

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3023-3024 OF 2000

MOHAMED KHASIM

Appellant (s)

VERSUS

MOHAMMED DASTAGIR AND ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 3025-3026 of 2000

(With appln.(s) for correction and with office report)

Date: 08/11/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Appellant(s)

Dr. Nafis A. Siddiqui, Adv.

Mohd. Ishar Alam, Adv.

Mr. Mushir Alam, Adv.

For Respondent(s)

Mr. Mushtaq Ahmad, Adv.

Dr. C.V. Zaidi, Adv.

Mr. M.F.A. Shutteri, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. Shakil Ahmed Syed, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Hearing concluded.

Judgment reserved.

Sd/-

(A.D. Sharma)

Court Master

Sd/-

(Phoolan Wati Ar

Court Master

ora)

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LIST OF BOOKS CITED:

1. MULLA'S PRINCIPLES OF MAHOMEDAN LAW (S.173, CHAPTER XII)
2. TYABJI'S MUSLIM LAW, FOURTH EDITION
3. THE MUSSALMAN WAKF VALIDATING ACT, 1913
4. AIR 1964 Madras 18 (para 9 & 11)
5. AIR 1973 MADRAS 191
6. AIR 1981 SC 798
7. AIR 1970 ALLAHABAD 509 (PARA 7,8,9,16 & 18)
8. AIR (35) 1948 OUDH 301 (PARA 7)
9. AIR 1970 SC 1035 (PARA 8 & 10)
10. AIR 1947 ALLAHABAD 201 (PARA 16 & 20)
11. 1978 (3) SCC 299 (PARA 13, 14 & 15)
12. AIR 1938 LAHORE 453
13. AIR 1973 SC 554 (PARA 11)
14. 1991(S)(1) SCC 600 (PARA 202)

15.1989 (4) SCC 187

16. Copy of Exhibit D-21 (Release Deed - cancellation terms) translated copy will be given by the learned counsel for the respondent after the same is translated with the assistance of Mr. P. Vishwanatha Shetty, Sr. Advocate.