

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA
(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

PLAINTIFF

Versus

Allstate Solutions Private Limited & Ors.

DEFENDANTS

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Plaintiff Dr. Richard Arjun Kaul
through his attorney

Place: Bangalore
Date: __.11.2021

THROUGH:
ADVOCATES FOR PLAINTIFF

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
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SYNOPSIS

DATE	DESCRIPTION OF EVENTS
02.04.2012	The Medical Practice license of the Plaintiff illegally suspended by the Defendant No. 2, the State of New Jersey, USA, on frivolous and vexatious grounds at the behest of Defendant No. 1 and its USA based Principal Company, which consequentially led to a complete loss of vocation and profession for the Plaintiff as the Plaintiff was unable to obtain registration with the Indian Medical Council.
24.03.2014	Plaintiff's Medical Practice license illegally revoked at the behest of the Defendant No. 1 and its US based holding in connivance with the Defendant No. 2 and 3 and its US based Principal Company. Resultantly, the Plaintiff has not been able to find any employment in his own country, India, and has not even been able to apply for enrollment with the Medical Council of India.
Present Day	Defendants have colluded and have kept the Plaintiff deprived of his rights to practice the Medical profession and resultantly the Plaintiff is constrained to live in a state of poverty despite

	<p>being a qualified Medical Practitioner and is even unable to fetch employment and practice Medicine in his native country, i.e. India as the Defendant No. 1, through its US based Principal has circulated sufficient defamatory and adverse material, owing to which, the Plaintiff has not been able to fetch registration / enrollment with the Medical Council of India.</p>
2015 to till date	<p>Plaintiff is simultaneously contesting various lawsuits against the Defendants in the US Courts including the Courts in the States of Connecticut, Illinois and New York, inter alia seeking monetary reliefs and damages.</p>
	<p>Cause of action: The Cause of action in the present Suit is a perpetual and ongoing continuous cause of action and continues to arise with each day perpetually. Not only the Defendants have caused irreparable damage to the Plaintiff's reputation and career prospects in USA, but in India as well. In fact the reputation and vocational prospects of the Plaintiff have been tarnished globally, leaving little room for him to survive and practice vocation in his native country India, of which, he is a citizen.</p>
Present day	<p>In the present day, the Plaintiff continues to suffer. He is forced to contest various lawsuits in the USA. Has become indigent and does not have enough resources to take care of himself and his family and is not capable to afford the litigation. He has been granted the status of a pauper by the US Courts and lives on support money. The Defendants have</p>

	made it impossible for him to return to his native country and resume his medical practice after securing registration with the Medical Council of India. The Defendants have therefore reduced his life to misery where he is unable to practice the medical profession either in the USA or even in India. Hence the present suit.
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Place: Bangalore

Plaintiff Dr. Richard Arjun Kaul
through his attorney

Date: ____.11.2021

ADVOCATES FOR PLAINTIFFS

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
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Dr. Richard Arjun Kaul

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Allstate Solutions Private Limited & Ors.

DEFENDANTS

MEMO OF PARTIES

1. Dr. Richard Arjun Kaul

C/o Mr. Jibin Joy

Mundomthanath House

Poothrikka P.O.

Puthencruz via

Ernakulam

Kerala 682308

India

also at:

440C, Somerset Drive

Pearl River, New York

NY 10965

USA

Represented by his duly constituted Attorney Mr.
_____, in India vide Power of Attorney dated __.
11.2021.

VERSUS

1. Allstate Solutions Private Limited

The Indian subsidiary of Allstate Corporation Inc., USA

RMZ Ecoworld,

7th Floor, Building No. 1
Devarabeesanahalli Village,
Varthur, Hobli
Bengaluru 560103
Karnataka, India

also at:

Allstate Corporation
3100 Sanders Road
Northbrook
Illinois
IL 60062
USA

.....Defendant No. 1

2. The State of New Jersey
125W State Street. Trenton
New Jersey.
NJ 08608
USA

....Defendant No.2

3. Mr. Christopher J. Christie
47 Corey Lane, Mendham
New Jersey
NJ 07945
USA

....Defendant No. 3

4. The National Medical Commission of India (NMC)
Formerly known as the Medical Council of India (MCI)
Phase-I, Dada Dev Mandir Road
Block P, Sector 8
Dwarka

New Delhi 110077

India

(Defendant No. 4 – impleaded
as a proforma Defendant only)

.....DEFENDANTS

(The above described Defendant Nos. 1 to 3 are proper Defendants, while the Defendant No. 4, being the regulatory body of medical profession in India, is a proforma Defendant only and no material relief is sought against Defendant No. 4)

Plaintiff Dr. Richard Arjun Kaul
through his attorney

ADVOCATES FOR PLAINTIFFS

Place: Bangalore

Date: .11.2021

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA

(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

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Allstate Solutions Private Limited & Ors.

DEFENDANTS

MEMORANDUM OF CIVIL SUIT UNDER ORDER VII RULE I OF THE CODE OF CIVIL PROCEDURE 1908 SEEKING INTER-ALIA COMPENSATION AND DAMAGES FROM DEFENDANT NUMBERS 1 TO 3 FOR LOSS OF VOCATION, SEVERE MENTAL AGONY AND REPUTATIONAL LOSSES SUFFERED BY THE PLAINTIFF.

MAY IT PLEASE YOUR HONOUR:

1. PLAINTIFF'S INTRODUCTION

The Plaintiff named herein, i.e. Dr. Richard Arjun Kaul is a citizen of India, having Indian Passport Number Z2284953 (dated 20.11.2012 issued at New York) and a resident of the United States of America (USA). The Plaintiff was born in India in the city of Hyderabad in the year 1964 and emigrated to the UK with his family in the year 1966 where the family settled in the county of Kent. The Plaintiff graduated in Medicine at the Royal Free Hospital School of Medicine in the year 1988 in UK and then completed his Post Graduation in the UK and subsequently in USA. The Plaintiff then emigrated to the USA in the year 1989. Copies of the Indian Passport

and the Medical Degrees attained by the Plaintiff in the UK and USA are attached with this Plaint as Annexure P1.

2. The Plaintiff has filed the present Suit and sued the Defendants herein, through his duly constituted Power of Attorney Mr. _____, Son of Mr. _____, Resident of _____, duly executed and notarized in the USA, on _____, and attached with this Plaint along with the Vakalatnama. The Plaintiff however undertakes to present himself for answering any material questions or presentations of facts, before this Court in person, as and when directed to do so.
3. The Plaintiff is an Indian born and British raised Doctor who successfully emerged as a Surgeon. After a handful of surgical internships in New York in the early 90s, the Plaintiff began a three year fellowship in anesthesia, and was soon board certified by the American Medical Association (American Board of Anesthesiology) in the year 1996. The Plaintiff started an independent practice in the early 2000s and soon became a very successful Medical Practitioner and a minimally invasive spine surgeon and made a mark for himself in the United States. The Plaintiff was soon acknowledged and lauded as pioneer in minimally invasive spine surgery. The Plaintiff had successfully performed the first outpatient spinal fusion in New Jersey in February 2005 and became internationally recognized as a specialist and a

pioneer in this emerging specialty. The Plaintiff continued to achieve greater professional heights but the rise and feat of the Plaintiff did not go down well with a powerful league and lobby of competitive practitioners, who colluded with the Defendant Nos. 1 to 3 and pulled down the Plaintiff by filing multiple and knowingly false cases against the him, that caused a loss of his vocation, career progression and amongst other things, pecuniary, social and reputational losses, for which the Plaintiff has now been contesting, with other issues, in various legal cases in the Courts in USA.

4. **DEFENDANTS' INTRODUCTION:**

The Defendant No. 1 is the Indian Subsidiary of Allstate Corporation, which is one of the largest publically held Insurance providers in the United States. It has also spread its operations in Canada and owns and operates 18 companies around the USA, Canada and India. The Defendant No. 1, Allstate Solutions Private Limited (ASPL) is also known as Allstate India and is a subsidiary of Allstate Corporation. It was setup in the year 2012 and serves as a strategic business services branch for the Corporation and operates under the overall administration and control of the Allstate Corporation, USA.

5. Defendant No. 2 is the State of New Jersey, USA. The State is sued through the Office of the Governor of the State of New Jersey. The Defendant No. 2 is a necessary and proper party

to the present case. It is the Plaintiff's case that the Defendant Nos. 1,2 and 3 have colluded to defame the Plaintiff under the guise of false charges of medical negligence which were inflicted upon the Plaintiff, under the influence and control of a powerful lobby of local medical practitioners, as the Plaintiff's success in the field of minimally invasive spine surgery did not go down well with these individuals who influenced the State, i.e. the Defendant No. 2 and other colluding Defendants, with the motive of inflicting false charges on the Plaintiff to intentionally destroy his career. The Plaintiff submits that the State of New Jersey has a major role in causing severe irreparable loss and damages to the Plaintiff, in conspiracy and collusion with the other Defendants.

6. Defendant No. 3, Mr. Christopher James Christie, born on 6th September 1962, is an American Politician, lobbyist and a former federal prosecutor who served as the 55th Governor of New Jersey from the year 2010 to 2018. It is the case of the Plaintiff that during his stint in the office of the Governor of New Jersey, he was one of the colluding Defendants, who acted against the pecuniary, professional and social interests of the Plaintiff and had been instrumental in inflicting monetary, social and reputational losses upon the Plaintiff and hence the Defendant No. 3 has been rightly impleaded as a necessary and proper party to the present Suit.

7. Defendant No. 4 is the National Medical Commission came into being on 25 September 2020 and has replaced the Medical Council of India. The NMC has been impleaded as a proforma Defendant and no pecuniary or material relief has been sought against it. The Defendant No. 4 is regulator for medical education and medical professionals in the country (India) and regulates the registration and enrollment of Doctors and medical professionals in the country and grants them the license to practice medicine in India. It is the case of the Plaintiff that the colluding Defendants have, through the Indian office of the Defendant No. 1, published and communicated negative and adverse material against the Plaintiff, owing to which, the Plaintiff has failed to get registered with the Defendant No. 4 and influenced by the false negative narratives of the colluding Defendants, the Defendant No. 4 shall adopt a biased approach against the Plaintiff and deprive him of his medical registration in India, thereby causing a position where the Plaintiff shall not be able to practice and settle in his own country as well. The Defendant No. 4 has thus been impleaded as a proforma Defendant for the purposes of information and compliance of necessary direction which this Hon'ble may be pleased to pass in the present case.
8. The Plaintiff has for now impleaded only the above described four Defendants. The Plaintiff craves the leave of this Hon'ble

Court to add or delete any Defendant and modify the Memo of Parties, if so needed at any stage of this case.

9. The impleadment of Defendant No. 4 is essential in order to ensure the rights of the Plaintiff, as guaranteed to every Citizen of India under Article 19(1)(g) of the Constitution of India, which provides the Right to practice any profession or to carry out any occupation, trade or business to all Citizens subject to Article 19(6) which enumerates the nature of restriction that can be imposed by the State upon the above right of the Citizens. It is the case of the Plaintiff that he is being wrongly restricted to his right to practice the medical profession. The Plaintiff submits that restriction, if any, has to be tangible and sustainable in law and the same cannot be heaped upon the Citizen simply on the basis of surmises and conjectures, as has been happening in case of the Plaintiff. The Plaintiff submits that the colluding Defendants have been able to build an adverse and negative narrative around the Plaintiff and this has deprived the Plaintiff from getting himself registered with the Defendant No. 4 and the only relief sought against the Defendant No. 4 is in the form of a direction to the said Defendant to allow the Plaintiff to apply for registration and consider his application with unbiased approach and allow the registration in all fairness. Besides this, no other relief is sought against the Defendant No. 4 and accordingly,

the Defendant No. 4 in impleaded as a proforma Defendant only.

10. **FACTS OF THE CASE:**

It is the case of the Plaintiff that the Defendants, led by the Defendant No. 1 had lately adopted a practice of racial discrimination and conspiracy against Indian physicians, Doctors, Medical Professionals and Healthcare providers. The Defendants collude and conspire at an international level and inter-alia use the internet and other media platforms to propagate and adverse and negative narratives against successful Medical Professionals of Indian origin and cause excessive damage to their professional and social reputation and sever financial losses in order to prevent them from finding work or employment anywhere in the world including their native country. The Plaintiff has also expressed a reasonable threat to his life from the colluding Defendants.

11. The Plaintiff submits that around the year 1998, the Defendant No. 1 commenced the engineering of a racially discriminating policy which selectively targeted successful Indian medical professionals and framed many such Indian medical professionals in false civil and criminal cases and prosecuted many of them for alleged healthcare frauds. The Plaintiff also submits that the colluding Defendants have taken a wrongful advantage of the ignorance of the Plaintiff's knowledge about the American legal system and the same

has been used to falsely implicate the Plaintiff and other similarly situated persons in false cases.

12. The Plaintiff submits that the policy of racial discrimination and exploitation of the Plaintiff and the similarly situated persons has been committed through a network of independent and private communication system channel and private servers, which the Defendant No. 1 runs and operates across the globe and shares the access to the same with other colluding Defendants.
13. The Plaintiff submits that in addition to the Defendants impleaded herein, some other offices including the New Jersey Department of Banking and Insurance, The office of the Insurance Fraud Prosecutor, The New Jersey Board of Medical Examiners and some other legislators and American Politicians support this campaign against the successful medical practitioners of Indian origin.
14. The Plaintiff submits that under the direct influence and control of its American holding entity Allstate Corporation, the Defendant No. 1 has actively orchestrated the defamatory campaign and has been instrumental in spreading false propaganda against the Plaintiff, through its Indian Servers since the year 2012 and has acted like an active conduit for global propagation of Defendant No. 1's defamatory and discriminatory activities. It is the case of the Plaintiff that the Defendant No. 1 used private ISP based servers in order to

conceal from the general public, the details of its nefarious designs and those of its discriminatory and exploitative policies which it uses to target successful Indian medical professionals who are first identified on the basis of their success ratio in the USA and after identification, a well hatched conspiracy is executed against them and they are framed in false cases of medical negligence and are eventually robbed of their rights to practice the medical profession or to obtain gainful employment effectively anywhere in the world. The offices of the Defendant No.1, located in India are used for executing and implementing such nefarious designs of the Defendants and the other colluding Defendants always remain supportive of each other. The Plaintiff submits that the said conspiracy is mainly hatched and executed against successful medical providers and healthcare professionals of Indian origin as their successful penetration into the system originally captivated by American physicians, diminishes the prospects of the business of the American physicians and also takes a toll of the money-making practices which the American physicians intend to run monopolistically with major Insurance providers being hand in glove. In all this wrongful practice, the lobby of the American physicians and the colluding Insurance Companies, gets full support of the State and high officials of the State including the State Governors.

15. The Plaintiff submits that in the present times, there are approximately one hundred and forty-four (144) Indian Physicians languishing in American Jails and a far greater number have been permanently deprived of their livelihood and all these prosecutions have been executed at the behest of the colluding Defendants. The Plaintiff submits that the jailed Indian medical professionals were mostly framed in false cases alleging medical negligence and all this has been done at the behest of the strong lobby of American physicians who do not want the doctors and healthcare professionals from the Indian community to enter their system and flourish and become successful. The Plaintiff has identified several such cases of racial exploit and discrimination and is himself the victim of such exploitation. In fact, the Defendants policy of racial discrimination targeting Indian healthcare service providers and medical professionals has resulted in multiple suicides and premature deaths of Indian Physicians and medical professionals.
16. It is the case of the Plaintiff that he has been illegally deprived of his livelihood and professional life from April 2012 till date and the colluding Defendants continue to obstruct his efforts to have his New Jersey license reinstated and obtain licenses anywhere in the world, including every state in America, in order to prevent his economic resurgence, a fact the Defendants recognize will facilitate their prosecution by

Plaintiff in the United States. The Plaintiff has since then been relentless fighting the battle against the colluding Defendants and in the process he has lost his economic standing, social reputation and livelihood and even lost the companionship of his family. In the year 2015, living in a state of acute poverty, the Plaintiff suffered two epileptic seizures which almost caused his death, but he was fortunate enough to survive. The Plaintiff sustained a massive complex laceration to his tongue which required emergent surgical correction to stem the profuse bleeding.

17. The Plaintiff submits that his medical practice license was illegally revoked by the Defendant No. 2, at the behest of Defendant No. 3, under the influence and control of the Defendant No. 1's American holding Corporation, on 2nd April 2012 and the said revocation was confirmed on 24th March 2014. This resulted in Plaintiff's inability to obtain registration with the Defendant No. 4. The Plaintiff has sufficient reasons to believe that the Defendant No. 1 propagated false agenda against the Plaintiff and provided negative and adverse inputs to the Defendant No. 4 due to which, the Plaintiff shall not be able to succeed in getting himself registered as a medical practitioner in India. The adverse inputs confidentially shares against the Plaintiff, by the colluding Defendants shall deprive him of his fundamental right of practicing a profession or vocation of his choice in India and to expand the same

anywhere in India. Such deprivation, caused at the behest of the colluding Defendant, is clearly violative of the Plaintiff's fundamental right as envisaged in Article 19(1)(g) of the Constitution of India.

18. The Plaintiff also submits that the defamatory acts of the colluding Defendants have caused deprivation of Indian Physicians right to be trained under the hands of the Plaintiff as he is an internationally recognized pioneer and expert in minimally invasive spine surgery. The Plaintiff submits that as a part of their nefarious design, the colluding Defendants, particularly the Defendant No. 1 give massive negative publicity to the false cases in which the Plaintiff and other similarly situated persons are framed. The colluding Defendants in fact implicate the wives, children and family members of such victimized persons, so as to scare them and their families to the fullest and exploit them to such an extent that they eventually give in to the pressure of the American system working against them collusively. This is done with the motive of developing public opposition against such victims, so as to deprive them of their prospects of securing a livelihood anywhere in the world including their native country.
19. It is submitted that the Defendant No. 1 was used as a conduit to scandalize the Plaintiff and other similarly situated persons and medical professionals of Indian origin. The Plaintiff

submits that the Defendant No. 1 and its US based Corporation would avail the services of the Plaintiff and other similarly situated medical professionals of Indian origin and their services were utilized on multiple occasions for providing lifesaving and pain-relieving care to patients who were clients of the Defendant No. 1. The Plaintiff submits that such services were provided for many years during which the Defendant No. 1 would hold their payments and the Plaintiff submits that he had treated hundreds of patients for free as he kept awaiting the release of his payments but to no avail. The colluding Defendants would frustrate all moves to realize the payment of the Plaintiff and it is submitted that the colluding Defendants would threaten the Plaintiff with dire consequences if the Plaintiff raised his voices seeking clearance of his dues.

20. It is also submitted by the Plaintiff that the Defendant No. 1 and its US Corporation would falsely implicate the Plaintiff and other similarly situated persons in false Insurance claim fraud cases and would make false claims regarding monies which were actually never paid to the Plaintiff and other similarly situated persons. The Defendant No. 1, after framing the Plaintiff in several false cases, demanded huge amounts of bribe in lieu of settling the false cases and in that process, the Plaintiff and other similarly situated persons have lost their hard earned and high value properties which they built

over years of hard work and dedication. The Plaintiff has treated several beneficiaries of Insurance Schemes of the Defendant No. 1 and its US Corporation but the amounts due to the Plaintiff were never paid and the premiums collected from beneficiaries were misappropriated by the Defendant No. 1 and its US Corporation.

21. The Plaintiff has consequentially lived in a state of abject poverty since 2014. The cases filed by the Plaintiff in the American Courts are now being prosecuted by him in the capacity of an indigent person and the American Courts have approved In Forma Pauperis status on the Plaintiff. Even in the present Suit the Plaintiff has filed an interlocutory application seeking leave of this Hon'ble Court to file and prosecute the present case as an indigent person and a separate Pauper Miscellaneous Petition is also filed along for this purpose. Back in the USA, the Plaintiff is living on a petty USD 200 per month assistance from friends and family, and has difficulty in making ends meet.
22. The Plaintiff's plight has been duly covered by many media houses and print media websites where the story of Plaintiff's struggle has been detailed and it has been explained in detail as to how the Plaintiff has fallen prey to the nefarious designs and mala fide of the State and other colluding Defendants.
23. The Plaintiff has penned down his pain and plight in a book titled 'An Impossible Victory: Kaul V Christie', by Richard

Arjun Kaul, which is available on online selling platform www.amazon.com and is also available at retail stores. In the said Book, the Plaintiff has expressed his plight and sufferings and has also tried to blow the lid off a deep nexus of healthcare providers, physicians and Insurance Companies, which is running in USA and is backed by a strong lobby of politicians and American Physicians with the aim of concentrating massive wealth into their private systems without letting anyone from outside stream come and penetrate into their monopolistically and captive system of medical practice and insurance premiums.

24. The rise and fall of Plaintiff in the American system has been phenomenal. The Plaintiff made a moderate start in the suburbs of New Jersey in early 2000s and it didn't take long for the Plaintiff's spine surgery practice in the area of Pompton Lakes New Jersey to become successful. The Plaintiff by the year 2012 had turned into a millionaire and owned a USD 2 Million home in New Jersey and a townhouse on the upper west side of Manhattan, New York. His success is clearly attributed to his medical expertise, his brilliance as a surgeon and the large quantum and numbers of patients successfully treated by him. His medical training and expertise was elaborate, extensive and impressive. he is credited with inventing performing the first percutaneous outpatient spinal fusion in New Jersey in 2005 The immense

popularity and success of the Plaintiff however did not go down well with the league and strong lobby of the American physicians as the Plaintiff had penetrated into their system and resultantly their sky rocketing profits took a cut. It was a consequence of this immense success of the Plaintiff that the colluding Defendants, under the influence of a strong lobby of American Physicians, hatched the conspiracy to frame the Plaintiff into several false cases of medical negligence and eventually take away his license to practice medicine.

25. That in pursuance of execution of their nefarious designs, the colluding Defendants inter alia planted eleven decoy patients who got themselves treated by the Plaintiff and subsequently, at the behest of the colluding Defendants, sued the Plaintiff for improper treatment and medical negligence. James Jarrell and Patricia Maze are two of those eleven patients who took on the Plaintiff for medical negligence. The Plaintiff has all along maintained that those were false cases of medical negligence filed at the behest of the colluding Defendants and that there was no negligence whatsoever on part of the Plaintiff but despite his repeated submissions in the American system, he was unable to get any relief and the colluding Defendants succeeded in their nefarious designs and disciplinary proceedings were inflicted upon the Plaintiff by the American regulatory bodies. James and Maze were amongst those eleven patients whose testimony was taken

on record by the New Jersey State Attorney General after a complaint was filed with the Board of Medical examiners. Resultantly, the Plaintiff was wrongly found guilty on many accounts including misrepresentation, medical negligence and dishonesty, a verdict which the Plaintiff never accepted and has since then been prosecuting various appeals and cases against the colluding Defendants trying to blow the lid of an organized industry which would not let any outsider come and penetrate into the system, no matter how good or skilled he or she is.

26. It is the case of the Plaintiff that the Plaintiff's enormous success was not achieved on account of negligent practices and misrepresentation, and ventures worth Millions of Dollars are not made on the basis of the treatment of a handful of patients. In fact, the Plaintiff has to his credit, a history of successful treatment of hundreds of Patients and the eleven cases of purported and alleged negligence are nothing but planted cases which have been orchestrated at the behest of the colluding Defendants who are acting as a shield to the strong lobby of American Physicians and politicians.
27. The Plaintiff firmly believes that the then New Jersey Governor, the Defendant No. 3 herein, was given money by a small group of surgeons in return for asking the State's medical board to initiate action against the Plaintiff and conduct fraudulent sham disciplinary proceeding to have his

license illegally revoked, as he was operating on their turf and making decent profits. The Plaintiff submits that he is a victim of a corrupt system and opposing powerful interests lobbied against him.

28. The Plaintiff submits that he had treated several patients who were not beneficiaries of any insurance scheme for free and never received any complaint from them. In fact, the Plaintiff from his own pocket has set up Spine Africa Project in order to facilitate proper health care and medical service in the remote parts of the African continent which still remain deprived of basic healthcare facilities.
29. The Plaintiff submits that his present condition is deteriorating day by day and is unable to meet his routine expenses and is living at the apathy of an insensitive state, which is the Defendant No. 2 herein. Being an Indian citizen, the Plaintiff also looks up to meaningful intervention by the Indian Consulate in USA and seeks the indulgence of this Hon'ble Court in directing the Indian Consulate to offer all needful assistance to the Plaintiff in order to prevent the Plaintiff from being exploited and harassed at the hands of the Defendant No. 2.
30. It is the case of the Plaintiff that the colluding Defendants, as a part of a well hatched conspiracy, made a hushed up and biased inquiry and first suspended the medical practice license of the Plaintiff on 2nd April 2012 and finally revoked it

on 24th March 2014. This resulted in complete collapse of the Plaintiff's career and rendered him jobless and unable to fetch gainful employment anywhere in the world.

31. The Plaintiff submits that the Defendant No. 1 published sufficient defamatory material confidentially in the Indian Territory and the National Medical Commission (formerly the Medical Council of India), the regulatory body of medical profession in India and the Defendant No. 4 herein, was adversely influenced by the Defendant No. 1 and this resulted in the Plaintiff's inability to fetch registration with the Defendant No. 4. The Defendant No. 1 and other two colluding Defendants, i.e. the Defendant Nos. 2 and 3 have thus committed an offence against the Plaintiff in India as well. The Plaintiff submits that the Defendant No. 1 continues to spread false propaganda against the Plaintiff amongst the Indian medical fraternity and the same is being done in a confidential manner to which the Plaintiff is not privy but the Plaintiff has sufficient information and reasons to believe that he is being victimized in India also.
32. It is further submitted by the Plaintiff that no case of medical negligence was ever made out against the Plaintiff and that the case under the garb of which, the Plaintiff has been penalized and his practice license taken away is a sham and planted case. Even otherwise the Hon'ble Supreme Court of India has in the matter of Dr. Harish Kumar Khurana Versus

Joginder Singh & Sons, Civil Appeals Nos. 8118/2009 and 6933/2009 held that Medical Professionals cannot be held negligent merely because the treatment is not successful or the patient dies during surgery. The relevant extracts of the apex court observation in the said Judgment are reproduced below for the ready reference of this Hon'ble Court,:

“14. Having noted the decisions relied upon by the learned counsel for the parties, it is clear that in every case where the treatment is not successful or the patient dies during surgery, it cannot be automatically assumed that the medical professional was negligent. To indicate negligence there should be material available on record or else appropriate medical evidence should be tendered. The negligence alleged should be so glaring, in which event the principle of res ipsa loquitur could be made applicable and not based on perception. In the instant case, apart from the allegations made by the claimants before the NCDRC both in the complaint and in the affidavit filed in the proceedings, there is no other medical evidence tendered by the complainant to indicate negligence on the part of the doctors who, on their own behalf had explained their position relating to the medical process in their affidavit to explain there was no negligence.”

23. In the above circumstance when there was no medical evidence available before the NCDRC on the crucial medical aspect which required such opinion, the mere reliance placed on the magisterial enquiry would not be sufficient. Though the opinion of the civil surgeon who was a member of the committee is contained in the report, the same cannot be taken as conclusive since such report does not have the statutory flavour nor was the civil surgeon who had tendered his opinion available for cross-examination or seeking answers by way of interrogatories on the medical aspects. Therefore, if all these aspects are kept in view, the correctness or otherwise of the line of treatment and the decision to conduct the operation and the method followed were all required to be considered in the background of the medical evidence in the particular facts of this case. As indicated, the mere legal principles and the general standard of assessment was not sufficient in a matter of the present nature when the very same patient in the same set up had undergone a successful operation conducted by the same team of doctors. Hence, the conclusion as reached by the NCDRC is not sustainable.”

33. In the above stated context, the Plaintiff submits that the Plaintiff's case is much similar to the case of Dr. Harish

Kumar (supra) and in his case also, no legitimate inquiry or evidence gathering was conducted or gathered and the entire proceedings were nothing but a sham investigation which eventually led to the pre-planned conclusion of revoking the Plaintiff's license. The Plaintiff submits that the entire proceedings were arbitrary and bad in law.

34. That the Plaintiff further submits that to establish medical negligence in a case is not a matter of routine exercise and there is no straight jacket formula using which medical negligence can be measured or established. In fact, to verify whether a Doctor has been negligent or not, while treating his patients, it requires intense investigation by a team of experts and required deep delving into the facts like previous medical history of the patient, the patient's overall tolerance to the course of treatment, any sudden unprecedented reaction, patient's tolerance towards anesthesia, correctness of performed surgical procedure, medical evidence gathered from the site, and the accepted complications and risks listed in the medical literature.
35. In fact, in the Plaintiff's case, not only did multiple physicians who had witnessed the Plaintiff operating, testify that the care he provided to his patients was superior, but that his clinical outcomes were good to very good in 90-95% of patients (average 65-70%), and that his complication rate was 0.1% (average 5-15%). The Plaintiff presented these facts to

Defendant 1, but Defendant 1 ignored and quashed this evidence.

36. In the Plaintiff's case no legitimate investigation was conducted, despite the Plaintiff, in April 2012, offering through his then lawyer, to have his practice independently analyzed and monitored. In fact, in the sham New Jersey legal proceedings (April 9 to June 28, 2013) that caused the illegal revocation of the Plaintiff's license, the Defendants caused the falsification of evidence on two hundred and seventy-eight (278) separate instances in the final judicial opinion, the drafting of which was performed by American lawyers for Defendant 1 and 2. The illegal revocation caused the Plaintiff to be unjustly penalized and victimized mainly on the basis of the testimonies of the aggrieved patients, a miniscule fraction of the almost six-thousand patients the Plaintiff had treated and who had no complaints at all after receiving the treatment from the Plaintiff.

37. **GROUND**

It is submitted by Plaintiff that in the light of averments made herein and facts set out in the preceding paragraphs, the present Plaintiff is being filed on the basis of continuing actions of the colluding Defendant Nos. 1 to 3, which have deprived the Plaintiff of his basic livelihood and have even deprived him of seeking registration with the Defendant No. 4 which is the regulatory body of medical profession in India. The

Plaintiff has genuine reasons to believe that the Defendant No. 4 has been adversely influenced by the colluding Defendants and the same has led to building a false narrative about the Plaintiff. Resultantly, the Plaintiff, a qualified medical practitioner, an internationally qualified expert in minimally invasive spine surgery, has been reduced to a jobless person living in a state of abject poverty. It is the case of the Plaintiff that the colluding Defendants have acted against him in collusion in order to frustrate his professional prospects and resultantly he is unable to find any gainful employment or registration in India also.

38. It is submitted that the Plaintiff is an Indian citizen and is thus within his rights to sue the Defendants in India and seek suitable monetary damages and reliefs from them. The Plaintiff has been victimized on false and frivolous grounds and the colluding Defendants have built a false narrative terming the Plaintiff as an unqualified medical practitioner and have falsely implicated him in cases of medical negligence and taken away his license to practice on several superfluous grounds.

39. It is submitted that the Plaintiff and various other similarly situated persons of Indian origin have fallen victim to the nefarious designs of the colluding Defendants and the Plaintiffs fight against the colluding Defendants is not only for his own cause but for the larger cause of the adversely

affected community of medical professionals of Indian origin, many of whom have been falsely implicated in such cases and about 144 of them have been languishing in the American jails.

40. The Plaintiff has since experienced two epileptic seizures and have seen other medical complications and has been under acute stress since 2012 and continues to live a challenging life fighting for his legitimate rights. In the present times, the Plaintiff is not even in a position to return to his country of origin and start a fresh spell of life here because of the adverse narrative which the Defendant No. 1 has built against the Plaintiff.

41. It is submitted that the Plaintiff's medical practice license was first suspended on 2nd April 2012 and finally revoked on 24th March 2014 in a wrongful manner resulting in complete collapse of the Plaintiff's career and rendered him jobless and unable to fetch gainful employment anywhere in the world.

42. **CAUSE OF ACTION**

It is submitted that the cause of action in the present civil suit is an ongoing and continuous case of action. The colluding Defendants have built a false and adverse narrative against the Plaintiff not only in USA but in India as well and the Defendant No. 1 and its offices in Bengaluru have been used to perpetuate the false and adverse narrative against the Plaintiff in India. The Plaintiff has strong reasons to believe

that the Defendant No. 1, through its Bengaluru based offices, confidentially conveyed to the Defendant No. 4 against the Plaintiff and the Plaintiff is thus unable to seek his registration as a medical professional with the Defendant No. 4 and therefore his chances for returning to his country of origin have collapsed completely. This case of action is occurring with every passing day and is an ongoing and continuous cause of action which is taking place perpetually within the jurisdiction of this Hon'ble Court.

43. JURISDICTION

It is submitted that this Honorable Court has the jurisdiction to admit the present case in accordance with the provisions of Section 20 (b) and (c) of the Code of Civil Procedure 1908. It is submitted that the Defendant No. 1 carries on business within the territorial jurisdiction of this Hon'ble Court and the cause of action, as stated above, has partly arisen. The Defendant No. 1 has been instrumental in building a false narrative and propaganda against the Plaintiff and the Plaintiff has resultantly remained deprived of his registration with the Defendant No. 4, which is the regulatory body of medical profession in India.

44. LIMITATION

It is submitted that the present suit is being filed within the period of limitation for filing a civil suit based on a continuous and ongoing cause of action and is not barred by limitation.

The cause of action in the present Civil Suit is continuous and occurs with every passing day. The present Suit is not time barred.

45. VALUATION AND COURT FEE

It is submitted that the suit is valued at INR 75,00,00,000.00 (Indian Rupees Seventy-Five Crores only) which is approximately equal to approximately 10 Million US Dollars and the Plaintiff has sought a compensation of INR 25,00,00,000.00 from each of the Defendant Nos. 1 to 3. Thus, the total pecuniary value of the present Civil Suit is valued at INR 75,00,00,000.00 (INR Seventy-Five Crores) and on which the ad valorem Court Fee shall be paid by the Plaintiff. The Plaintiff currently lives in a state of abject poverty and has separately prayed for filing the present Civil Suit in the capacity of an indigent person and undertakes to pay the court fee, at the time of adjudication / final disposal of the matter. Plaintiff is also moving a separate application for this aspect and the same is concurrently listed before this Honorable Court in the Interlocutory Application accompanying the suit.

46. Plaintiff further submits that on the basis of the present declared value of the suit, i.e. INR 75,00,00,000.000, the ad valorem court fee component calculated as per Schedule – I of the Kanataka Court Fee and Suits Valuation Act 1958 comes out to be INR 39, 57,125.00 (Indian Rupees Thirty

Nine Lakhs Fifty Seven Thousand One Hundred and Twenty Five only). The said ad valorem court fee amount has been computed in accordance with the provisions of the Kanataka Court Fee and Suits Valuation Act 1958 wherein INR 2,47,125 is the prescribed court fee for the first INR 80,000,000.00 of the Suit Value and 0.5% of the remaining value in addition to that. The final amount of Court Fee may vary on the basis of the exact amount of compensation and damages which this Hon'ble Court may award. The Plaintiff accordingly undertakes to treat the said component of Court Fee as the matter of first lien on the quantum of damages and compensation he is likely to receive from the colluding Defendants.

47. The Plaintiff here submits and further clarifies that the present Suit valuation and quantum of compensation and damages claimed, are purely on the basis of the cause of action which has arisen in India and in no way effects the quantification and calculation of damages in the Suits pending in the US Courts, which have been computed on the basis of the cause of action and damages accrued to the Plaintiff in USA, whose impact is far more deeper and damaging in comparison to the damages which the Plaintiff has suffered in India. Accordingly, the Indian Suit is valued lower than the Suits pending in US Courts.

48. Plaintiff submits that this Honorable Court may kindly be pleased to order an inquiry into the indigence of Plaintiff and the appointed enquiry officer may conduct his free and fair enquiry as per the directions of this Honorable Court. The indigence enquiry on the Plaintiff may be conducted through the Indian Consulate in New York and may be routed through the Ministry of External Affairs New Delhi.

49. Plaintiff further undertakes to make payment of any reasonable and adequate amount of court fee that this Honorable Court deems fit and necessary to be deposited at the very commencement of the trial proceedings in this Honorable Court with a condition that the balance amount of court fee shall be paid at the time of final adjudication of the present case. It is therefore submitted that at present no court fee has been filed in the present matter, and the payment of court fee shall be made once this Honorable Court decides the Interlocutory Applications filed to this effect in accordance with the inherent powers vested in this Honorable Court as per section 151 of the Code of Civil Procedure 1908 and other related provisions laid therein.

50. **GROUND FOR INTERIM PRAYER**

It is submitted that Plaintiff has sought the leave of this Honorable Court for filing this suit in the capacity as indigent person and the main ground for seeking such relief is that the

Plaintiff is already hard-pressed for his daily sustenance, and is living in a state of abject poverty is already the beneficiary of In Forma Pauperis status in the USA where he is prosecuting other similar cases. The Plaintiff lives on sustenance allowance which is a paltry sum and is completely out of employment for many years now. The Plaintiff is medically unfit and has seen a series of medical complications including epileptic seizures a few years ago and is on medication.

51. It is further submitted that in the light of the facts and circumstances of the present case, it is pertinent to mention the provisions of section 94 sub-section (e), read with section 151 of the Code of Civil Procedure 1908, which empower this Honorable Court to make any such interlocutory orders as may appear to be just and convenient to the Court so as to meet the ends of justice. In the present context, it is therefore of paramount importance that an aggrieved Plaintiff, is not victimized any further especially when he has no resources to pay for the litigation expenses and is living on paltry sums. This Honorable Court is, therefore, respectfully requested to admit the present suit without asking an aggrieved Plaintiff to come up an enormous court fee unless and until they recover on this civil action, which would then be the first charge on the decretal amount which this Honorable

Court pronounces. As stated earlier, an Interlocutory application to this effect is being separately moved.

49. INTERIM PRAYER

- (i) It is submitted that in the light of facts set out in preceding paragraphs 35 and 36 of the Plaint, and on the basis of the averments made therein, this Honorable Court may kindly be pleased to allow Plaintiff to file the present case as indigent persons, considering the huge court fee involved and to make the further order that the ad valorem court fee shall be the matter of first charge on the decretal amount.
- (ii) An enquiry into the status of indigence of Plaintiff may kindly be ordered if this Honorable Court deems the same to be fit and necessary in the instant case, which Plaintiffs request be done via available means through the Ministry of External Affairs New Delhi and the Indian Consulate in New York.
- (iii) An order for deposition of any appropriate and reasonable amount towards court fee as this Honorable Court may deem fit and necessary when this civil action concludes.
- (iv) Any other order or direction that this Honorable Court may deem fit and appropriate in the facts and circumstances of the present case, be kindly passed.

PRAYER

(Prayer in the main Civil Suit)

50. WHEREFORE, Plaintiff most respectfully prays that this Honorable Court may be pleased to:

- (i) Order and direct Defendant Nos. 1, 2 and 3 to pay to Plaintiff, a sum of INR 25,00,00,000.00 (INR Twenty Five Crores) each plus interest thereupon since the date of institution of this Civil Suit till the date of judgment and final realization of amounts claimed.
- (ii) Direct Defendant Nos. 1 to 3 to pay the Plaintiff all legal costs of the suit including the court fee and litigation expenses and attorney fees.
- (iii) To Direct the Defendants not to publish any defamatory material or adverse material anywhere in India including on print and social media sites and other platforms which are accessible in India.
- (iv) To restrain the Defendant Nos. 1 to 3 from spreading false and negative propaganda against the Plaintiff.
- (v) To direct the Defendant No. 4 to independently examine the candidature of the Plaintiff for registration as a qualified medical practitioner in India and process the Plaintiff's application in an expeditious manner.

(vi) Pass any such other order or direction that this Honorable Court may deem fit and appropriate in the facts and circumstances of the present case, and in the interest of Justice.

Plaintiff Dr. Richard Arjun Kaul
through his attorney
ADVOCATES FOR PLAINTIFFS

Place: Bangalore

Date: .11.2021

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA
(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

PLAINTIFF

Versus

Allstate Solutions Private Limited & Ors.

DEFENDANTS

VERIFYING AFFIDAVIT

I, Dr. Richard Arjun Kaul, S/o Mr. _____, aged 59 years, R/o 440 C Somerset Drive, Pearl River, NY 10965 and also at Mundornthanath House, Poothrikka PO, Puthencruz via, Ernakulam, Kerala 6823058 India do hereby solemnly affirm and state on the oath as under:

1. I am the Plaintiff in the above noted civil suit and I am well conversant with the facts and circumstances of the case.

2. The averments made in the accompanying civil suit are true and correct to best of my knowledge, belief and information and nothing has been concealed therefrom.
3. That the accompanying Memorandum of Civil Suit has been drafted by my counsels under my Instructions and I have carefully read and understood the contents therein, which are true and correct to the best of my knowledge and belief.
4. That the accompanying Memorandum of Civil Suit be kindly read as a part and parcel of this affidavit, the contents of which are not repeated herein for the sake of brevity.

DEPONENT

VERIFICATION

Verified in the City of New Jersey, United States of America, on this ____ day of November 2021. The contents of the verifying affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

The present affidavit is executed in USA, notarized by a local Notary and Apostilled by the Officer in-charge, Indian Consulate in the City of New York.

DEPONENT

Place: New Jersey, USA

Date: ____ .11.2021

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA
(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

PLAINTIFF

Versus

Allstate Solutions Private Limited & Ors.

DEFENDANTS

INTERLOCUTORY APPLICATION

**APPLICATION UNDER O.XXXIII OF THE CODE OF CIVIL
PROCEDURE 1908 r/w SECTION 94(e) AND SECTION 151 OF
THE CODE OF CIVIL PROCEDURE 1908 FOR FILING THE SUIT
AS AN INDIGENT PERSON.**

May it please Your Honour:

1. That the present application is filed by Plaintiff in the
aforementioned civil suit seeking the leave of this Honorable
Court to file the present suit as indigent person. The main
ground for seeking such relief is that the Plaintiff is already

hard-pressed for his daily sustenance, and is living in a state of abject poverty, is already the beneficiary of In Forma Pauperis status in the USA where he is prosecuting other similar cases. The Plaintiff lives on sustenance allowance which is a paltry sum and is completely out of employment for many years now. The Plaintiff is medically unfit and has seen a series of medical complications including epileptic seizures a few years ago and is on medication.

2. It is further submitted that in the light of the facts and circumstances of the present case, it is pertinent to mention the provisions of section 94 sub-section (e), read with section 151 of the Code of Civil Procedure 1908, which empower this Honorable Court to make any such interlocutory orders as may appear to be just and convenient to the Court so as to meet the ends of justice.
3. In the present context, it is therefore of paramount importance that an aggrieved Plaintiff, is not victimized any further especially when he has no resources to pay for the litigation expenses and is living on paltry sums. This Honorable Court is, therefore, respectfully requested to admit the present suit without asking an aggrieved Plaintiff to come up an enormous court fee unless and until he recovers on this civil action, which would then be the first charge on the decretal amount which this Honorable Court pronounces.

4. It is submitted that Plaintiff has brought in the current application U/o XXXIII of the Code of Civil Procedure 1908, as Plaintiff has no means to pay the enormous amount of the ad valorem court fee as it is itself close to INR 39,57,125.00 (Indian Rupees Thirty Nine Lakhs Fifty Seven Thousand One Hundred and Twenty Five), which is nearly equal to USD 53,000 (Fifty three Thousand US Dollars), which is way beyond the current means of Plaintiff. It is pertinent to mention that the inherited permanent assets or residential property and any amount received by way of compensation or damages from insurance companies or any other permanent asset of the Plaintiff cannot be construed to be an element of Plaintiffs' ability to pay up the huge amount of ad valorem court fee. However, this Honorable Court always reserves the right to pass any such order or judgment which paves way for admittance of Plaintiff's case in this Court, in the best interest of justice.
5. It is pertinent to assert on the provisions of section 94 sub-section (e), read with section 151 of the Code of Civil Procedure 1908, which empower this Honorable Court to pass any such interlocutory orders as may appear to be just and convenient to the Court in the light of facts and circumstances of the present case. This Honorable Court is empowered to pass an order which paves way for adjustment of the ad valorem court fee component once the decree is

pronounced and the ad valorem court fee component shall be the subject of first charge on the decretal amount.

6. It is submitted that Plaintiffs duly fall into the category of indigent persons under Order XXXIII Rule 1(a) CPC, viz. a suit may be instituted by the indigent person if he is not possessed of the sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit. In the present case, the Plaintiff is an unemployed person, 59 years of age, who lives on sustenance allowance and is living in a state of abject poverty, has virtually no liquid savings, investments, or other assets that can be tapped to pay the ad valorem court fee. In the present circumstances, the Plaintiff surely fulfils all the ingredients required to be possessed by a person suing as an indigent person. It is true that determination of indigence is a serious question which comes up for consideration before this Court and before all other courts including the highest Court, if at all this situation ever comes across before the Courts of law. The fact that Plaintiff is located in United States of America cannot be a challenge to this and can in no way be construed to be a deterrent while classifying the Plaintiff as an indigent person. It is of paramount importance to keep in view the quantum of amount involved and Plaintiff would surely be in a position to pay the ad valorem court fee calculated herein if he succeeds in recovery on the claim herein, but until such time, it is

impossible for him to pay the quantum of the ad valorem court fee calculated herein.

7. It is submitted that while suing in the capacity of an indigent person(s), the question whether he is an indigent person is to be determined with reference to the means possessed by such person, with sole residential property and means for basic livelihood have to be excluded while determining the capacity of such person.

8. It is submitted that some of the case laws pertaining to the question of indigence are being cited herein:

(i) In the case of ***ManjuLata v. Sidhkaran, AIR 2005 Raj 32***, it was held by the Hon'ble Rajasthan High Court that, "*the Court fee is a matter between appellant and the State and not the contesting parties. If the appellant is allowed to file an appeal as forma pauperis, no injustice would be caused to opposite party*". Hence, it is clear that the Court enjoys exclusive discretion in this matter and if the Court allows a fee waiver, the Defendants are not entitled to contest the same.

(ii) In the case of ***Dr. D. HemchandraSagar v. D. Prithviraj, AIR 2004 Kant 33***, it was held by the Hon'ble Court that, "*the party who appeals for exemption from payment of Court-fees on the ground of indigency will have to satisfy the Court about one crucial ingredient lone viz, that the party does not have*

the capacity to pay the Court-fees". In the present case, it is abundantly clear that the revocation of practice license of the Plaintiff has resulted in permanent financial loss to the Plaintiff and he is left with no means to pay the Court Fee as he has suffered a permanent and irreparable loss of income, opportunity and support.

(iii) In the case of **O.P. Neelam Hosiery Works v. State Bank of India, AIR 1994 HP 1**, it was held by the Hon'ble Himachal Pradesh High Court that, "*Expression 'Possession of sufficient means' refers to party's capacity to raise fund by the lawful means. Property required for bare living of the party and his family should be excluded while considering sufficient means.*" Accordingly, in the instant case, the assets, if any, owned by the Plaintiff or any other insurance proceeds or other damages / compensation received by him, if any, cannot be taken into consideration while adjudicating his ability to pay for the ad valorem court fee component by lawful means.

(iv) In the case of **Ms. Baljit Kaur and another v. The State of Punjab and others**, it was held by the Hon'ble Court that, "*The financial condition of the guardian or any other relative is totally irrelevant and cannot be taken into consideration at all for the purpose of arriving*

at the conclusion regarding financial condition of the applicants". Accordingly, it is submitted that in the instant case, Plaintiff is not earning a livelihood. Thus the question of his possessing the means to make the payment of ad valorem court fee does not even remotely arise.

9. It is submitted that in the present case, since Plaintiff is currently located in U.S.A., already suffering the pangs of financial collapse after the revocation of his license and loss of employment and profession, he has not been able to travel to India to present this interlocutory application and the accompanying Civil Suit before this Hon'ble Court and is represented by his duly constituted Attorney Mr. _____, vide a separate Power of Attorney dated __.11.2021, attached with the main suit as **Annexure –** . It is submitted that Mr. _____, who is an authorized attorney of Plaintiff, can answer all material questions relating to the present application, and he may be examined in the same manner as Plaintiff, had he attended the proceedings in person. However, this Hon'ble Court may also order a direct enquiry by a court appointed officer / commissioner, who, Plaintiff requests, may conduct an interview with Plaintiff using the laid guidelines through the Ministry of External Affairs, New Delhi and the Indian Consulate in New York, should this Hon'ble court deem fit, in the interest of justice.

10. It is submitted that the present case is a fit case for grant of waiver as the 59 year-old Plaintiff is and will be absolutely unable to pay the ad valorem court fee until recovering in this civil case.

P R A Y E R

11. In the light of fact and circumstances set out in the current application, it is prayed that this Hon'ble Court be pleased to:

- (i) Pass an order to allow Plaintiff in the instant case to file the said case as an indigent person and have the case admitted for trial, in the interest of justice.
- (ii) Pass an order to mark the amount equivalent to the ad valorem court fee to be subject of first charge on the decretal amount at the time of final adjudication of this matter, in the interest of justice.
- (iii) Pass an order to allow Mr. _____, under the Power of Attorney dated __.11.2021, duly constituted attorney of the Plaintiff, to answer all material questions relating to this interlocutory application, and that he may be examined in the same manner as Plaintiff, had he attended the proceedings in person.

(iv) Pass any such other order as this Hon'ble Court may deem fit in the light of facts and circumstances of the present case, and on the basis of averments made herein, in order to meet the ends of justice.

Plaintiff Dr. Richard Arjun Kaul
through his attorney

ADVOCATES FOR PLAINTIFFS

Place: Bangalore
Date: .11.2021

IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA
(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

PLAINTIFF

Versus

Allstate Solutions Private Limited & Ors.

DEFENDANTS

VERIFYING AFFIDAVIT

I, Dr. Richard Arjun Kaul, S/o Mr. _____, aged 59 years, R/o 440 C Somerset Drive, Pearl River, NY 10965 and also at Mundornthanath House, Poothrikka PO, Puthencruz via, Ernakulam, Kerala 6823058 India do hereby solemnly affirm and state on the oath as under:

1. I am the Plaintiff in the above noted civil suit and I am well conversant with the facts and circumstances of the case.
2. The averments made in the accompanying civil suit are true and correct to best of my knowledge, belief and information and nothing has been concealed therefrom.
3. That the accompanying Memorandum of Civil Suit has been drafted by my counsels under my Instructions and I have carefully read and understood the contents therein, which are true and correct to the best of my knowledge and belief.
4. That the accompanying Memorandum of Civil Suit be kindly read as a part and parcel of this affidavit, the contents of which are not repeated herein for the sake of brevity.

DEPONENT

VERIFICATION

Verified in the City of New Jersey, United States of America, on this ____ day of November 2021. The contents of the verifying affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

The present affidavit is executed in USA, notarized by a local Notary and Apostilled by the Officer in-charge, Indian Consulate in the City of New York.

DEPONENT

Place: New Jersey, USA

Date: ____ .11.2021

SPECIAL POWER OF ATTORNEY

This deed of Special Power of Attorney is executed today this ____ day of November 2021 by Dr. Richard Arjun Kaul, S/o Mr. _____, aged 59 years, R/o 440 C Somerset Drive, Pearl River, NY 10965 and also at Mundornthanath House, Poothrikka PO, Puthencruz via, Ernakulam, Kerala 6823058 India, hereinafter referred to as 'Executant'

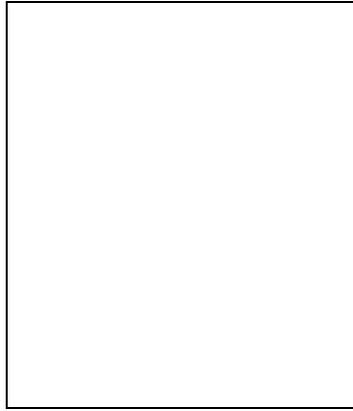
In favor of

Mr./Ms. _____, Son/ Daughter of Mr. _____, aged about _____ years and R/o _____, hereinafter referred to as the duly constituted attorney.]

In witness whereof, the parties have signed and executed this deed on this ____ day of November 2021.

1. That the duly constituted attorney shall be acting as an Authorized Agent of the Executant during the course of trial of the civil suit filed by him in the Indian Court (including the Original Trial Court and all successive Appellate Courts) and in his / her capacity as an Authorized Agent, the said Mr. / Ms. _____ shall be empowered to appear, plead, answer all material questions, answer all enquiries and sign documents, applications in the court of law, for an on behalf of the Executant in the civil suit titled Dr. Richard Arjun Kaul Versus Allstate Solutions Private Limited & Ors.
2. That this Special Power of Attorney shall remain in force till the final adjudication of the aforesaid civil suit and any of the collateral proceedings including but not limited to appeals emanating out of it, unless it is otherwise, expressly withdrawn.
3. That the duly constituted attorney shall be empowered to enter into negotiation, mediation, arbitration and partake in any of the alternate dispute resolution measures, which may be initiated in the course of pendency of the present suit and shall represent Plaintiffs in such proceedings before the Arbitrator/ Mediator.
4. That the duly constituted attorney shall be empowered to discharge all his functions only with the expressed consent of the Plaintiff Dr. Richard Arjun Kaul and such consent shall be secured by email after sharing all vital information and drafts (if any) pertaining to the subject under consideration with the Plaintiff Dr. Richard Arjun Kaul.
5. That the duly constituted attorney is a permanent citizen of India by Birth and his / her Voter's ID card Number is _____ (Copy attached). His/ her photograph and signatures are attested as under:

PHOTOGRAPH OF _____



SIGNATURE OF _____

Photograph and Signatures of _____ attested

RICHARD ARJUN KAUL
EXECUTANT

NOTARY / ATTESTATION

Place: New Jersey, USA

Date: ____ .11.2021

SPACE FOR COURT FEE STAMPS

VAKALATH / POWER OF ATTORNEY
IN THE CITY CIVIL COURT, BENGALURU METROPOLITAN
REGION, BENGALURU, KARNATAKA
(ORIGINAL JURISDICTION)

CIVIL SUIT NO. _____/2021

Dr. Richard Arjun Kaul

PLAINTIFF

Versus

Allstate Solutions Private Limited & Ors.

DEFENDANTS

KNOW ALL to whom these presents shall come that I, **DR. RICHARD ARJUN KAUL**, Resident of 440 C, Somerset Drive, Pearl River, NY 10965 USA and also at C/o Jibin Joy, Mundornthanath House, Poothrikka PO, Puthencruz via, Ernakulam, Kerala, 682308 India and represented by our duly constituted attorney, also a signatory to this deed of Vakalth / Power of attorney, Mr/Ms. _____ :son/ Daughter of Mr. _____, and R/o _____, being the duly constituted attorney and Authorized signatory of the above named Plaintiff in the present case, having been authorized vide Power of attorney executed by the Plaintiffs on date _____ November 2021, do hereby appoint **Amit Anand, Nitin Kumar Bhatnagar, Mr. Rakesh C. Agrawal, Ms. Astha Joshi, Advocates, B-14, Vikas Kendra, E-Block LSC, Vikaspuri, New Delhi - 110018 and also located at Chamber Number 881, Saket District Court Complex, Saket, New Delhi** to be my/our Advocates in the above noted case and authorize them: -

To act, appear and plead in the above noted case before this forum, or in any other forum or Court in which the same may be tried or heard.

To sign, file verify and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revision, restoration, withdrawal, compromise, or other petitions, complaints, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case, after obtaining written authorization to do so from the undersigned.

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and to sign the Power of Attorney on my/our behalf.

And I/we, the undersigned do hereby agree to ratify and confirm acts done by the Advocates or their substitute in the matter as my/our own acts, as if done by me /us to all intents or purposes, after informing the undersigned of the need therefor in advance.

And I/we undertake that I/we or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/we, undersigned, do hereby agree not to hold the Advocates or his/their substitute responsible for the result of the said case in consequence of court orders or final judgment, except for his/their absence from the Court when the said case is called up for hearing and negligence of the said Advocates or his/their substitute.

And I/we, the undersigned, do hereby agree that in the event of the whole or any part the fee agreed by me/us to be paid to the Advocates remaining unpaid he/they shall be entitled to withdraw from the said case if the same is not paid. If any costs are allowed for an adjournment, the Advocates would be entitled to the same.

In witness whereof, I/we do hereunto set my/our hands to these presents, the contents of which has been understood by me/or us this ____day of November 2021.

**Accepted
Advocates**

Client