

In the Court of the Additional District Judge, Ajmer-
Merwara, Ajmer.

Dr. S. A. Alami
Dewan Syed Al

Moynuddin Chishti Sahib Ajmer, . . . Plaintiff,
A P P E L L A N T.

9/13/50
Altaf Hussain SO

1. K.S. Molvi Abdul Wahid Khan President.
2. M. Zulfiqar Ali son of Nurul Hasan.
3. M. Abdul Latif son of Hayatullah.
4. M. Tasadduq Husain son of Ahmad Husain.
5. M. Mohammed Husain son of H. Mardan Ali.

Defendants - Respondents. .

N - D - E - D

F - I - N - A - L D - E - C - R - E - E .

Upon reading the preliminary decree in Civil suit No.9 of 1929 of the court of the Additional District Judge as modified by the decrees No.9,16, and 17 dated 4th January 1932 of the Court of the Judicial Commissioner, Ajmer-Merwara and the application of the plaintiff dated 18th May 1932 and after hearing Rai Bahadur Pandit Mithan Lal Bhargava B. A. LL. B. Advocate counsel for the plaintiff, Mr. Ghisu Lal M.A.LL.B. Advocate counsel for defendants No. 1 to 20 Mr. Daya Shankar Bhargava B. A. LL. B. Advocate counsel for the defendants No.21, and in the absence of Mir Zulfiqar Ali against whom proceedings were exparte and perusal of the report of the receiver along with the accounts submitted by the Receiver the court passes a final decree as noted below.

A. The rights of the Dewan in respect of offerings made at the Dargah are hereby declared to be as follows:-

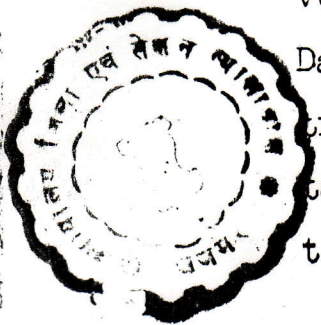
(i) All offerings or presents made to the ~~DK~~ Dewan at the Dewan's Khankah or sitting place within the precincts of the Dargah are the exclusive property of the Dewan.

(ii) Offerings or presents of gold or silver vessels or implements or kabarposhes for the use of the Dargah are the property of the Dargah committee as trustees for the Dargah irrespective of the payment of ~~to~~ lawanto the Khadims and irrespective of the spot at which they are presented.

(iii) Other offerings if made outside the dome of the shrine are the perquisites of the khadims with the exception that offerings of animals or such bulky articles as cannot conveniently be brought within the dome shall if made at the steps of the shrine be divided between the Dewan and the Khadims respectively in equal shares.

(iv) Other offerings if made within the dome

of the shrine shall be divisible between the Dewan and



Dewan and Khadims respectively in equal shares irrespective of the spot at which they are deposited within the dome provided that the following class of offerings shall be the perquisites of the Khadims exclusively:-

(a) "All coins not exceeding two annas in value irrespective of whether they are made of copper or any other metal" and cowries and gold or silver articles (other than coins) of a value less than 8 annas and cotton cloth inferior quality.

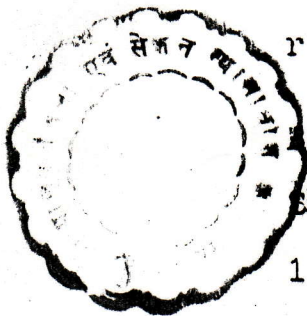
(b) All offerings made between the hours of 4 A.M. and 4 P.M. on Qul day i.e. the last day of the Urs.

(v) Cash or other offerings sent by post be deemed to be offerings made at the shrine i.e. within the dome unless addressed specially to the Dargah committee the Dewan or the Khadims for their exclusive use.

(vi) In the case of the articles falling within the scope of clause (ii) the payment of tawan shall be deemed conclusive proof that an article is presented for the use of the Dargah and in cases in which no tawan is paid in respect of an article falling within the scope of clause (ii) the Dargah Committee shall be the authority to decide whether such articles is required or should be retained for the use of the Dargah.

All the members of the Khadims communities Sayedzadas and Sheikhzadas who as per order under Order 1 rule 8 Civil Procedure Code are represented by defdts: No.1 to 20 by means of perpetual and permanent injunction are enjoined to refrain, restrain and prohibited from any interference with and obstruction to the enjoyment of plaintiffs rights as above declared.

Upon taking accounts of the offerings received from the 15th April 1926 (which includes the offerings made inside the Durgah including the dome from 14/12/1925



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 सुप्रसन्न
 दरगाह

ornaments amounts to Rs. 33025/12/9½ and that if on account of the value of the Ghilafs, Chadars and Nimas, amounts to Rs. 23274/13/6 totalling to Rs. 56300/10/3½ on perusal of the details of the recoveries of cash it is found that the amount of copper coins is Rs. 3421/4/1 and the offerings outside the dome of the shrine from 14th December 1925 to 22nd December 1925 is Rs. 30/2/0 and that the amount of cash offerings received on Gul days as detailed in section B above amounts to Rs. 312/12/9 and the value of the ornaments of the value of less than annas 8 comes to Rs. 7/13/- total of the last four items comes to Rs. 3780/0/6 which the defendants khadims are entitled to receive exclusively and thus the amount available for division in equal shares between the Dewan and the Khadims remained Rs. 29245/12/3½ and thus the plaintiff Dewan is entitled to half of the above said amount viz. Rs. 14622/14/1½ and the Khadims are entitled to the same amount Rs. 14622/14/1½ to which may be added Rs. 3780/0/6 out of the cash the khadims are entitled to receive Rs. 18402/14/7½.

The Ghilafs and Chadars in possession of the Receiver are to be dealt with in accordance with the direction in para 2 and 6 of clause (a) above.

D. Cost. The most important item is that of Receiver's remuneration and other costs incurred in realizing cash, ornaments and Ghilafs from the 14th December 1925 to 28th February 1933. The account submitted by the Receiver shows that it is Rs. 14555/7/7. The proportion of the cost incurred is that Rs. 6012/9/11 falls upon the Ghilafs which has been taken away by the Receiver from the cash income and this amount is payable by the Durgah Committee which is to be distributed between the Dewan and the Khadims in equal shares. The remaining cost of the amount of Rs. 8542/13/8



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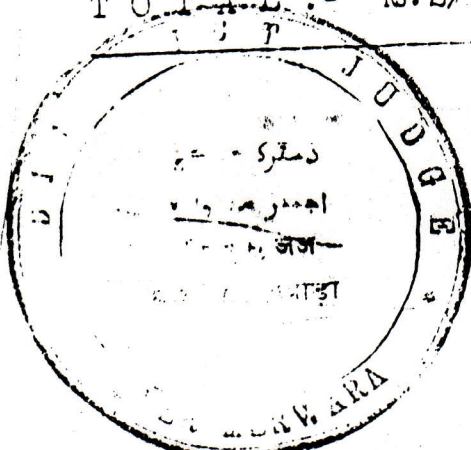
recovery.

nt Khadims will bear half plaintiff
his court, cost incurred by the other
orne by the parties incurring them.

nder my hand and the seal of the court

The cost of the Final amended decree.

Plaintiff's Dewan's Costs.	Defendant Khadims' Costs	Defendan Dargah Committee's Costs.
Miscellaneous. Rs. 2/-/-	Rs. 2/-/-	Nil.
T O T A L :- Rs. 2/-/-	Rs. 2/-/-	Nil.



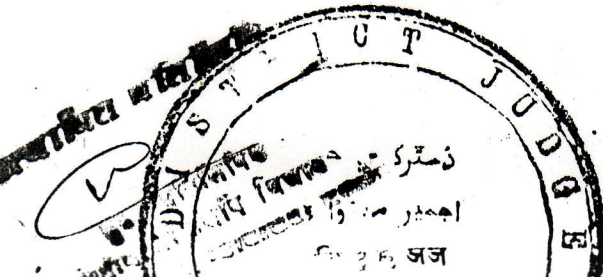
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Additional District Judge,
Ajmer-Merwara,
Ajmer.

(Added by order dated the 29th January 1940)
Under Section 152 C.P.C.

The Khadims are entitled to Rs. 3221/- in respect of the one and two anna pices up to the date of the Privy Council Judgment (i.e. end of February 1938) This sum is arrived at after deducting 25 % of the income during the receivership.

Given under my hand and the seal of the court this 29th day of January 1940.



Kadam

I.C.S.

District Judge, Ajmer-Merwara,
A J M E R.