

THE OPEN UNIVERSITY OF TANZANIA

FACULTY OF LAW

OLW 310: ISLAMIC PERSONAL LAW

COURSE OUTLINE

COURSE OVERVIEW

The Structure of this course is divided basically into three major components:-

- i. Islamic jurisprudence, history and development of Islamic Law and its different schools
- ii. Selected “fields” of Islamic Law according to the dominant schools in East Africa
- iii. Application and administration of Islamic Law in Courts

OBJECTIVES OF THE COURSE

- (i) To help you acquire basic knowledge of the history and the development of Islamic jurisprudence and law.
- (ii) To help you appreciate the directional change in the development of the history of Islamic law, particularly the modernist legislation by contemporary Islamic governments.
- (iii) To enable you appreciate the relevance of Islamic law as applied in East Africa, particularly to Tanzania and the conflict between Islamic, customary and common law.
- (iv) To impart basic knowledge of some selected ‘fields’ of Islamic law of personal status namely, marriage, dower, divorce, customary, guardianship, succession and waqf against their traditional orientation.

COURSE CONTENT

PART I

1.0 ISLAMIC JURISPRUDENCE

1.1 HISTORY AND DEVELOPMENT OF ISLAMIC LAW

- (i) Nature and Concept
- (ii) What is Islamic Law: Definition and Scope
 - (a) Fiqh (knowledge) and Sharia.
 - (b) Aims of Islamic Law [Functions & Objectives]

(iii) Pre-Islamic Arabic – (the Jahilivya period) and the Legal System

(a) Period of “ignorance” – lack of inspired Prophet

(b) Social structure stratification norms, organisation and legal institutions.

1.2 **HISTORICAL SKETCH OF THE ORIGINS AND DEVELOPEMNT OF ISLAMIC LAW**

1.2.1 The period of Prophet – Formative and Legislative era. The divine sovereignty over temporary affairs.

(i) Principal Sources

(a) The Quarn

(b) The Sunnah (the practice of the Prophet)

(ii) The Subsidiary Sources

a) Ijma

b) Qiyas

c) Ijtihad

d) Isstihsan

e) Istishab

f) Sadd al-Dharai

g) Urf and Adat

(iii) The problem of the Interpretation of the two sources; Quran and Sunnah

(iii) Process of extraction of rules and diversity of doctrine.

1.2.2 The period of the Orthodox Caliphs, The Umayyad and Early Abbasids-The Birth of Sharia.

(i) The Four “Rightly Guided” Caliphs.

(ii) The Doctrine of the Caliphate

(iii) The problems of political succession to the Prophet

(iv) The Early/Ancient Schools of Law and Traditions :Al-Shafi and Systematisation of the Sources of Islamic Law.

- Science of Source (Usul-al-fiqh) Shafi’s Thesis

- Post-Shafi: The Growth of Traditions and the Problem of Authenticity
- 1.2.3 The Umayyad's Dynasty
- 1.2.4 The 'Abbasids era: The Classical Period.
- 1.2.5 Schools of Law and the Traditionists
- 1.2.6 The Doctrine of immamate - Political and Legal Implications
- 1.3 The Classical Theory of Law
 - 1.3.1 The content of usual-al-fiqh (Science of Sources)
 - 1.3.2 Theory and Practice in Islamic –Idealism vs Realism
- 1.4 The closing of the “Gate of Ijithad” and the Emergence of Taqlid.

PART II
SELECTED ‘FIELDS’ OF ISLAMIC PERSONALLAW: BASIC PRINCIPLES AND LAWS:

2.1 LAW OF PERSONAL STATUS (ISLAMIC PERSONAL LAW)

2.2 FAMILY LAW

2.2.1 MARRIAGE

- (i) What is Marriage
- (ii) Types: (a)Valid (Sahih)
 - (b) Irregular (Fasid),
 - (c) Void (Batil)
- 2.2.2 The Drawing up of the Marriage contract (Nikah)
 - (b) Offer (Ijab), Acceptance (qabul), Occasion (fi majlis wahid) – Capacity, [parties, age, religion etc]
 - (c) Conditions
- 2.2.3 Impediments to Marriages
 - (a) Permanent
 - (b) Temporary
- 2.2.4 Women's Freedom to Choose a Husband and the Question of Suitability (Kifa'a)
- 2.2.5 Provisions Referring to the Marriage Contract
- 2.2.6 Legal Rights and Duties (rights & Obligation of Spouses)
 - (a) The Dower (Mahr)
 - (b) Maintenance (nafaqa)
 - (c) Obedience (nashuz)
 - (d) Mutual Inheritance

- 2.0 **DIVORCE (Talaq)**
- 2.1 Three degrees of Talaq – Revocable (Rajii) and Irrevocable and their legal consequences
- 2.2 The ‘Idda-divorce/death
- 2.3 Rights of Children: Custody Legitimacy, Parentage and Guardianship

- 3.0 **CUSTODY AND GUARDIANSHIP OF CHILDREN**
- 3.1 The persons entitled to Custody
- 3.2 Categories of Guardians and Eligibility for Guardianship
- 3.3 Access
- 3.5 Duration of custody

- 4.0 **ISLAMIC LAW OF SUCCESSION (MIRATH):** Distribution of the Estate after Death
- 4.1 Optional – Bequest (Wasiyya)
- 4.2 Compulsory – inheritance prescribed by fixed rules.

- 4.3 Claims connected with the estate
 - (i) Contracted Obligation
 - * Before deceased last illness
 - * During his death sickness
 - (ii) Burial and winding sheet
 - (iii) Successorship – Bequest and inheritance

- 4.4 **COMPULSORY SUCCESSION**
- 4.5 Essentials and Conditions of Inheritance
 - (i) Death-factual legal
 - (ii) Inheritor survives decedent
 - (iii) Absence of bar to inheritance
 - * Homicide (Qati’l)
 - * Difference in religion/Change of religion (Retardation)
 - * Nationality/Difference of domicile

- 4.6 Inheritance between spouses
- 4.7 Inheritance of Relatives (nasab)
 - (i) Quranic Sharers (as-hab-al-furud)
 - (ii) Agnates
 - (iii) Cognates
- 4.8 Debts and Funerals expenses

- 4.0 **BEQUESTS**
- 4.1 To Heirs

- 4.2 Obstacles
- 4.3 Conflict
- 4.4 Mandatory

- 5.0 **DIFFERENCES BETWEEN SUNNI AND SHIA LAW OF SUCCESSION**

- 6.0 **WAQF**
- 6.1 Introduction
 - (i) Pre-Islam
 - (ii) Basis of the Law: *Omar the Second Caliph*
- 6.2 Definition and Opinions of Islamic Jurists
- 6.3 Essentials of Waqf
- 6.4 Classification
- 6.5 The Wakif
- 6.6 Completion and Appointment of Mutawallis: Rights and Duties
- 6.7 Distinction: English Trust and Islamic Waqf

- 7.0 **GIFTS**

- 8.0 **MUSLIM RELIGIOUS COURTS (QADHI'S COURTS)**
- 9.1 Islamic Judicial System
- 9.2 Constitution
- 9.3 Jurisdiction
- 9.4 Procedure, Rules and Evidence, Testimony, Confession, Judge's personal Observation, Circumstantial Evidence
- 9.5 Choice of Law: Conflict of Law and jurisdiction

PART III

THE APPLICATION OF ISLAMIC LAW IN SECULAR LEGAL SYSTEM

- 1.0 Islamic Judicial System
- 1.1 Constitution
- 1.2 Procedure, Rules and evidence, Testimony, Confession, Judges' personal observation, circumstantial Evidence
- 1.3 Choice of Law: Conflict of Law and Jurisdiction
- 1.4 How Tanzania Court Apply Islamic Law
- 2.0 Islamic Related Legislation in Mainland Tanzania & Zanzibar

- 2.1 Modernism and Traditionalism
- 2.2 Immutability of Sharia and Modern Reforms
- 2.3 Islamic law as a 'living law' and 'juristic'
- 2.4 Legislative Reforms and Judicial Activism
- 2.5 Conflict: dictates of Sharia and Society
- 2.6 Extra Sharia jurisdiction: the doctrine of Siyasa Shariyya.

BASIC LITERATURE FOR THE COURSE

A: TEXTBOOKS (Jurisprudence)

AMIN, S.H., Islamic Law and Its Implications for Modern World London, 1989.

ANDRESON, J.N.D., Islamic Law In Africa, New Impression Frank, Case and Co. Ltd, London, 1970.

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II A: TEXT BOOKS (BASIC PRINCIPLES)

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AMEER, S.A., Mohammedan Law, Val 1, 4th Edn, Law Relating to Gifts, Wakf, Pre-emption and Bailment, New Delhi, 1985.

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HAMILTON, C., The Hedaya Commentary on the Islamic Laws, Vols. I& II, Kitab Ehayan, New Delhi, 1985.

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Sheikh Ali Hemed El BUHRIY, Milochi A Handbook of the Law of Marriage in Islam, Government Printer, Dar es Salaam, 1959.

SAWYER, G.F.A., (ed), East Africa Law and Social Change, EAPH, Nairobi, 1967.

CASE LAW

MARRIAGE

- (v) ALI OER OCKBA *Vs* AZIZA BINT ALI OMER OCKBA [1957] E.A. 675.
- (vi) PAZI *Vs* MOHAMED [1968] E.A 111
- (vii) BASHFORD *Vs* SHABANI [1971] E.A 257
- (viii) RATTANSY *Vs* RATTANSEY [1960] E.A 81
- (ix) ALI PAZI *Vs* HAMIS MOHAMED [1968] H.C.D 18
- (x) ALLY MFAUME ISSA *Vs* FATUMA MOHAMED ALKAMU [1974] LRT N. 67
- (xi) ELIZABETH SALWIBA *Vs* PETER OBERA [1975] LRT N. 52
- (xii) MOHAMED IBRAHIM *Vs* GULAM AHMED [1984] 1 Bom. H.G 236.
- (xiii) HASSAN KUTTI BEARY *Vs* JAINABAI [1982] AA.I.R Mad 1285.
- (xiv) IFTIKHAR NASIR AHMED KHAN & OTHERS *Vs* GHULAM KIBRIA & OTHERS P/L/D 1968 Lah. 587.
- (xv) ALLAH DIWAYA *Vs* Mst KAMMON HAI O. L.D 1957 LAH. 651
- (xvi) SHAHZADA BEGUM *Vs* SH. ABDUL HAMID P.L.D 1950 Lah 504.
- (xvii) FATU M. MASUDI *Vs* ALLY R. MASUDI [1977] LRT. N. 3

DIVORCE

- (xviii) ALI OMAR MOTE *Vs* ALI SIRAJ [1959] E.A 883
- (xix) SALIMA BINTI ALAWI *Vs* SEYYDI SALEM BIN ALAWI [1955] E.A. 105
- (xx) MALEKSULTAN W/O SHERALI JERAJ ALLARAKHIA DHALLA *Vs* SHERALIJERAJ [1955] E.A 142
- (xxi) SADRUDIN SALEH MOHAMED *Vs* FIROBANU GULAMHUSSEIN BHIMJI [1957] E.A 369
- (xxii) AYOOB *Vs* AYOOB [1968] E.A 72
- (xxiii) ABDUL WAHID *Vs* NABAB BEGUTI E. HASS ADIM [1921-1952] 1
- (xxiv) FATMA BACHO *Vs* MAJOTHI KARA JUMA BOLIA [1930-1947] V.T.L.R 163
- (xxv) HAYANJE *Vs* MWANARAFU S/O [1967] H.C.D 42
- (xxvi) KAME S/O MOHAMED *Vs* OMARI S/O ABDULLAH [1967] H.C.D 48
- (xxvii) ADAMU MTONDO *Vs* LIKUMA OMARI [1968] H.C.D 289
- (xxviii) HUSSEIN ADAN *Vs* ASILI ABDALLAH [1968] H.C.D 92
- (xxix) KHADIJA D/O ABDALLAH *Vs* SAID OMARI [1968] H.C.D 249
- (xxx) MOHAMED S/O SALUM *Vs* SALEHE MTAKATA [1968] H.C.D 496
- (xxxii) SAADA JAMANI *Vs* HASSANI SWALEH [1970] H.C.D 9
- (xxxiii) LEMU SELENJE *Vs* HADIJA MATULI [1974] LRT N. 64

- (xxxiii) FATU D/O MUSA Vs RASHID S/O MCHA KAME [1975] Irt N. 10
- (xxxiv) MAULIDI S/O ALLY Vs HAWA D/O ATHUMANI [1975] LRT N. 39
- (xxxv) RATTANSI Vs RATTANSI [1975] LRT N. 55
- (xxxvi) AHMED KASIM MALIA Vs KHATU BIBI [1951] 1 L.R 56
- (xxxvii) Mst. BALQUIS FATINA Vs MAJN-IL-IRRAM QURESHI P.L.D [1959] Lah. 566.
- (xxxviii) RAJABU MWALIMU Vs HADIJA MAWULIDI [1970] HCD 237
- (xxxix) SHOMARI KITIMU Vs KAMBI SELEMANI [1967] HCD 170 DOWER (MAHR)
- (xl) PAULO Vs RAMADHANI [1970] HCD 91
- (xli) RAMADHANI DIBOGO Vs IRABLANU WAHBURI [1975] LRT N. 42
- (xlii) SYED SABIR HUSSAIN Vs FAREAND HUSSEIN A.I.R [1938] P.C. 80

MAINTENANCE (NAFAQ)

- (xliii) HUSSEIN ADAN Vs ASILI ABDALLAH [1968] HCD 92
- (xliv) MOHAMED S/O ALLY Vs AMINA D/O SAID [1967] HCD 287
- (xlv) NYAMUKANGA Vs RUSAMWA [1971] HCD 27
- (xlvi) DINYA Vs DAWA [1971] HCD B.O
- (xlvii) FATU M MASUDI Vs ALLY R. MASUDI [1977] LRT N. 3
- (xlviii) HASSAN AND FAAFAR ABDEL RAINBOW Vs SHANGUSI MOHAMED SIR E6. KHATIM G. Rev –122 – 1959 slrj 33
- (xlix) RASHID AHMED Vs ANISA KAHTUN AIR [1932] P.C 25
- (l) MOHAMED AHMED KHAN Vs SHAH BANO LEGUM [1958] 2 SCC 556

LEGITIMACY, PARENTAGE AND ACKNOWLEDGEMENT

- (li) MISS ASIA D/O AMIRI Vs AHMED S/O DAVID [1868] HCD 206
- (lii) SAID ALEKO (ADMINISTRATOR) Vs MWATATU D/O IBRAHIM [1967] HCD 50
- (liii) MOHAMED STAMBULI Vs MWANAWARUSI SELEMANI [1968] HCD 357
- (liv) GANDA Vs HUSSEIN [1971] HCD
- (lv) ABDUOOL RAZACK Vs AGA MOHAMED JAFFER BINDAIFEE [1868], 21 LRIA 56
- (lvi) ASHRUFOOD DOWLAH AHMED HOSSEIN KHAN BAHDHOOF Vs HYDER HISSEIN KHAN [1866] 11 MOORE'S INDIAN APF. CAUSE, 94
- (lvii) NABIBUR RAHMAN CHOWDHURY Vs ATLAF ALI CHOWDHURY [1921] L.R 48 I. A 114
- (lviii) ISMAIL AHMED PEEPADI Vs MOBIN BIBI AIR [1941] C. 11
- (lix) MOHABEAT ALI Vs MOHAMMA IFRANIN AIR [1929] P.C 135
- (lx) RASHID AHMED Vs ANISA KHATON AIR [1932] P.C 25

CUSTODY AND GUARDIANSHIP

- (lxi) ABDUL REHMAN BAMI *Vs* SUGERA SULEINA [1960] E.A 801
- (lxii) SALUM *Vs* ASUMINI [1969] E.A 255
- (lxiii) ADBUL WAHID *Vs* NABAB BEGUM BINTI HASSA [1921-1952] 1 TLR (R) 570
- (lxiv) MISS ASIA D/O AMIRI *Vs* AHMED S/O DAVID [168] HCD 206
- (lxv) MIKURO BINTI MBWANA *Vs* IDDI S/O RUWA [1967] HCD 232
- (lxvi) MOHAMED AMISI *Vs* SALUM ALLI [1967] HCD 169
- (lxvii) EL-HAJI SALUM MBOGOROMWE *Vs* ASUMINI D/O NGOMESI [1968] HCD 383
- (lxviii) MAHFUDH *Vs* SALEHE [1971] HCD 18
- (lxix) SULEIMAN ALI DOONGERSI *Vs* SHEROO BINTI KAIJI [1908] 1 Z..L.R 251
- (lxx) MANA BINTI MZEE *Vs* MOHAMED HASSAN [1942] 20 k.l.r 3
- (lxxi) FAZALIAH BIBI *Vs* TEHRAN BIBI [1921], 8 EAIR 200

SUCCESSION AND INHERITENCE

INTESTACY

- (lxxii) FATMA BINTI HAFIDH *Vs* THE ADMINISTRATOR – GENRAL ZANZIBAR PROTECTORATE [1948] E.A 22
- (lxxiii) RE THE ESTATE OF THE LATE SULEIMA KUSUNDWA [1965] E.A 247
- (lxxiv) FATMABAI D/O JAFEER DHALLA *Vs* MOHAMED LADHA [1928] 1 T.L.R (R) 715
- (lxxv) In Re HASSANALI JADAVJI [1948] E.A 729
- (lxxvi) SHUBANA BINTI JUMA *Vs* THE ADMINISTRATOR – GENERAL [1923-1927] Z.L.R 51
- (lxxvii) SHAMBA JUMAA & OTHERS *Vs* RASHID JUMAA [1966] E.A 3
- (lxxviii) MTEI KUDUU *Vs* OMARI SWALEHE & 2 OTHERS Loc. 1 Courts Digest No. 206 [1961] Vaol. 8
- (lxxix) FATUMA D/O MSHAMU *Vs* RASHID D/O CHILAMBO [1967] E.A 18
- (lxxx) SHABANI *Vs* SOFIA [1971] HCD 5
- (lxxxi) SHARINA S/O SAID *Vs* RAJABU S/O SAID [1973] LRT N. 33
- (lxxxii) IN THE MATTER OF THE ESTATE OF THE LATE SALUM OMARI MKEREMI [1973] LRT N. 80
- (lxxxiii) RAMADHANI S/O BAKARI *Vs* KICHUNDA [1973] LRT N. 33
- (lxxxiv) TATU ABDALLAH *Vs* WAZIRI MUSSA [1975] LRT N. 7
- (lxxxv) HEIRS OF AHMED KHIDIR NEGUD *Vs* HEIRS OF NEIMA KHADIR [1959] SLJR 53
- (lxxxvi) ALI SAEED HAIEF *Vs* ABDEL RAHIM SAEED SEIF [1959] SLJR 55

- (lxxxvii) ABU ZEID *Vs* ABU ZEID [1957] SLJR 16
- (lxxxviii) ABBAS EL SAYED ALI AND ANOTHER *Vs* SAKINA BINT OSMAN AC PP 4 1940 SIRJ 415
- (lxxxix) ALI GANYUMA *Vs* ALI MOHAMED 11 K.L.R 30 [1920]
- (xc) SUSANI B.MUYINDA *Vs* STANLEY KITAKA [1932] ULR 19
- (xci) MARKO KAJULI *Vs* KULANIMA S. KABALI EACA VOL. II [1944]
- (xcii) ESHUGBAYO ELEKO *Vs* NIGERIA GOVERNMENT [1931] A.G 662
- (xciii) JEMBE *Vs* PRISCILIA MKONDO [1911-1912] VOL. 4 EALR 160
- (xciv) MINEY FRANCIS *Vs* SAMUEL BARTHOLOMEW KUSI [1950-1951] VOL. 24 K.L.R 1
- (xcv) RE THE ESTATE OF THE LATE SULEIMAN KUSUNDWA [1965] E.A 247

INTESTACY

- (xcvi) AMINA BINTI ABDULIA *Vs* SHEH BINTI SALUM [1954] 21 E.A.C.A.12
- (xcvii) LUSA MAKONO *Vs* REHEMA HASSAN [1967] H.C.D 159
- (xcviii) RE INNOCENT MBILINYI [1969] HCD N. 283
- (xcix) EBRAHIM ABOBEKAR *Vs* TEK CHAND DILWANI A.I.R 1953 SC 2981.
- (c) THE AMINIDTRATOR-GENERAL, ZANZIBAR *Vs* MTUMWA BINTI BAKARI WASU [1958] E.A 308
- (ci) ABDULLAH TAIRARA AND ANOTHER *Vs* HUSSEIN BIN KASSIM [1953] 2D EACH 105
- (cii) FATUMA BINTI ATHUMAN *Vs* ALI BAKA [1918] 7 EALR 171
- (ciii) SAUMU BINTI ULEDI *Vs* KHAMIS BIN SONGORO [1944] 7 ZLR 126
- (civ) ADMINISTRATOR GEN. *Vs* MTUMWA [1958] E.A 285

BEQUESTS (WILLS)

- (cv) ALI MOHAMED RASHID *Vs* HAMIS SAID [1959] EA. 877
- (cvi) HAMED BINS SULEIMAN ED BUSAIDI *Vs* SALIM AHMED EL LUSAID [1957] E.A 801
- (cvii) KHADIJA BINTI MASOOD BIN SEIF *Vs* MASOOD BIN SEIF BIN SALIM EL-MISKIRI AND ANOTHER [1940] EALR 72
- (cviii) RASHID LEGUM *Vs* ADMINISTATOR GENRAL [1951] EACH 102
- (cix) MOHAMED THABET ALI MAKTARI *Vs* MOHAMED SALEH MAKTARI AND OTHER [1966] E.A 35
- (cx) ANARALI MUSERAZA (A minor bu his next friend) MOHAMEDTAKI A.P CHAMPSI *Vs* MOHAMEDALI NAZERALI JUWA AND OTHERS [1966] E.E 117
- (cxi) IN RE KASSUM PREMJI (dcd) 1 TLR (R)713
- (cxii) DOUGLAS-MENZIES *Vs* UMPHELBY [1908] A.C.J.C 224

- (cxiii) RE ESAJI ALIBHAI (1) 1 ZIR 612
- (cxiv) VENKAT RAO Vs NAMDEO (2) [1931] 58 I.A 362
- (cxv) AULLA BIBI Vs. ALA-UD-DIN [1906] 28 ALL 715
- (cxvi) RASHID BEGUM Vs. ADMINISTRATOR-GENERAL AND ANOTHER [1951] 18 EACA 102
- (cxvii) TIMOTHY TANLOJU ADESUBOKAN Vs. RASAKI YUVUSA [1972] J.A.L 82 [1970] J.A.L 56
- (cxviii)GBADAMOSI APATIRA & ANOTHER Vs. RALLATU AKANKE & TWO OTHERS [1943] 17 Nlr 149
- (cxix) BARTIETT Vs. BARLETT [1925] A.C 377

GIFTS

- (cxx) ZAINAB BINT ABDULLA GULAB AND ANOTHER Vs. NULSUM BINT ABDUL KHALEK AND ANOTHER [1961] E.A 487
- (cxxi) ADMINSTRATOR-GENERAL, ZANZIBAR Vs. NASSOR BIN FAZIL BIN NASSOR AND OTHERS [1957] E.A 159
- (cxxii) MASHAVU BINTI NASSOR Vs. MEYYA BINTI SAID KHALID [1957] E.A 415
- (cxxiii)HAIDER BIN MOHAMED EHMANDRY AND OTHER Vs. KHADIJA BINTI ALI BIN SALEM alias BIMKUBWA [1957] EACA 313
- (cxxiv)MOHAMED YUSUFU Vs. TUNDA BINTI KASSIM [1973] LRT N. 67
- (cxxv) JUMA GOBOKA Vs. HALIMA MOHAMED [1975] ltr N. 1
- (cxxvi)JUMA Vs. HALIMA [1975] E.A 104
- (cxxvii) YUSUF Vs. TUNDA [1973] E.A 323

WAQF LAW AND ADMINISTRATION

- (cxxxviii) FATIMA BINTI SALUM BAKH SHUWEN AND ANOTHER Vs. MOHAMED BIN SALIM BAKHSHUWEN 16 EACA 1 [1952] AC. 1
- (cxxxix)WAKF COMMISSIONER OF THE COLONY AND PROTECTORATE OF KENYA Vs. ALLIMOHAMED ALI NAHDI EXECUTOR OF THE WILL OF AISHA BINTI SHAFI [1950] EACA 86
- (cxxx) M.D KERMALI AND OTHERS Vs. MUSSA G DHALLA AND OTHERS [1957] E.A 168
- (cxxxxi)SALIMA AND ANOTHER Vs. AHMED [1971] E.A 573
- (cxxxii) OMAR FAKIR MOHAMED AND GULAM-MOHAMED. ON BEHALF OF THE SUNNI
- (cxxxiii) JAMAT, SUING WITH THE LEAVE OF THE ATTORNEY GENERAL V. REMTULLA
- (cxxxiv) TALIB AND ANOTHER [1921-1952] 1 TLR ® 440
- (cxxxv) RAJABU S/O MARIJAN Vs. HADIJI S/O SAIDI [1967] HCD 43
- (cxxxvi) SULEIMAN BIN AHMED Vs. SALEM BIN ABDULLA 1 ZLR 328

- (cxxxvii) ABUL FATA MOHAMED ISHAK AND OTHERS Vs. RASAMAYA DHUR CHOWDRI AND OTHER [1894] 22 CALC 619 at p. 634
- (cxxxviii) TALIBU BIN MWIJAKA Vs. EXECUTORS OF SIWA HAJI [1907] 2 IREA 33 MOHAMED ABDULLAH Vs. ABDUL REHMAN 9 Bombay L.R 998; ALL I.D. column 1603
- (cxxxix) MAHMED ISMAIL ATIFF Vs. AHMED MOOLA DAWOOD [1916], 43 Cal. 1085
- (cxl) NIZAMUDIN GULAM AND OTHERS Vs. ABDUL GAFUR AND OTHERS [1889], 13 Bom 264
- (cxli) NAWAB SYED MAHAMMAD HASHIM ALI KHAN Vs. IFFAT ARA HAMIDI BEGUM [1942] A.I.R Cal. 180
- (cxlii) AMINA BINTI ABDULLA Vs. SHEBA BINTI SALIM [1954] 21 EACA 12
- (cxliii) COMMISSIONES FOR SPECIAL PURPOSES OF INCOME TAX Vs. PE [1891] A.C 531
- (cxliv) HEIRS OF EL TAYEB EL MELIK Vs. AHMADIYA SANYA AC-REV – 262 – 1961 S.L.R.J 135
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