

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 0110 of 2014 (CQJ)

IN THE MATTER OF THE SECTION 46 OF THE COMPANIES LAW

BETWEEN:

YASHWANT DAHYABHAI PATEL AS EXECUTOR
OF THE ESTATE OF PRABHAVATI D PATEL

PLAINTIFF

AND:

MAKITA CORPORATION LIMITED

DEFENDANT

AND:

GIRISH DAHYABHAI PATEL

2nd DEFENDANT

AND:

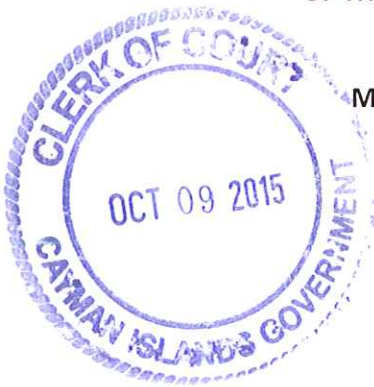
KIRAJ GIRISH PATEL

3rd DEFENDANT

AND

VANISHA PATEL

4th DEFENDANT



RE-AMENDED ORIGINATING SUMMONS

Amended pursuant to Order of Quin J dated 26th August 2015

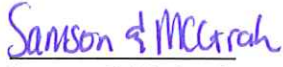
25th **LET THE DEFENDANT** Makita Corporation Limited of Appleby Trust (Cayman) Ltd, P.O. Box 1350, Clifton House, 75 Fort Street attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 17th day of November 2014, at 9:00 am on the hearing of an application by the Plaintiff of c/o Samson & McGrath, Attorneys at Law, 5th Floor Genesis Building, George Town Grand Cayman, PO Box 446 G.T. that the Court make the following orders:

1. That the 1st defendant do rectify the register of the 1st defendant company by transmitting 1 share of the 1st defendant company from the name of Prabhavati D Patel into the name of the plaintiff with 7 days of the date of service of the Order.
2. That in the event of the 1st defendant failing to comply with paragraph 1 within 7 days of service of the Order the Registrar of Companies is directed to rectify the register of the 1st defendant company in accordance with paragraph 1.
3. Such further and other relief that the Court deems fit.
4. An order that the costs of and incidental to this application are paid by the 1st defendant company.

This Originating Summons was issued by Samson and McGrath, Attorneys at Law for the Applicant whose address for service is 5th Floor Genesis Building, George Town, Grand Cayman, PO Box 446 G.T. Yashwant Dahyabhai Patel as Executor of the Estate of Prabhavati D Patel v Makita Corporation Limited. Amended December 2014.

AND LET THE DEFENDANT within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 30th day of September 2014.


Samson & McGrath

NOTES:-

- (1) This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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4th DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

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[Defendant in person]

Address for service:

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Indorsement by Plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Samson & McGrath
5th Floor Genesis Building
P.O. Box 446
Grand Cayman KY1 – 1106
Cayman Islands

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]