

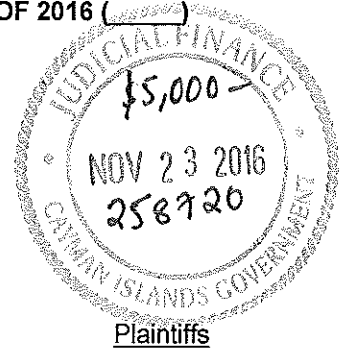
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO FSD 193 OF 2016 ( )

FINANCIAL SERVICES DIVISION

BETWEEN:

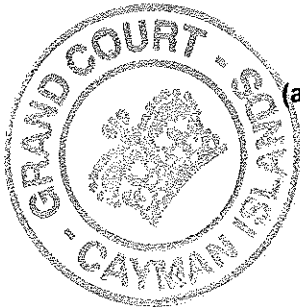
- (1) Rakesh Malhotra
- (2) Super-Max Mauritius  
(a company registered in Mauritius)



Plaintiffs

AND:

- (1) Super-Max Offshore Holdings Limited  
(a company registered in the Cayman Islands)
- (2) Actis Consumer Grooming Products Limited  
(a company registered in Mauritius)
- (3) Actis LLP  
(a limited liability partnership registered in England & Wales)
- (4) Shomik P Mukherjee
- (5) Ganpathi Rathinam
- (6) Peter Schmid
- (7) Alistair A Mackintosh



Defendants

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**WRIT OF SUMMONS**

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TO:

- (1) Super-Max Offshore Holdings Limited
- (2) Actis Consumer Grooming Products Limited
- (3) Actis LLP
- (4) Shomik P Mukherjee
- (5) Ganpathi Rathinam
- (6) Peter Schmid
- (7) Alistair A Mackintosh

This WRIT OF SUMMONS was issued by Ogier, Attorneys for the Plaintiffs, whose address for service is:  
89 Nexus Way, Camana Bay, Grand Cayman, KY1-9009, Cayman Islands (Ref: 401963.00216/UJP/JMC)

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs,

- (1) Rakesh Malhotra of JA Oasis Beach Tower, Al Sofouh Road, Dubai Marina, Jumeirah Beach Residence, Dubai, UAE
- (2) Super-Max Mauritius of (c/o) Equity Trust (Mauritius) Limited, 3<sup>rd</sup> Floor, Raffles Tower, 19 Cybercity, Ebène, Republic of Mauritius

in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, (or within the period fixed by the Court if this Writ is served on you outside the jurisdiction of the Cayman Islands) you must either satisfy the claim or return to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman, Cayman Islands, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 23<sup>rd</sup> day of November 2016.

NOTE - This Writ 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 date of issue unless renewed by order of the Court.

#### **IMPORTANT**

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

#### **GENERAL INDORSEMENT**

The Plaintiffs bring this action on their own behalf and, as regards the Second Plaintiff, in its capacity as a shareholder of the First Defendant, on behalf of the First Defendant by way of derivative action, seeking:

1. damages for the wrongful acts and omissions procured and committed by each of the Defendants in respect of the direction and management of the Second Plaintiff its business, affairs, dealings and operations; and/or
2. damages for (i) unlawful means conspiracy, (ii) breaches of fiduciary and common law duties owed by the Second to Seventh Defendants (inclusive) to the First Defendant, (iii) breach of contract, (iv) misrepresentation, (v) negligence and (vi) defamation, each arising from the conduct of the Second to Seventh Defendants (inclusive) in their dealings with the Plaintiffs and the First Defendant; and/or
3. interest pursuant to section 34 of the Judicature Law (2013 Revision) and/or in equity; and
4. costs.

Dated this 23<sup>rd</sup> day of November 2016



**OGIER**

Attorneys for the Plaintiffs

This WRIT OF SUMMONS was issued by Ogier, Attorneys for the Plaintiffs, whose address for service is:  
89 Nexus Way, Camana Bay, Grand Cayman, KY1-9009, Cayman Islands (Ref: 401963.00216/UJP/JMC).

**DIRECTIONS FOR ACKNOWLEDGMENT  
OF SERVICE OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendants or by the Defendants if acting in person.
2. After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, George Town, Grand Cayman.
3. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e., the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

4. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an Affidavit of his means. The Affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

**See over for notes for guidance.**

**Please complete overleaf.**

## 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. 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.
3. 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 Writ of Summons)".
4. 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 of paragraph 1 of the description "Partner in the firm of \_\_\_\_\_" after his name.
5. 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.
6. 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 his behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO FSD

OF 2016 (\_\_\_\_)

(1) Rakesh Malhotra  
(2) Super-Max Mauritius  
(a company registered in Mauritius)

Plaintiffs

AND:

(1) Super-Max Offshore Holdings Limited  
(a company registered in the Cayman Islands)  
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(6) Peter Schmid  
(7) Alistair A Mackintosh

Defendants

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

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

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does *not* intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*).

yes

no

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Service of the Writ of Summons is acknowledged accordingly.

(Signed) \_\_\_\_\_

Attorney for:

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.

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

OGIER Attorneys-at-Law 89 Nexus Way, Camana Bay Grand Cayman Cayman Islands KY1-9009 (Reference: 401963.00216/UJP/JMC)
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Endorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

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