddal Burhanuddin Saifuddin

...Defendant

Mr. Ravi Kadam, Senior Advocate, a/w Chirag Modi Mr. Anand Desai, Ms. Hemangi Abhyankar i/b M/s. DSK Legal, for the Plaintiff.

Mr. Iqbal Chagla, Senior Counsel, with Mr. Janak Dworkadas, Senior Counsel, Mr. Fredun DiVitre, Senior Counsel, Mr. Pankaj Savant, Senior Counsel, Mr. Firdosh Pooniwall, Mr. Juzer Shakir, Ms. Azmin Irani, Mr. Varghese Thomas, Mr. Abeezar Faizullahoy, Mr. Murtuza kachwalla and Mr. Shahan Pradhan, i/b J. Sagar Associates, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 18th March 2015

PC:-

1. The matter is listed for marking. Admitted documents relied on by the Plaintiff and accepted by the Defendant have been compiled in three volumes. Mr. Kadam, learned Senior Counsel for the Plaintiff points out that some of the documents in these three

compilations, i.e., the documents at Sr. No. 4, 55, 218, 267, 270, 271, 296, 297, 300, 307, 307A are all documents that the Plaintiff wishes to delete from the affidavit of documents, and from this three-volume compilation. Mr. Kadam states that these documents have been referred to in the plaint, but the averments in the plaint themselves show that the Plaintiff has disputed the correctness of these documents. The Plaintiff does not rely on these documents to establish his case but in order to demonstrate the Plaintiff's contention that the claim of the Defendant is incorrect.

2. Mr. Chagla, learned senior counsel for the Defendant, submits that the proposed deletion of these documents was not previously communicated to his attorneys and that he has not had a sufficient opportunity to be able to respond this oral application. He submits that the documents now sought to be excluded are all documents on which reliance is placed in the plaint itself. These documents were also included in the Plaintiff's affidavit of documents and, consequently, in the agreed three-volume compilation of the Plaintiff's documents. He submits that the Plaintiff ought not to be permitted to exclude these documents without a properly framed application. Mr. Kadam states that he will file and served an appropriate application on or before 7th April 2015. Affidavit in reply, if any, to be filed and served on or before 13th April 2015. No Affidavit in Rejoinder without leave of the Court. List the matter for consideration of this application on 15th April 2015 at 12.00 noon.

3. The remaining documents in the agreed three-volume compilation of the Plaintiff's documents are taken on record and marked in evidence as Exhibits "P1" to "P-118".

4. It is necessary, I believe, to make a reference to the clarifications/caveats in the note submitted by Mr. Chagla in his statement of admission and denials.

(a) The Defendant has in the course of a joint exercise of admission and denial admitted several documents as also audio and video recordings. Mr. Chagla clarifies that these admissions and denials are based only on specific pages of books, parts of audio and video recordings that form part of the Plaintiff's compilation of documents dated 10th February 2015. Consequently, no book, audio or video outside that compilation has been admitted by the Defendant.

(b) Further, the English meanings of words in Classical Arabic/Lisan al Dawat are admitted conditionally. The English translations of such words are not to be referred to, relied on or applied universally or specifically for the same word in any other document. In other words, the agreed English meanings of words are context-specific to each of the documents so admitted.

(c) Thirdly, the Defendant also submits that the English meanings of the words from Classical Arabic / Lisan al

Dawat are admitted on condition that these be restricted to use in these proceedings and not for any other purpose.

- (d) The document at Sr. No. 265 is a set of medical records admitted by the Defendant. These have been admitted on the assumption that they are physical copies of the digital copies in the DVD provided in a compilation dated 15th November 2014. At all stages of the trial, the Plaintiff will therefore be restricted to those physical copies as correspond to the copies on that DVD.
- (e) It is further clarified that all admissions and denials in relation to any audio visual material is on the basis of that material as downloaded from the URL addresses mentioned as on 5th December 2014.

All these statements and qualification are accepted and shall form part of this order marking documents in evidence. These statements and qualifications apply *mutatis mutandis* to the Defendant's documents as well.

5. There is another class of documents that requires to be dealt with separately. These documents are admitted but their translation from Classical Arabic/Lisan al Dawat is not. It is, however, now agreed between the parties that these documents relied on by the Plaintiff may be marked in evidence subject to cross-examination and subject to proof of correctness of their translations.

Specifically, both the Plaintiff and any person from whom he has obtained the translations/interpretations and whose evidence is led may be fully cross-examined by Mr. Chagla for the Defendant as to the accuracy and correctness of these translations/interpretations in addition to the competence and qualifications of the person to make those translations/interpretations. It is also clarified that any witness on either side whose evidence is led for the purpose of proving these translations/interpretations will be treated as an expert witness. The Defendant will thus also be at liberty to lead the evidence either of himself or of any expert to controvert the translations/interpretations propounded by the Plaintiff. Finally, the marking in evidence of these translations/interpretations is not to be construed to mean that the Defendant has accepted the correctness or accuracy of those translations/interpretations.

6. In the light of this the evidence of the Plaintiff will be led first as required by Order XVIII Rule 3A of the Code of Civil Procedure, 1908.

7. A list of these documents showing also where they have been compiled in the record will be prepared by the Advocates for both sides and submitted on or before 15th April 2015.

8. It goes without saying that this agreed procedure as to documents requiring translation/interpretation will apply equally to the documents that may be brought in evidence by the Defendant.

9. The Defendant has submitted a three volume compilation of his documents and which are admitted by the Plaintiff. These are

taken on record and marked in evidence as Exhibits “D1” to “D210” respectively.

10. Mr. Kadam tenders the evidence affidavit of the Plaintiff. It is taken on record. Because of the number of people and Advocates in the matter, by special permission obtained today, further hearings in the matter will be held in Court No. 46. The Plaintiff requires some assistance. A Gujarati translator will be made available from the office of the Official Translator. The IT section is also directed to ensure that a microphone and a suitable amplification installed and tested prior to the day of first day of cross-examination on 27th April 2015 at 12.00 noon. In addition, one flat panel relay monitor should also be made available so that the cross-examination recorded can be more conveniently viewed within the Court room. The computer and monitor used by the PS/PA will, therefore, have to be connected to the display monitor.

11. Mr. Chagla seeks liberty to file a further affidavit of documents with an accompanying compilation. This will be filed and served on or before 31st March 2015.

12. For convenience, lists of the documents produced by both sides and marked as indicated above are appended to this order.

(G. S. PATEL, J.)

VOLUME III**COMPILATION OF ADMITTED DOCUMENTS ON
BEHALF OF THE PLAINTIFF**

Doc. No.	Particulars	Page Nos.	Exhibit No.
VOLUME I			
4.	Copy of certified copy of application filed by / on behalf of the Defendant with the office of the Charity Commissioner in Mumbai.	1 – 136	-----
6.	Copy of extract from book by Shaykh Qutub bin Sulayman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2 (Surat: al-Jameatus Saifiyah, 1432 AH/2011 AD) pp. 119 – 120 along with its English translation.	137 – 141	“P1”
19.	Copy of collection of poetry of 52nd Dai, <i>Abha Zuhur Riyad al-Ilm</i> , <i>Qasida: O progeny of Fatema</i> containing poetic verse (Mumbai, 1418 AH/1997 AD) p. 24 along with its English translation.	142 – 144	“P2”
21.	Copy of Photograph of 51st Dai, 52nd Dai and the Plaintiff, which had been signed by the 51st Dai, 52nd Dai and the Plaintiff.	145	“P3”
22.	Copy of telegram dated 21.5.1964 AD sent by the Defendant and his older brother Shehzada Qaidjoher Ezzuddin to the 51st Dai along with its English translation.	146 – 147	“P4”
23.	Copy of letter dated 31.5.1964 AD from the Defendant to the 51st Dai from Indore along with its English translation.	148 – 153	“P5”

Doc. No.	Particulars	Page Nos.	Exhibit No.
24.	Copy of telegram dated 20.5.1964 AD sent by the Defendant and his older brother Shehzada Qaidjoher Ezzuddin to the 51st Dai from Indore along with its English translation.	154 – 155	“P6”
26.	Copy of extract from book by the 5th Dai Syedna Ali bin Mohammed, <i>Diwan</i> containing poetic verses along with its English translation.	156 – 159	“P7”
31.	Copy of letter from the Defendant to the Plaintiff from Mumbai (around 1965 AD) along with its English translation.	160 – 164	“P8”
32.	Copy of telegram dated 24.7.1968 AD (erroneously mentioned as 24.8.1968 AD in the plaint and index) sent by the Defendant from Mombasa, Kenya to the Plaintiff along with its English translation.	165 – 166	“P9”
33.	Copy of telegram dated 26.3.1969 AD sent by the Defendant from Mecca, Saudi Arabia to the Plaintiff along with its English translation.	167 – 168	“P10”
40.	Copy of book of collection of poems of the 51st Dai, <i>Jawahir al-balagha al-ladunniyya</i> , vol. 1 (1414 AH/1993 AD) p. 262 along with its English translation.	169 – 172	“P11”
VOLUME II			
41.	Copy of letter dated 2.12.1978 AD from Miyasab Shaikh Ibrahim Yamani to the Plaintiff along with its English translation.	173 – 180	“P12”

Doc. No.	Particulars	Page Nos.	Exhibit No.
42.	Copy of extract from book by the 51st Dai, <i>Risalat Rawdat Dar al-Salam</i> (1378 AH/1959 AD) pp. 223 - 224 along with its English translation.	181 - 184	"P13"
44.	Copy of biography of 52nd Dai titled "Al-Dai al-Fatemi" (Al-Jamea-Tus-Saifiyah, 2001 AD) pp. 72 and 99.	185 - 189	"P14"
55.	Copy of printout of website "mumineen.org" containing the pages of the diary entry.	190 - 195	-----
56.	Copy of letter on which the 52nd Dai granted permission for education of his great grand-daughter in a secular non-community school around December 2007 along with its English translation.	196 - 198	"P15"
71.	Copy of letter dated August 28, 2013 from The Malbar Hill Estate Pvt. Ltd.	199 - 200	"P16"
74.	Copy of extracts from book of the <i>Misaq</i> (Oath of Allegiance) given by the Dawoodi Bohras along with its English translation.	201 - 205	"P17"
85.	Copy of extract from book by E.W. Lane, <i>Arabic-English Lexicon</i> , vol. 1, p. 1610 along with its English translation.	206 - 209	"P18"
86.	Copy of extract from book by J. G. Hava, <i>Arabic-English Dictionary For Advanced Learners</i> , p. 380 along with its English translation.	210 - 212	"P19"
88.	Copy of extract from book by the 19th Dai Syedna Idris Imaduddin, <i>Uyun al-Akhbar</i> , vol. 1, p. 47 along with its English translation.	213 - 215	"P20"

Doc. No.	Particulars	Page Nos.	Exhibit No.
90.	Copy of extract from book by Syedna al-Qadi al-Nu'man, <i>Mukhtasar al-Athar</i> , vol. 2, p. 192 along with its English translation.	216 – 218	“P21”
92.	Copy of extract from book by E.W. Lane, <i>Arabic-English Lexicon</i> , vol. 1, p. 3058 along with its English translation.	219 – 220	“P22”
95.	Copy of extract from book by Syedna Al-Qadi al-Numan, <i>Sharh al-Akhbar</i> , ed. al-Sayyid Muhammad al-Husayni al-Jalali, vol. 6, p. 126 along with its English translation.	221 – 223	“P23”
98.	Copy of extract from book by Syedna al-Mu'ayyad al-Shirazi, <i>al-Majalis al-Mu'ayyadiyya</i> , vol. 4, p. 212 along with its English translation.	224 – 226	“P24”
99.	Audio recording (duration 5 minutes 32 seconds) of sermon of the 52nd Dai given during Muharram 1423 AH/around March 2002 in Indore contained in a DVD.	227	“P25”
99A.	Copy of translated transcript of audio recording (duration 5 minutes 32 seconds) of sermon of the 52nd Dai given during Muharram 1423 AH/around March 2002 in Indore.	228 – 230	“P26”
101.	Copy of extract from book by Shaikh Qutub bin Sulayman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2, pp. 215-216 along with its English translation.	231 – 235	“P27”
102.	Copy of extract from book by Shaykh Qutub bin Sulayman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2, pp. 128 - 129 along with its English translation.	236 – 239	“P28”

Doc. No.	Particulars	Page Nos.	Exhibit No.
103.	Copy of extract from book by 51st Dai's, <i>Majmu'at Jawahir al-Balagha al-Ladunniya</i> , vol. 2 (1414 AH/1993 AD), p. 57 along with its English translation.	240 – 242	“P29”
104.	Copy of extract from book by 3rd Dai Syedna Hatim, <i>Risalat Tuhfat al-Qulub</i> (no page numbers) along with its English translation.	243 – 245	“P30”
105.	Audio recording (duration 31 seconds) of the 52nd Dai's sermon regarding Hakim Imam on 3rd Moharram 1426AH/February 11, 2005 contained in a DVD.	227	“P31”
105A.	Copy of translated transcript of audio recording (duration 31 seconds) of the 52nd Dai's sermon regarding Hakim Imam on 3rd Moharram 1426AH/February 11, 2005.	246	“P32”
109.	Copy of extract from book by 51st Dai, <i>Risalat Zubdat Burhan al-Sidq al-Wadih</i> (1347 AH/1929 AD), p. 92 along with its English translation.	247 – 249	“P33”
110.	Copy of extract from book by Syedna Jafar bin Mansur al-Yaman, <i>Sarair wa-Asrar al-Nutaqa</i> , p. 256 along with its English translation.	250 – 252	“P34”
113.	Copy of extract from book by 51st Dai, <i>Risalat Kawthar Khuld</i> (1360 AH/1941 AD), p. 206 along with its English translation.	253 – 255	“P35”
114.	Copy of extract from book by 51st Dai, <i>Risalat Daw' Nur al-Haqq al-Mubin</i> , p. 98 along with its English translation.	256 – 258	“P36”

Doc. No.	Particulars	Page Nos.	Exhibit No.
117.	Copy of the complete article titled “ <i>The Epistle of the Fatimid Caliph al-Amir (al-Hidaya al-Amiriyya): Its Date and Its Purpose</i> ” written by Prof Stern.	259 – 271	“P37”
118.	Copy of extract from book by 51st Dai, <i>Risalat Zubdat Burhan al-Sidq al-Wadih</i> , p. 87 along with its English translation.	272 – 274	“P38”
119.	Copy of extract from book by 51st Dai, <i>Risalat Balagh al-Du’at al-Fatimiyyin</i> (1375 AH/1956 AD), pp. 203 – 204 along with its English translation.	275 – 279	“P39”
124.	Copy of extract from book by Syedna al-Mu’ayyad Shirazi, <i>al-Majalis al-Mu’ayyadiyya</i> , vol. 2, p. 468 along with its English translation.	280 – 282	“P40”
125.	Copy of extract from book by 51st Dai, <i>Risalat Ghurrat al-Haqq</i> , p.64 along with its English translation.	283 – 285	“P41”
126.	Copy of extract from book by Syedna Ali bin Muhammad (5th Dai), <i>Diwan</i> (Poetry collection), p.179 along with its English translation.	286 – 288	“P42”
127.	Copy of extract from book by 51st Dai, <i>Risalat Salsabil Hikam Ghadaq</i> (1364 AH/1945 AD), pp. 181 – 182 along with its English translation.	289 – 293	“P43”
132.	Copy of extract from book by Shaykh Qutub bin Sulayman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2, pp. 464-465 along with its English translation.	294 – 297	“P44”
135.	Copy of telegram dated 5.6.1963 AD of 52nd Dai from Bombay to Indore along with its English translation.	298 – 299	“P45”

Doc. No.	Particulars	Page Nos.	Exhibit No.
136.	Copy of telegram dated 16.6.1964 AD of 52nd Dai from Bombay to Indore along with its English translation.	300 – 301	“P46”
137.	Copy of telegram dated 4.5.1966 AD of 52nd Dai from Bombay to Calcutta dated 4.5.66 along with its English translation.	302 – 303	“P47”
138.	Copy of cable dated 19.10.1970 AD of 52nd Dai from Medina, Saudi Arabia along with its English translation.	304 – 305	“P48”
139.	Copy of telex dated 10.12.1984 AD of 52nd Dai along with its English translation.	306 – 307	“P49”
140.	Copy of telex dated 18.11.1988 AD of 52nd Dai from Surat to Nairobi along with its English translation.	308 – 309	“P50”
141.	Copy of letter dated 31.12.1993 AD of 52nd Dai from Bombay to USA along with its English translation.	310 – 311	“P51”
142.	Copy of fax dated 28.9.1995 AD of 52nd Dai from Dubai to London along with its English translation.	312 – 313	“P52”
143.	Copy of fax dated 15.8.1994 AD of 52nd Dai from London to Dubai along with its English translation.	314 – 315	“P53”
144.	Copy of fax dated 1.11.2000 AD of 52nd Dai from Surat to Chicago along with its English translation.	316 – 317	“P54”
145.	Copy of fax dated 11.03.2003 AD of 52nd Dai from Bombay to Chicago along with its English translation.	318 – 319	“P55”
146.	Copy of fax dated 5.11.2005 AD of 52nd Dai from London to Bombay along with its English translation.	320 – 321	“P56”

Doc. No.	Particulars	Page Nos.	Exhibit No.
147.	Copy of fax dated 21st Ramadan 1426 AH (i.e. 23.10.2005 AD) of 52nd Dai from London to Bombay along with its English translation.	322 – 323	“P57”
148.	Copy of fax dated 29th Rabi-ul-Akhar 1431 AH (i.e. 13.4.2010 AD) sent by the Plaintiff to the 52nd Dai from Bombay to London, with the 52nd Dai’s handwritten benedictions and signature along with its English translation.	324 – 325	“P58”
153.	Audio recording (duration 2 minutes 22 seconds) of the sermons of the 51st Dai on 4 Muharram 1380H/28th June 1960 contained in a DVD.	227	“P59”
153A.	Copy of translated transcript of audio recording (duration 2 minutes 22 seconds) of the sermons of the 51st Dai on 4 Muharram 1380H/28th June 1960.	326 – 327	“P60”
158.	Copy of extract from book by 51st Dai, <i>Risalat Bahr Fadl Kabir</i> , p. 171 along with its English translation.	328 – 330	“P61”
161.	Copy of extract from book by Shaykh Qutub bin Sulayman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2, p. 217 along with its English translation.	331 – 333	“P62”
163.	Copy of extract from book by 51st Dai, <i>Risalat Balagh al-Du’at al-Fatimiyyin</i> , p. 227 along with its English translation.	334 – 336	“P63”
164.	Copy of extract from book by 51st Dai, <i>Risalat Sorar Rushdin Marfu’a</i> (1365 AH/1946 AD), p. 221 along with its English translation	337 – 339	“P64”

Doc. No.	Particulars	Page Nos.	Exhibit No.
165.	Copy of extract from book by 51st Dai, <i>Risalat Sorar Rushdin Marfu'a</i> , p. 222 along with its English translation.	340 – 342	“P65”
169.	Copy of extract from book by 51st Dai, <i>Risalat Bahr Fadl Kabir</i> , p. 176 along with its English translation.	343 – 345	“P66”
173.	Copy of extract from book by 51st Dai, <i>Risalat Mafatih al-Yaqutat al-Hamra'</i> (1373 AH/1954 AD), p. 391 along with its English translation.	346 – 348	“P67”
177.	Copy of extract from book by Syedna Al-Qadi al-Nu'man, <i>Kitab al-Majalis wa-l-Musayarat</i> , p. 59 along with its English translation.	349 – 351	“P68”
VOLUME III			
178.	Copy of extract from book by Miyasaheb Mohammed Ali bin Mulla Jiwa bhai, <i>Mawsame bahaar</i> , vol. 3, p. 698 along with its English translation.	352 – 354	“P69”
179.	Copy of book by 51st Dai, <i>Risalat Daw' Nur al-Haqq al-Mubin</i> , p. 112 along with its English translation.	355 – 357	“P70”
185.	Copy of extract from book by 51st Dai, <i>Risalat Albab Hazirat al-Quds</i> (1354 AH/1935 AD), p. 192 along with its English translation.	358 – 360	“P71”
186.	Copy of extract from book by 51st Dai, <i>Risalat Rawdat Firdaws</i> (1361 AH/1942 AD), pp. 154-155 along with its English translation.	361 – 364	“P72”
187.	Copy of extract from book by 51st Dai, <i>Risalat Dalw Ghadir Haqq</i> (1362 AH/1943 AD), pp. 150-151 along with its English translation.	365 – 368	“P73”

Doc. No.	Particulars	Page Nos.	Exhibit No.
188.	Copy of extract from book by 51st Dai, <i>Risalat Khaza'in Imam al-Muttaqin</i> (1372 AH/1953 AD), pp. 275-277 along with its English translation.	369 – 375	“P74”
189.	Copy of extract from book by 51st Dai, <i>Risalat Amsal Sidrat al-Muntaha</i> (1377 AH/1958 AD), p. 328 along with its English translation.	376 – 378	“P75”
191.	Copy of extract from book by 51st Dai, <i>Jawahir al-Balagha al-Ladunniyya</i> , vol. 2 (ca. 1994), p. 421 along with its English translation.	379 – 381	“P76”
194.	Copy of extract from book by Syedna al-Qadi al-Nu'man, <i>Sharh al-Akhbar</i> , ed. al-Sayyid Muhammad al-Husayni al-Jalali, vol. 6, pp. 126-128 along with its English translation.	382 – 388	“P77”
13.	Copy of extract from book by Syedna Hamiduddin al-Kirmani, <i>al-Masabih fi Ithbat al-Imama</i> , ed. Mustafa Ghalib (Beirut: Manshurat Ahmad), p. 131 along with its English translation.	389 – 391	“P78”
14.	Copy of extract from book by Syedna al-Muayyad al-Shirazi, <i>al-Majalis al-Muayyadiyya</i> , vol. 1, ed. Shz Hatim Hamiduddin (1975 AD), p. 112 along with its English translation.	392 – 394	“P79”
15.	Copy of extract from book by Syedna al-Muayyad al-Shirazi, <i>al-Majalis al-Muayyadiyya</i> , vol. 2, ed. Shz Hatim Hamiduddin (1986 AD), p. 173 along with its English translation.	395 – 398	“P80”

Doc. No.	Particulars	Page Nos.	Exhibit No.
200.	Copy of extract from book by Shaikh Qutub bin Sulaiman Burhanpuri, <i>Muntaza al-Akhbar</i> , vol. 2, ed. Samer Traboulsi (1999 AD), p. 317.	399 – 400	“P81”
203.	Copy of personal letter by Bazat Tayyebah Baisaheba Vajihuddin (daughter of the Plaintiff) to the 52nd Dai (ca. end of 2005 AD and beginning of 2006 AD) narrating her dream, which was acknowledged by the 52nd Dai by writing “Dua” and his initials along with its English translation.	401 – 403	“P82”
218.	Audio recording from Azad Maidan of Shehzada Qaidjoher Ezzuddin’s speech given on or around 30 January 2014 at the URL https://soundcloud.com/moiz-tyrewala/azad-maidan-rally-qe-speech-2 (duration 18 minutes).	404	-----
219.	Copy of photographs demonstrating closeness of 52nd Dai and Plaintiff.	405 – 417	“P83”
225.	Copy of extract from book by Syedna al-Qadi al-Nu‘man, <i>Sharh al-Akhbar</i> , ed. al-Sayyid Muhammad al-Husayni al-Jalali, vol. 14, pp. 303 - 304 along with its English translation.	418 – 421	“P84”
229.	Copy of extract from book by Syedna al-Muayyad al-Shirazi, <i>al-Majalis al-Muayyadiyya</i> , vol. 3, ed. Shz Hatim Hamiduddin (2005 AD), p. 156 along with its English translation.	422 – 425	“P85”

Doc. No.	Particulars	Page Nos.	Exhibit No.
230.	Copy of book by Syedna al-Muayyad al-Shirazi, <i>al-Majalis al-Muayyadiyya</i> , vol. 4, ed. Shz Hatim Hamiduddin (2011 AD), p. 142 along with its English translation.	426 – 429	“P86”
231.	Copy of extract from book by Syedna al-Muayyad al-Shirazi, <i>Sirat al-Muayyad fi-l-Din Da ‘i al-Du ‘at</i> , ed. Muhammad Kamil Husayn (Dar al-Katib al-Misri, 1949 AD), p. 99 along with its English translation.	430 – 432	“P87”
	Copy of extract from book by 51st Dai, <i>Risalat Anhar Riyad al-Janna</i> (1357 AH/1938 AD), pp. 179-180 along with its English translation.	433 – 436	“P88”
	Copy of extract from book by 51st Dai, <i>Risalat Suhb Barakat al-Khuld</i> (1358 AH/1939 AD), p. 79 along with its English translation.	437 – 439	“P89”
	Copy of extract from book by 51st Dai, <i>Risalat Dhat al-Baraka</i> (1359 AH/1940 AD), pp. 103-104, 107 along with its English translation.	440 – 445	“P90”
	Copy of extract from book by 51st Dai, <i>Risalat Kawthar Khuld</i> (1360 AH/1941 AD), p. 206 along with its English translation.	446 – 448	“P91”
	Copy of extract from book by 51st Dai, <i>Risalat Tadhkirat Labib</i> (1369 AH/1950 AD), pp. 113-114, 142-143, 230 along with its English translation.	449 – 456	“P92”
	Copy of extract from book by 51st Dai, <i>Risalat Ni ‘am al-Sibgha al-Ilahiyya</i> (1371 AH/1952 AD), pp. 397-398 along with its English translation.	457 – 460	“P93”

Doc. No.	Particulars	Page Nos.	Exhibit No.
	Copy of extract from book by 51st Dai, <i>Risalat Mafatih al-Yaqutat al-Hamra</i> (1373 AH/1954 AD), pp. 311-312 along with its English translation.	461 – 464	“P94”
245.	Video recording (duration 18 seconds) of 52nd Dai’s Public Sermon (Surat, ca. 6 April, 2000) contained in a DVD.	227	“P95”
245A.	Copy of translated transcript of video recording (duration 18 seconds) of 52nd Dai’s Public Sermon (Surat, ca. 6 April, 2000).	465	“P96”
246.	Audio recording (duration 2 minutes 13 seconds) of 52nd Dai’s Public Sermon (Indore, ca. 15 March, 2002) contained in a DVD.	227	“P97”
246A.	Copy of translated transcript audio recording (duration 2 minutes 13 seconds) of 52nd Dai’s Public Sermon (Indore, ca. 15 March, 2002).	466 – 467	“P98”
247.	Audio recording (duration 26 seconds) of 52nd Dai’s, Public Sermon, (Dubai, ca. 22 February, 2004) contained in a DVD.	227	“P99”
247A.	Copy of translated transcript audio recording (duration 26 seconds) of 52nd Dai’s, Public Sermon, (Dubai, ca. 22 February, 2004).	468	“P100”
248.	Audio recording (duration 2 minutes 13 seconds) of 52nd Dai’s Public Sermon (Dubai, 28 February, 2004) contained in a DVD.	227	“P101”
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120	"D118"	291	Copy of the relevant extract (page 318) of the original book <i>Tazkerat Labeeb</i> written by 51 st Dai Syedna Taher Saifuddin	249-250
121	"D119"	292	English Translation of the relevant extract on (page 318) of the original book <i>Tazkerat Labeeb</i> written by 51 st Dai Syedna Taher Saifuddin	251
122	"D120"	293	Copy of the relevant extract (pages 116, 117 & 120) of the original book <i>Zubdat Burhan al-Sidq al-Waadeh</i> written by 51 st Dai Syedna Taher Saifuddin	252-255
123	"D121"	294	English Translation of the relevant extract on (pages 116, 117 & 120) of the original book <i>Zubdat Burhan al-Sidq al-Waadeh</i> written by 51 st Dai Syedna Taher Saifuddin	256
124	"D122"	297	Copy of the relevant extract (pages 275 to 277) of the original book <i>Khazaa'in Imam al-Muttaqeen</i> written by 51 st Dai Syedna Taher Saifuddin	257-260
125	"D123"	298	English Translation of the relevant extract on pages 275 to 277 of the original book <i>Khazaa'in Imam al-Muttaqeen</i>	261-262

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			written by 51 st Dai Syedna Taher Saifuddin	
126	"D124"	299	Copy of the relevant extract (pages 511 & 512) of the original book <i>Da'aa'im al-Islam</i> Volume 2 (Published Daar al-Ma'refah) written by Syedna al-Qadi al-Nu'man	263-265
127	"D125"	301	Copy of the relevant extract (page 304) of the original book <i>Mukhtasar al-Aathaar</i> Volume 2, written by Syedna al-Qadi al-Nu'man	266-267
128	"D126"	302	English Translation of the relevant extract on (page 304) of the original book <i>Mukhtasar al-Aathaar</i> Volume 2, written by Syedna al-Qadi al-Nu'man	268
129	"D127"	305	Copy of the relevant extract (page 146) of the original book <i>Balaagh al-Duat al-Fatemiyyeen</i> written by 51 st Dai Syedna Taher Saifuddin	269-270
130	"D128"	307	Copy of the relevant extract of the original book <i>Al-Radd alaa al-Hujoomiyah</i> written by Syedi Luqmanji bin Habibullah	271-274
131	"D129"	317	Copy of the relevant extract (pages 113 & 114) of the original book <i>Taaaj al-Aqaa'id</i> written by 5 th Dai Syedna Ali bin Mohammed al-Waleed	275-277
132	"D130"	318	English Translation of the relevant extract on pages 113 & 114 of the Original book <i>Taaaj al-Aqaa'id</i> written by 5 th Dai Syedna Ali bin Mohammed al-Waleed	278
133	"D131"	321	Copy of the relevant extract of the original book <i>Mafaateeh al-Yaaqutat al-Hamraa</i> (1373) written by 51 st Dai Syedna Taher Saifuddin	279-281
134	"D132"	325	Pen drive/CD containing the Audio file (of sermon by 52 nd Dai on 12 th Shabaan 1430 H / 3 rd August 2009 CE	282
135	"D133"	326	Transcript of the relevant portion of the Audio file (of sermon by 52 nd Dai on 12 th	283

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			Shabaan 1430 H / 3 rd August 2009 CE	
136	"D134"	327	English Translation of the Transcript of the relevant portion of the Audio file (of sermon by 52 nd Dai on 12 th Shabaan 1430 H / 3 rd August 2009 CE	284
137	"D135"	328	Copy of the relevant extract (pages 5 & 6) of the original book <i>Sharh al-Akhbaar</i> (Volume 1) written by Syedna al-Qadi al-Nu'man	285-287
138	"D136"	329	English Translation of the relevant extract on (pages 5 & 6) of the book <i>Sharh al-Akhbaar</i> (Volume 1) written by Syedna al-Qadi al-Nu'man	288
139	"D137"	334	Copy of the relevant extract (page 217) of the original book <i>Safhat 'Arafaat al-Ma'arif</i> (1356) written by 51 st Dai Syedna Taher Saifuddin	289-290
140	"D138"	335	English Translation of the relevant extract on page 217 of the original book <i>Safhat 'Arafaat al-Ma'arif</i> (1356) written by 51 st Dai Syedna Taher Saifuddin	291
141	"D139"	336	Copy of the relevant extract (pages 388 & 389) of the original book <i>Uyoon al-Akhbaar</i> (Volume 4) written by 19 th Dai Syedna Idris Imaduddin	292-295
142	"D140"	340	Copy of the relevant extract (page 146) of the original book <i>Mashrabat Tasneem Noor</i> written by 51 st Dai Syedna Taher Saifuddin	296-297
143	"D141"	341	English Translation of the relevant extract on (page 146) of the original book <i>Mashrabat Tasneem Noor</i> written by 51 st Dai Syedna Taher Saifuddin	298
144	"D142"	345	English Translation of the relevant extract on (pages 284 & 285) of the original book <i>Dalail al I'jaaz</i> , written by Abd al-Qahir al-Jurjaani	299-300
145	"D143"	352	Copy of the relevant extract (pages 161 &	301-303

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			162) of the original book <i>Mashrabat Tasneem Noor</i> written by 51 st Dai Syedna Taher Saifuddin	
146	"D144"	355	English Translation of relevant extract of the original Manuscript <i>Lumai'aat al Najm al-Thaaqib</i> written by Al-Hadd al-Faadil Ahmed Ali Hamiduddin	304

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DOCUMENTS OF THE DEFENDANT ADMITTED BY THE PLAINTIFF

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
147	“D145”	364	Copy of the relevant extract (pages 301 & 302) of the original book <i>Mafateeh al-Ya’qootat al-Hamraa</i> written by 51 st Dai Syedna Taher Saifuddin	305-307
148	“D146”	366	Copy of the relevant extract (pages 127 & 128) of the original book <i>Muntaza' al Akhbaar</i> Volume 2 written by Syedi Shaikh Qutub bin Sulayman Burhanpuri	308-310
149	“D147”	370	Copy of the relevant extract (page 5) of the original book <i>Uyoon al-Akhbaar</i> Volume 6 written by Syedna Idris Imaduddin	311-313
150	“D148”	372	Copy of the relevant extract (page 403) of the original book <i>Tawheed al-Millah al-Baidaa'</i> written by Syedna Taher Saifuddin	314-315
151	“D149”	373	English Translation of the relevant extract on (page 403) of the original book <i>Tawheed al-Millah al-Baidaa'</i> written by Syedna Taher Saifuddin	316
152	“D150”	384	Copy of the relevant extract (pages 198 to 200) of the original manuscript <i>Asas al-Ta'weel</i> written by Syedna al-Qadi al-Nu'man	317-322
153	“D151”	386	Pen drive/CD containing the Audio recording of Sermon 1381 given by Syedna Taher Saifuddin	323
154	“D152”	387	Transcript of the audio recording of Sermon 1381 given by Syedna Taher Saifuddin	324
155	“D153”	388	English Translation of Transcript of the audio recording of Sermon 1381 given by Syedna Taher Saifuddin	325
156	“D154”	390	Transcript of the relevant portion of the video of the Plaintiff's son Sermon	326
157	“D155”	392	Copy of the relevant extract (pages 434 &	327-

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			435) of the original book <i>Tawheed al-Millah al-Baidaa'</i> written by Syedna Taher Saifuddin	329
158	"D156"	393	English Translation of the relevant extract on (pages 434 & 435) of the original book <i>Tawheed al-Millah al-Baidaa'</i> written by Syedna Taher Saifuddin	330
159	"D157"	394	Copy of the relevant extract (pages 138 & 139) of the original book <i>Tazkirah Labeeb</i> written by Syedna Taher Saifuddin	331-333
160	"D158"	396	Copy of the relevant extract (page 477) of the original book <i>Al-Majaalis wa al-Musaayaraat</i> written by Syedna al-Qadi al-Nu'man	334-335
161	"D159"	398	Copy of the relevant extract (page 507) of the original book <i>Da'aim al-Islam</i> Volume 2 written by Syedna al-Qadi al-Nu'man	336-337
162	"D160"	399	English Translation of the relevant extract on page 507 of the original book <i>Da'aim al-Islam</i> Volume 2 written by Syedna al-Qadi al-Nu'man	338
163	"D161"	400	Copy of the relevant extract (pages 170 & 171) of the original book <i>Tazkirah Labeeb</i> written by Syedna Taher Saifuddin	339-341
164	"D162"	402	Copy of the relevant extract (page 180) of the original book <i>Tazkirah Labeeb</i> written by 51 st Dai Syedna Taher Saifuddin.	342-343
165	"D163"	409	Copy of the relevant extract (page 359) of the original book <i>Da'aim al-Islam</i> Volume 2 written by Syedna al-Qadi al-Nu'man	344-345
166	"D164"	410	English Translation of the relevant extract on (page 359) of the original book <i>Da'aim al-Islam</i> Volume 2 written by Syedna al-Qadi al-Nu'man	346
167	"D165"	412	English translation of the relevant extract on (page 375) of the original book <i>Al-Hawaashi</i> Volume 2	347
168	"D166"	414	Copy of the relevant extract (page 273) of the original book <i>Al-Majaalis wa al-Musaayaraat</i>	348-349

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			written by Syedna al-Qadi al-Nu'man	
169	"D167"	416	Copy of the relevant extract of the original book <i>Tasbeeh 'Aam al-Khamseen (Qasida with commentary)</i> written by Qasida composed by: 51 st Dai, Syedna Taher Saifuddin Published: CE, Aljamea-tus-Saifiyah	350-352
170	"D168"	417	English translation of the relevant extract of the original book <i>Tasbeeh 'Aam al-Khamseen (Qasida with commentary)</i> written by Qasida composed by: 51 st Dai, Syedna Taher Saifuddin Published: CE, Aljamea-tus-Saifiyah	353
171	"D169"	418	Copy of the relevant extract of the original book <i>Tasbeeh 'Aam al-Khamseen (Qasida with commentary)</i> written by Qasida composed by: 51 st Dai, Syedna Taher Saifuddin Published: CE, Aljamea-tus-Saifiyah	354-356
172	"D170"	419	English translation of relevant extract of the original book <i>Tasbeeh 'Aam al-Khamseen (Qasida with commentary)</i> written by Qasida composed by: 51 st Dai, Syedna Taher Saifuddin Published: CE, Aljamea-tus-Saifiyah	357
173	"D171"	424	Copy of the relevant extract (pages 4 & 5) of the original book <i>Al-Az'haar</i> Volume 3 written by Syedi Hasan bin Nuh	358-362
174	"D172"	426	Copy of the relevant extract (page -189) of the original book <i>al-Hawaashi</i> Volume-1	363-364
175	"D173"	430	Copy of the relevant extract (page -123) of the original book <i>Sharh al-Akhbaar</i> Volume 13 written by Syedna al-Qadi al-Nu'man	365-366
176	"D174"	431	English Translation of the relevant extract on (page- 123) of the original book <i>Sharh al-Akhbaar</i> Volume 13 written by Syedna al-Qadi al-Nu'man	367
177	"D175"	432	Copy of the relevant extract (page -635) of the original book <i>Al-Majaalis wa al-Musaayaraat</i> written by Syedna al-Qadi al-	368-369

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			Nu'man	
178	"D176"	433	English Translation of the relevant extract on (page- 635) of the original book <i>Al-Majaalis wa al-Musaayaraat</i> written by Syedna al-Qadi al-Nu'man	370
179	"D177"	434	Copy of the relevant extract (page -387) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 7 written by 19 th Dai Syedna Idris Imaduddin	371-373
180	"D178"	435	English Translation of the relevant extract on (page -387) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 7 written by 19 th Dai Syedna Idris Imaduddin	374
181	"D179"	436	Copy of the relevant extract (pages - 208-209) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	375-377
182	"D180"	436A	Copy of the relevant extract (page 412) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	378
183	"D181"	436B	Copy of the relevant extract (page 574) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	379-380
184	"D182"	437	English Translation of the relevant extract on (pages 208- 209) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	381
185	"D183"	437A	English Translation of the relevant extract on (page 412) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	382
186	"D184"	437B	English Translation of the relevant extract on (page 574) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 5 written by 19 th Dai Syedna Idris Imaduddin	383
187	"D185"	446	Copy of the relevant extract (pages- 24-25) of the original book <i>Al-'Aalim wa al-Ghulaam</i> written by Syedna Jafar bin Mansoor al-Yemen	384-386

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
188	“D186”	447	English Translation of the relevant extract on (pages- 24-25) of the original book <i>Al-'Aalim wa al-Ghulaam</i> written by Syedna Jafar bin Mansoor al-Yemen	387
189	“D187”	448	Copy of the relevant extract (pages 111-112) of the original book <i>Da'aim al-Islam</i> Volume 1 written by Syedna al-Qadi al-Nu'man	388-391
190	“D188”	448A	Copy of the relevant extract (pages 118-120) of the original book <i>Da'aim al-Islam</i> Volume 1 written by Syedna al-Qadi al-Nu'man	392-395
191	“D189”	452	Copy of the relevant extract (page - 191) of the original book <i>Al-Urjoosah al-Mukhtaarah</i> written by Syedna al-Qadi al-Nu'man	396-398
192	“D190”	453	English Translation of the relevant extract on page- 191 of the original book <i>Al-Urjoosah al-Mukhtaarah</i> written by Syedna al-Qadi al-Nu'man	399
193	“D191”	454	Copy of the relevant extract (pages- 352-353) of the original book <i>'Uyoon al-Akhbaar</i> Volume 4 written by 19 th Dai Syedna Idris Imaduddin	400-403
194	“D192”	456	Copy of the relevant extract (page -241) of the original book <i>Nahr al-Noor al-Sha'sha'aani</i> written by 51 st Dai Syedna Taher Saifuddin	404-405
195	“D193”	457	English Translation of the relevant extract on (page-241) of the original book <i>Nahr al-Noor al-Sha'sha'aani</i> written by 51 st Dai Syedna Taher Saifuddin	406
196	“D194”	458	Copy of the relevant extract (page -121) of the original book <i>Al-Majaalis al-Mu'ayyadiyyah (Majlis: 228)</i> written by Syedna al-Mu'ayyad al-Shirazi	407-408
197	“D195”	459	English Translation of the relevant extract on (page- 121) of the original book <i>Al-Majaalis al-Mu'ayyadiyyah (Majlis: 228)</i> written by Syedna al-Mu'ayyad al-Shirazi	409
198	“D196”	460	Copy of the relevant extract (page -311) of the original book <i>Al-Akhbaar fi al-Fiqh</i>	410-411

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			written by Syedna al-Qadi al-Nu'man	
199	"D197"	463	English Translation of the relevant extract on (page- 288) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 6 written by 19 th Dai Syedna Idris Imaduddin	412
200	"D198"	464	Copy of the relevant extract (pages - 410-411) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 4 written by 19 th Dai Syedna Idris Imaduddin	413-416
201	"D199"	465	English Translation of the relevant extract on (pages- 410-411) of the original book ' <i>Uyoon al-Akhbaar Vol. 4</i> written by 19 th Dai Syedna Idris Imaduddin	417
202	"D200"	466	Copy of the relevant extract (page - 292-293) of the original book ' <i>Uyoon al-Akhbaar Vol. 7</i> written by 19 th Dai Syedna Idris Imaduddin	418-421
203	"D201"	467	English Translation of the relevant extract on (page- 292-293) of the original book ' <i>Uyoon al-Akhbaar</i> Volume 7 written by 19 th Dai Syedna Idris Imaduddin	422
204	"D202"	473	Copy of the relevant extract (page 17) of the original book <i>Agharr Al-Majaalis</i> published by Al Jamea tus Safiyah	423-425
205	"D203"	474	English Translation of the relevant extract on (page 17) of the original book <i>Agharr Al-Majaalis</i> published by Al Jamea tus Safiyah	426-427
206	"D204"	481	Copy of the relevant extract of the original book <i>al-Burhan al-Jaaliyah li al-Ifk wa al-Buhtaan</i>	428-432
207	"D205"	482	English Translation of relevant extract of the original book <i>al-Burhan al-Jaaliyah li al-Ifk wa al-Buhtaan</i>	433
208	"D206"	485	Copy of the relevant extract (page 293) of the original book <i>Tawheed al-Millah al-Baidaa</i>	434-435
209	"D207"	486	English translation of the relevant extract on (page 293) of the original book <i>Tawheed al-</i>	436

Sr. No	Exhibit No.	Document No.	Particulars	Page Nos.
			<i>Millah al-Baidaa</i>	
210	"D208"	489	Copy of the relevant extract (page 312) of the original book <i>Mafateeh al-Ya'qootat al-Hamraa</i> written by 51st Dai Syedna Taher Saifuddin	437-438
211	"D209"	493	Copy of the relevant extract (pages 250 & 251) of the original book <i>Hadeeqah al-Taareekh</i> written by Shaikh Abduttayyib bin Shaikh Haiderali Diwan	439-441
212	"D210"	494	English translation of the relevant extract on (pages 250 & 251) of the original book <i>Hadeeqah al-Taareekh</i> written by Shaikh Abduttayyib bin Shaikh Haiderali Diwan	442

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