

FEDERAL COURT

BETWEEN:

HIS HIGHNESS PRINCE KARIM AGA KHAN

Plaintiff

and

NAGIB TAJDIN, ALNAZ JIWA, JOHN DOE and DOE CO. and all other persons or entities unknown to the plaintiff who are reproducing, publishing, promoting and/or authorizing the reproduction and promotion of the Infringing Materials

Defendants

AFFIDAVIT OF KARIM ALIBHAY

1. I, Karim Alibhay, of the City of Laval, in the province of Québec, MAKE OATH AS FOLLOWS:
2. I am by profession a professional engineer, and am a member of the Order of Engineers of Quebec (O.I.Q.).
3. I am a practising Ismaili, and loyal to His Highness Prince Karim Aga Khan (the "Imam"), who is our spiritual leader and father. My wife and I are currently *Mukhi* and *Mukhiani* (chief for conducting religious ceremonies as the Imam's representative) for *Chandraat Majlis*.
4. The Imam often travels to various countries to give His blessings and Guidance ("Didar") to Ismailis. Many Ismailis travel long distances to obtain the blessing of Didar of their Imam.
5. During such visits, in addition to the Imam giving Didar to the present Jamat (congregation), on occasion the Imam performs *Mehmani* ceremony, during which He accepts two members from each family to attend before him when He personally offers his blessings and guidance to such Ismailis.
6. During His visit to Canada in 1992, the Imam agreed to allow some families to attend before Him, and as the Imam's time was restricted, He agreed to accept *Mehmani* from a portion of the Jamats who were chosen based on alphabetical listing of the Jamats resident in Canada.

7. As my last name is Alibhay, I was privileged to attend before the Imam for the *Mehmani* ceremony. On the 15th of August 1992, accompanied with my wife and my son, we attended before our Imam for the *Mehmani* ceremony to present a personal offering and seek our Imam's blessings and guidance.
8. I met with Mr. Nagib Tajdin ("Tajdin") in the morning of August 15th 1992. Since his last name starts with a "T", he was not among the list of Ismailis selected to attend personally before the Imam for the *Mehmani* ceremony. Tajdin attended before me and asked me if I would, on his behalf, seek guidance from the Imam respecting the Farman Book that he had just published.
9. Tajdin had published a Farman book, titled, "Kalam-e Imam-e Zaman, Farmans to the Western World, Volume 1", containing Farmans of the Imam made to the Western countries, and he informed me that it had just been printed and that he wished to seek the Imam's blessings before starting to distribute the Farman book to the Jamats.
10. When attending for *Mehmani* before our Imam, we normally take a plate of fruits and nuts as a token of our offerings. When I along with my wife and my infant son attended before the Imam on August 15, 1992, I presented the fruits and nuts offerings plate with the Farman Book placed on the fruits and nuts. At the time, I was holding my son with my left arm and slowly left him stand on his own, my wife was on my right, and the Imam blessed us right away several times by placing His right hand on my shoulder, and then placed His hand on my wife's and then on my son's shoulder.
11. After the Imam had blessed us and accepted our offerings, the Imam looked at the Book which I had placed on the plate containing fruits and nuts, as it is rather unusual for Ismailis to place anything other the fruits and nuts (which are wrapped in saran wrap). After a short while, the Imam placed His hand on the Farman Book, when I humbly asked the Imam for His blessings, and I said to Him in French: "Mowlana Hazar Imam, que pouvons nous faire pour l'Imamat?" (Mowlana Hazar

Imam - our Lord, the present Imam - what else can we do to serve the Imamat?)”.

12. The expression on the Imam's face changed completely and brightened, He came closer to us from His chair as if He wanted to embrace us, He then put His right hand on my shoulder and placed His left hand again on the Farman book (which was in red cover) responded to my supplication in French: “Continuez ce que vous faites” (continue what you are doing), “réussissez ce que vous faites” (succeed in what you are doing), and then ended by saying “et ensuite nous allons voir ce qu'on peut faire ensemble” (and then we will see what we can do together). All the time while we were with the Imam, after He saw the Farman book, His hand was placed on the Farman book, blessing the book. He then finished the ceremony by giving us blessings for Barakat (abundance) and success.
13. The Farman Book that I placed on the plate contained Farmans made to the Western Countries. Our Imam's Farmans are a very essential part of our lives as Ismailis. Whenever our Imam visits His jamats, he always makes Farmans, which gives us a direction and Guidance.
14. His Farmans, or orders, or advices, are guiding and central principles according to which our lives are lived. He has always asked us to read His Farmans, to listen to them and to abide by them whenever He visits us, and has often said to us not to read His Farmans like newspapers, but to reflect upon them, analyze them and discuss about them, and to seek to abide by them. The Farmans are a centrality in our lives as is the Imamat. The very purpose we have an Imam is to be guided by Him according to the time we are leading.
15. During the *Mehmani* ceremony my wife, my son and I were blessed with, there were more than a thousand people in the audience and the whole ceremony was projected on a big screen for all to see, and the screening was undertaken by closed circuit signals and was recorded.
16. During the *Mehmani* ceremony, Hussein Damji was at that time the Mukhi (chief for

conducting religious ceremonies as the Imam's (representative) for whole Jamat, and as result it was his duty and obligation to stand beside our Imam as the Jamats present themselves before their Imam, and he witnessed our presentation and attendance before our Imam and heard the blessings and guidance given to us by our Imam.

17. After the *Mehmani* ceremony, and after the Imam left the premises, many people came to us, including family, friends, religious representatives of the community and other members of the community and we shared with them the blessings and guidance we were privileged to receive. Immediately after the *Mehmani* ceremony, I relayed the blessings and guidance the Imam gave concerning the Farman Book to Tajdin. Tajdin was in the audience when we were presenting the *Mehmani* to our Imam.

18. As a reminder of that special occasion, the copy of the Farman book that our Imam graciously blessed with His hand has been kept by me as a reminder of that wonderful occasion which we will cherish for the rest of our lives.

19. It is my belief that either our community's National Council for Canada or the Regional Council for Quebec must have a copy of the video that was recorded the *Mehmani* ceremony on that date which would show in details our presentation of the Farman book to the Imam and the Imam blessing the Farman book.

20. I have bought all of the Farman books published by Tajdin. My family and I regularly read the Farmans and we guide our lives in accordance with the Farmans made by our Imam.

SWORN at the City of)
 in the Province of Quebec)
 this 28 day of April , 2010)
)

 Karim Alihaq

Melanie Laforce Guy Adj.
 MELANIE LAFOURCE guy adj.

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Defendants

AFFIDAVIT OF KARIM ALIBHAY

sworn on

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