

MODEL SPECIMENS

Family Settlement by way of Wakf

(Wakf-alal-aulad)

This deed of Family Settlement by way of Wakf is made the..... day of.....20.....by..... (name of the settlor) of etc., hereinafter called the settlor.

Whereas the settlor is the owner of immovable property hereby assured in possession free from encumbrances and described in the First Schedule hereto and also of the shares in Joint Stock Companies, Securities and other movable property as shown in Second Schedule hereto.

And Whereas the settlor is desirous of making a family settlement by way of Wakf of his properties in the manner hereinafter appearing.

Now this Deed witnesseth that in consideration of the premises the settlor freely and voluntarily makes family settlement by way of Wakf of his properties movable and immovable as described in the First and Second Schedules hereto and declares as follows:—

1. That the aforesaid properties shall be and are hereby declared Wakf for the maintenance and support of the settlor, his family, children or descendants and in case of extinction of his line of heirs, for the benefit of the poor of the city of..... belonging to Mussalman faith.
2. That the settlor hereby appoints and constitutes himself as sole Mutwalli of the said Wakf during his natural life and is entitled to the rents and profits of the Wakf properties and to the exclusive management thereof.
3. That after the death of settlor, his eldest son shall be the sole Mutwalli of Wakfs hereby created.
4. That the Mutwali for the time being shall be entitled to appoint his successor in that office after his death out of the settlor's male lineal descendants and failing it out of the other relations of the settler as he thinks fit.
5. (a) That the Mutwalli for the time being after the settlor's death shall manage the Wakf properties to the best of his ability as a prudent man would manage his own affairs.
(b) Shall pay all rates and taxes and outgoings properly chargeable on the Wakf estate and shall divide the residue of the income between the Settlor's descendants according to their shares under the Mohammedan Law.
(c) That the Mutwalli shall not be entitled or authorised to sell or mortgage, charge or dispose of in any other manner any of the immovable properties hereby made Wakf, but he may call in, convert into cash the movable property as shown in the Second Schedule hereto and invest it into such securities as he deems fit.
6. None of the descendents of the settlor shall have any right or interest in the Wakf save or except as is mentioned herein, nor any one of them shall be entitled to dispose of, or charge in any manner their share of income and profits as hereinafter declared.
7. That on the extinction of the line of demands of the settlor, the Mutawalli for the time being shall use the surplus income and profits of the Wakf property for the sole use and benefit of the Mohammedan poor of the city of in such manner as he shall think fit.

In witness I, the settlor have hereunto affixed my signatures in the presence of witnesses.

The First Schedule referred to containing description of immovable property.

The Second Schedule referred to containing description of movable property.