

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 491 OF 2005

IN THE MATTER OF a Trust settled on 14 January 2003 by Surinder Dhandsa with  
Barclays Private Bank & Trust (Cayman) Limited as Trustee known as the Ayus Trust

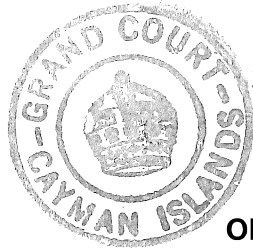
AND IN THE MATTER OF Section 48 of the Trusts Law (2001 Revision)

BETWEEN:

BARCLAYS PRIVATE BANK & TRUST (CAYMAN) LIMITED

Applicant

-and-



- 1) SURINDER DHANDSA
- 2) NARINDER DHANDSA

Respondents

**ORIGINATING SUMMONS**

**TO:** the above-named Respondents

**LET THE RESPONDENTS**, within 14 days after service of this Summons upon them, counting the day of service, return the Acknowledgement of Service to the Courts Office, PO Box 495GT, George Town, Grand Cayman.

By this Summons, the Applicant, in its capacity as the Trustee of the above-named Settlement, seeks the following opinion, advice or direction of the Court as appropriate:

1. Directions in relation to the contention raised by or on behalf of the First and Second Respondents to the effect that Rajinder Dhandsa may be the beneficial owner of half of the assets which were settled in Trust;
2. Whether it is necessary and if so to what extent the Applicant should participate in Claim No. FD03D07805 in the Family Division of the High Court of England and Wales or take any steps in relation to such proceedings for the purposes of

seeking a discharge or variation of the ex parte injunction dated 7 October 2005 in the said proceedings or otherwise participating in the said proceedings in order to protect the interests of the beneficiaries of the above-named Settlement;

3. That the Applicant shall be indemnified out of the above-named Settlement in respect of all costs properly incurred by it in connection with or incidental to such participation in the said proceedings as well as in relation to any steps already taken by it in or in connection with the said proceedings including:
  - (a) all costs of and incidental to instructing Walkers to advise in relation to the Applicant's participation in the said proceedings;
  - (b) all costs of and incidental to instructing solicitors and counsel in England to advise in relation to the Applicant's participation in the said proceedings and if necessary to appear on behalf of the Applicant in the said proceedings, including work done or time spent by the said solicitors and counsel in this regard;
  - (c) its own professional fees in respect of all work done or time spent in connection with its participation in the said proceedings and in taking such further steps as the Court may direct.
  
4. That the Applicant shall be indemnified out of the Settlement in respect of all costs properly incurred by it in connection with this application on the indemnity basis to be taxed if not agreed; and
  
5. Such further or other relief or such further or other directions as the Honourable Court may deem just.

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

DATED this 24<sup>th</sup> day of October 2005



**WALKERS**

Attorneys-at-Law for the Applicant

**NOTE** – 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 that date unless renewed by order of the Court.

**IMPORTANT**

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

This Originating Summons is issued by Walkers, P O Box 265 GT, Walker House, Mary Street, George Town, Grand Cayman, attorneys-at-law for the Applicant whose address for service is that of its said attorneys-at-law.

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AND IN THE MATTER OF Section 48 of the Trusts Law (2001 Revision)

BETWEEN:

BARCLAYS PRIVATE BANK & TRUST (CAYMAN) LIMITED

APPLICANT

-and-

- 1) SURINDER DHANDSA
- 2) NARINDER DHANDSA

RESPONDENTS

**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.

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

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Service of the Originating Summons is acknowledged accordingly.

(Signed) .....

[Attorney] for

[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.

***Please complete overleaf***

**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.