



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 851 OF 2000

BETWEEN:	ABDUL HAFEEZ ALVI	PLAINTIFF
AND:	(1). TELETEK (OVERSEAS) LIMITED	FIRST DEFENDANT
	(2). MANOJ TIWARI	SECOND DEFENDANT
	(3). KAMLESH TIWARI	THIRD DEFENDANT

WRIT OF SUMMONS

TO: Teletek (Overseas) Limited
P.O. Box 866 GT,
Andersen Square Building,
Grand Cayman.



AND TO: Manoj Tiwari
230-6046 Pant Nagar,
Ghat Kopar (E),
Bombay 40075,
India.



AND TO: Kamlesh Tiwari
230-6046 Pant Nagar,
Ghat Kopar (E),
Bombay 40075,
India.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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, you must either satisfy the claim or return to the Court Office, PO Box 495G, George Town, Grand Cayman, the accompanying acknowledgement of Service stating therein whether you intend to contest these proceedings.

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

Issued this 21st day of November, 2000.

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

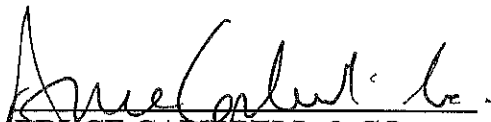
Directions for Acknowledgement of Service are given with the accompanying form.

INDORSEMENT

The Plaintiff claims against the Defendants:

1. The Plaintiff is the holder of 10% of the issued share capital of the First Defendant (the “Company”) and brings this action on behalf of the Company.
2. The Company was incorporated on 23rd July 1996.
3. The Second Defendant is the holder of 90% of the issued share capital of the Company and is also one of its Directors.
4. The Third Defendant is the father of the Second Defendant.
5. From 23rd July 1996 to date, the Second Defendant applied assets of the Company to his own use.
6. A declaration that the Second Defendant was guilty of misfeasance and breach of duty and/or trust as a Director of the above named Company in applying assets of the Company to his own use.
7. An order that the Second Defendant do repay to the Company the said assets of the Company applied to his own use.
8. The Third Defendant knowingly and/or dishonestly assisted the Second Defendant in applying assets of the Company to his own use in breach of the Second Defendant’s duties to the Company and/or in breach of trust.
9. As a result of such actions the Company has suffered loss and damage.
10. A Declaration that all assets of the Company held by or to the order of the Second and/or Third Defendant, whether legally or beneficially, representing or derived from assets of the Company are held on constructive trust for the Company.

11. A Declaration that in respect of the assets of the Company, the Company is entitled to trace such money and/or the proceeds thereof and/or any assets which have derived from the said sums into the hands of the Second and/or Third Defendant and/or any other party found to be in possession of them.
11. Orders that the Second and/or Third Defendant and/or any other party found to be in possession of the proceeds of the assets which have derived from such proceeds do pay the Company the equivalent of the assets or do deliver up to the Company all such assets as are derived from the proceeds of such assets.
12. Such further tracing and/or proprietary remedies and/or other equitable relief against the Second and/or Third Defendant as shall to the Court seem just.
13. Damages and/or compensation in equity by way of restitution for breach of duty/breach of trust, knowing assistance and/or knowing receipt.
14. An order that the Second and/or Third Defendants do pay interest on the assets pursuant to equity or alternatively section 34 of the Judicature Law (1995 Revision).
15. All such further accounts, enquiries, orders declarations, relief and directions as may to the Court seem just and appropriate.
16. Costs.


BRUCE CAMPBELL & CO.
Attorneys-at-Law for the Plaintiff

This Writ of Summons is filed by Messrs. Bruce Campbell & Co., of 4th Floor, Bank of Nova Scotia Building, George Town, Grand Cayman, Attorneys for the Plaintiff whose address is 202 Scranton Avenue, Lynbrook, NY 11563, USA.

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 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 495, 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 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.

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 installments or otherwise.

See over for notes for guidance

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 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 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.

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 or 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.

Messrs. Bruce Campbell & Co.
Attorneys-at-Law
Fourth Floor,
Bank of Nova Scotia Building,
P.O. Box 884,
George Town,
GRAND CAYMAN

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]