

IN THE GRAND COURT OF THE CAYMAN ISLANDS

493  
CAUSE NO. OF 1999

IN THE MATTER of a Trust Agreement made on 9<sup>th</sup> May, 19981 between Sir Eboo Pirhbhai and BankAmerica Trust & Banking Corporation (Cayman) Ltd. as amended by Deeds of Amendment dated 26<sup>th</sup> September ,1984 and 22<sup>nd</sup> June, 1986 and known as the Daraman Trust

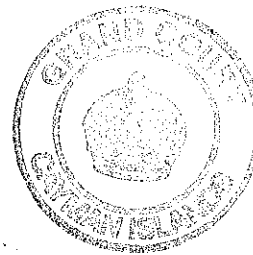
AND IN THE MATTER of the Trusts Law (6 of 1967) (1996 Revision)

BETWEEN:

ISMAIL EBOO

PLAINTIFF

- AND: (1) FATEHALI EBOO  
(2) BEGUM SULTANA JANMOHAMED KAJI  
(3) NURJEHAN EBOO  
(4) FARIDA EBOO  
(5) GHULAM MOHAMED EBOO  
(6) KARIMA MAMDANI EBOO  
(7) NADIA JAMAL  
(8) MOEZ JAMAL  
(9) AMYN EBOO  
(10) RAHIM EBOO  
(11) SULTAN ALI JANMOHAMED  
(12) NASIRUDDIN JANMOHAMED  
(13) YASMIN JANMOHAMED  
(14) AMIN JANMOHAMED  
(15) ALNOOR JANMOHAMED  
(16) ILARIA MARIA MERLO EBOO  
(17) SABILAH EBOO (A MINOR)  
(18) BANKAMERICA TRUST & BANKING CORPORATION (CAYMAN) LTD.



DEFENDANTS

**ORIGINATING SUMMONS**

TO: Fatehali Eboo, Begum Sultana Janmohamed Kaji, Nurjehan Eboo, Farida Eboo, Ghulam Mohamed Eboo, Karima Mamdani Eboo, Nadia Jamal, Moez Jamal, Aryn Eboo, Rahim Eboo, Sultan Ali Janmohamed, Nasiruddin Janmohamed, Yasmin Janmohamed, Amin Janmohamed, Alnoor Janmohamed and Ilaria Maria Merlo Eboo, all care of W. S. Walker & Company, Walker House, George Town, Grand Cayman; Sabilah Eboo (a minor) care of Boxalls, CIBC Financial Centre, George Town, Grand Cayman and BankAmerica Trust & Banking Corporation (Cayman) Ltd., BankAmerica House, George Town, Grand Cayman

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Court's office, P.O. Box 495GT, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff, Ismail Eboo, the Plaintiff seeks the following relief:

- (1) That the Scheme of Arrangement varying the trusts of the above mentioned Trust Agreement, as marked on the copy thereof which is appended hereto, may be approved on behalf of the Seventeenth Defendant and the minor beneficiaries intended to be represented by her and on behalf of all persons unborn and/or unascertained who may hereafter become beneficially interested under the trusts of the said Trust Agreement.
- (2) Such further or other relief as the Court thinks fit.
- (3) That the parties' costs of and incidental to this application be paid out of the assets of the trust on an indemnity basis.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation hereto as the Court may think just and expedient.

DATED this 16<sup>th</sup> day of August, 1999.

W S Walker & Co  
W. S. WALKER & COMPANY  
Attorneys-at-Law for the Plaintiff

NOTE – This Originating Summons may not be served later than 4 calendar months beginning with the date hereof unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form

This Originating Summons was issued by W.S. Walker & Company, P.O. Box 265, Walker House, George Town, Grand Cayman, Attorneys-at-Law for the Plaintiff herein whose address for service is care of his said Attorneys-at-Law.

IN THE MATTER of a Trust Agreement made on 9<sup>th</sup> May, 19981 between Sir Eboo Pirhbhai and BankAmerica Trust & Banking Corporation (Cayman) Ltd. as amended by Deeds of Amendment dated 26<sup>th</sup> September ,1984 and 22<sup>nd</sup> June, 1986 and known as the Daraman Trust

AND IN THE MATTER of the Trusts Law (6 of 1967) (1996 Revision)

BETWEEN:

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- AND: (1) FATEHALI EBOO  
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(15) ALNOOR JANMOHAMED  
(16) ILARIA MARIA MERLO EBOO  
(17) SABILAH EBOO (A MINOR)  
(18) BANKAMERICA TRUST & BANKING  
CORPORATION (CAYMAN) LTD.

DEFENDANTS

**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. 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 Defendants 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 the proceedings (*tick where appropriate*)

yes                       no

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

yes

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Service of the Writ is acknowledged accordingly

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

[Attorney] for

[Defendant in person]

Address for service:

***Please complete overleaf***

**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 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.*

W. S. Walker & Company P.O. Box 265 Walker House Grand Cayman  Ref: AJEF/SJC/as/B7-13367
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*Indorsement 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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**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF  
ORIGINATING SUMMONS**

1. 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.

2. 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 28 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.

3. 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 Court's office.
2. For the purpose of calculating the period of 28 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 in 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 its 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 Court's office.