

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Case No.: HC/OS 139/2015

In the matter of Order 92, Rule 4 of the RULES OF COURT (Cap. 322, Rule 5)

And

In the matter of Section 56 and 57 of the Trustees Act (Cap. 337)

And

In the matter of A Trust of the Will dated 26th January 2603 (1943) of HADJEE YOUSOF BIN HADJEE MOHAMED NOOR also known as HAJI YUSOFF BIN HAJI MOHAMED NOOR, late of No.73 Sultan Gate Singapore (Deceased)

And

In the matter of Grant of Probate DCP No. 569 of 1950

And

In the matter of the Administration and Distribution of the trust of the Will dated 26 January 2603 (1943)

Between

1. MOHAMED IDRUS BIN HAJI ISMAIL
(NRIC No. S0603036Z)
2. ALWI BIN JOFRIE
(NRIC No. S0243944A)

...Applicant(s)

And

1. ZHULKEFLEE BIN HAJI ISMAIL
(NRIC No. S0079269A)
[As Trustee/Executor of A Trust of the Will dated 26th January 2603 (1943) of Hadjee Yousof Bin Hadjee Mohamed Noor also known as Haji Yusoff Bin Haji Mohamed Noor, (Deceased)]
2. MOHAMMED IDRIS BIN MOHAMED HANAFIAH
(NRIC No. S0514918E)
[As Trustee/Executor of A Trust of the Will dated 26th January 2603 (1943) of Hadjee Yousof Bin Hadjee Mohamed Noor also known as Haji Yusoff Bin Haji Mohamed Noor, (Deceased)]
3. ABDULLAH BIN JOFFRI
(NRIC No. S0757843A)
[As Trustee/Executor of A Trust of the Will dated 26th January 2603 (1943) of Hadjee Yousof Bin Hadjee Mohamed Noor also known as Haji Yusoff Bin Haji Mohamed Noor, (Deceased)]

...Respondent(s)

ORDER OF COURT

Before: Judicial Commissioner Kannan Ramesh in Chambers

Date of Order: 13-August-2015

Please fill in details of applicant(s) and counsel

Upon the application of the Applicants herein made by way of HC/OS 139/2015 coming on for hearing on 18 June 2015 and on this day, and upon reading the Affidavits of the 1st and 2nd Applicants filed on 10 February 2015 and on 22 May 2015 together with the exhibits therein referred to, the Affidavits of the 2nd Respondent filed on 24 March 2015 and on 17 April 2015 together with the exhibits therein referred to, the Affidavit of the 1st and 3rd Respondents filed on 11 May 2015 together with the exhibits therein referred to, and the Affidavit of the 3rd Respondent filed on 19 June 2015 together with the exhibits therein referred to, and upon hearing counsel for the Applicants, counsel for the 1st and 3rd Respondents, and counsel for the 2nd Respondent,

It is ordered that:

1. The Applicants shall be the representatives of all beneficiaries under the Trust of the Will dated 26 January 1943 of Hadjee Yousof Bin Hadjee Mohamed Noor also known as Haji Yusoff Bin Haji Mohamed Noor (the "Deceased"), except for Zohra Bte Hajee Yusoff (NRIC No. S06145631), pursuant to Order 15 Rule 13(1) of the Rules of Court for the purpose of HC/OS 139/2015.

2. The 2nd Respondent shall be the representative of Zohra Bte Hajee Yusoff (NRIC No. S06145631) pursuant to Order 15 Rule 13(1) of the Rules of Court for the purpose of HC/OS 139/2015.

3. The parties entitled to the income payable under Clause 12(e) of the Will dated 26 January 1943 of the Deceased are the heirs of the Deceased according to Mohamedan law at the time of the Deceased's death and their respective heirs in accordance with Mohamedan law.

4. The Respondents shall make an interim distribution pursuant to Clause 12(s) of the Will dated 26 January 1943 of the Deceased of the sum of S\$1,120,000.00 (inclusive of the interim distribution made on 21 July 2015 of S\$120,000.00) to the said heirs of the Deceased as hereinbefore set out within fourteen (14) days from the date hereof. The balance sum of S\$1,000,000.00 is to be paid to M/s Mallal & Namazie, solicitors for the Estate of the Deceased (the "Estate") from the funds in HSBC Account No. 141-815555-002 held in the name of the Estate of the Deceased for them to deal with the distribution.

5. The 2nd Respondent is to hand over to M/s Mallal & Namazie, solicitors for the Estate of the Deceased, all cheque books, bank statements and deposit receipts in relation to the Estate which are in his possession, custody and/or control within twenty-one (21) days from the date hereof.


6. The 2nd Respondent is to pay to the Applicants costs fixed at S\$15,000.00 plus reasonable disbursements.

7. The 2nd Respondent is to pay to the 1st and 3rd Respondents as trustees of the Estate costs fixed at S\$15,000.00 plus reasonable disbursements.

8. The solicitor-and-client costs and disbursements of the 1st and 3rd Respondents in this action as trustees of the Estate (taking into account the costs to be paid to them by the 2nd Respondent) are to be paid out of the funds of the Estate of the Deceased.

Solicitor(s) for the Applicants
SELVAM LLC

Date: _____


Solicitor(s) for 1st and 3rd Respondents
MALLAL & NAMAZIE

Date: _____


Solicitor(s) for 2nd Respondent

STRAITS LAW PRACTICE LLC

Date: _____

17 AUG 2015

Attach a document, eg, relevant consent(s), annexures, etc, where necessary:

Add