

FISHER,  
C.J.  
&  
STUART,  
P.J.  
1922

[FISHER, C.J. AND STUART, P.J.]

MUSTAFA KIDIRI SALIH AND ANOTHER, AS HEIRS OF ISMAEL  
HASSAN, DECEASED

v.

THE KING'S ADVOCATE.

November 30

ILAM—SHERI COURT JURISDICTION C.C.J.O. 1882, CLAUSE 20—PERSONS OF  
MUSSULMAN FAITH—ALLEGED REPRESENTATION OF CROWN AT SHERI COURT—  
ILAM NOT BINDING ON CROWN.

APPEAL of Plaintiffs from judgment of a District Court dismissing their claim on the grounds that the Ilam issued by the Sheri Court was not of itself sufficient to entitle Plaintiffs to recover against the Crown.

The facts are as follows:—

Ismael Hassan died registered owner of a house in Nicosia. He left no descendants or known heirs and the two Plaintiffs claimed to be heirs. They applied to the Sheri Court for a declaration to that effect and gave notice to the Mudir of the Beit-ul-Mal and also to the Treasurer. At the Sheri Court enquiry it was stated that a Turkish member of the Treasury staff was present. The Sheri Court issued an Ilam declaring the present Plaintiffs the legal heirs of deceased. The Crown claim that deceased left no heirs and the property has become Mahlul to the Crown.

The District Court dismissed the action on the grounds that an Ilam of the Sheri Court is not binding on the Crown and that Plaintiffs declined to try and prove their relationship before the District Court. The District Court also found that whether a member of the Treasury staff watched the proceedings before the Sheri Court or not the force of the Ilam was not altered thereby.

For Appellant *Behaeddin*.

For Respondent the *Assistant King's Advocate*.

*Judgment* : Upholding the judgment of the District Court and dismissing the appeal.