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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.07.2026

PRONOUNCED ON : 30.10.2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A.Nos.533 to 535 of 2026
and
A.Nos.1864 to 1881 and 2497 to 2499 of 2026

A Nos.533 to 535 of 2026

Mrs. Pramila Srinivasan
W/o.Mr.Sridhar Vembu,
56/11, Highland Road,
Pleasanton, California 94526.

..Applicant(s)

Vs

1. Mr.Sridhar Vembu
   No.1/309, Ward No.1, Tenkasi District,
   Siddarth Farm, Govindaperri,
   Tirunelveli 627 424.

2. Mrs.Radha Vembu
   Plot No.140, 151,
   GST Road, Estancia IT Park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603202.

   Also at:
   No.1/4, Sakthi Avenue, 2nd Cross Street,
   Jaganathapuram Velachery, Chennai 600 042.

   Also at:
   Plot No.63, Mohan Street, EVP Padma Avenue,
   Guduvanchery Chennai 603 202, India.

3. Mr.Rajendran Dandapani
   Plot No.63, EVP Padma Avenue,

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Vallancherry,
Guruvancheri 603 202.

Also at:
Flat No.2, 361, Avvai Shanmugam Salai,
Lloyds Road Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

4. Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601, Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

5. Mr.Sekar Vembu
Old No.5, New No.9, Prur Street,
East Tambaram, Chennai 600 059.

6. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai, Gopalapuram,
Chennai 600 086.

7. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

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Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A.Nos.1864 to 1866 of 2026

Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

..Applicant(s)

Vs

1. Pramila Srinivasan
W/o.Mr.Sridhar Vembu
5611 Highland Road
Pleasanton, California 94526.

2. Mr. Sridhar Vembu
No.1/309, Ward No.1,
Tenkasi District, Siddarth Farm,
Govindaperri, Tirunelveli 627 424.

3. Mrs.Radha Vembu
Plot No.140, 151,
GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),

https://www.mhc.tn.gov.in/judis

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Kancheepuram 603202.

Also at:
No.1/4, Sakthi Avenue, 2nd Cross Street,
Jaganathapuram Velachery, Chennai 600 042.

Also at:
Plot No.63, Mohan Street, EVP Padma Avenue,
Guduvanchery Chennai 603 202, India.

4. Mr.Rajendran Dandapani
Plot No.63, EVP Padma Avenue,
Vallancherry,
Guruvancheri 603 202.

Also at:
Flat No.2, 361, Avvai Shanmugam Salai,
Lloyds Road Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

5. Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601,Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

6. Mr.Sekar Vembu
Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

7. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,

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Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estania IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

8. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos.1867 to 1869 of 2026

Mr.Rajesh Ganesan
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

..Applicant(s)

Vs

1. Mrs.Pramila Srinivasan
W/o.Mr.Sridhar Vembu,
56/11, Highland Road,
Pleasanton, California 94526.

2. Mr.Sridhar Vembu
No.1/309, Ward No.1, Tenkasi District,
Siddarth Farm, Govindaperri,
Tirunelveli 627 424.

3. Mrs.Radha Vembu
Plot No.140, 151,

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GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603202.

Also at:
No.1/4, Sakthi Avenue, 2nd Cross Street,
Jaganathapuram Velachery, Chennai 600 042.

Also at:
Plot No.63, Mohan Street, EVP Padma Avenue,
Guduvanchery Chennai 603 202, India.

4. Mr.Rajendran Dandapani
Plot No.63, EVP Padma Avenue,
Vallancherry,
Guruvancheri 603 202.

Also at:
Flat No.2, 361, Avvai Shanmugam Salai,
Lloyds Road Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

5. Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601, Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

6. Mr.Sekar Vembu
Old No.5, New No.9, Prur Street,
East Tambaram, Chennai 600 059.

7. Mr.Manikandan Vembu
Old No.172/3, New 361,

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Avvai Shanmugam Salai, Gopalapuram,
Chennai 600 086.

8. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

9. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos. 1870 to 1872 of 2026

Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,
Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estania IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

..Applicant(s)

Vs

1. Pramila Srinivasan
W/o.Mr.Sridhar Vembu,
5611 Highland Road,
Pleasanton, California 94526.

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2. Mr. Sridhar Vembu
   No.1/309, Ward No.1,
   Tenkasi District, Siddarth Farm,
   Govindaperri, Tirunelveli 627 424.

3. Mrs.Radha Vembu
   Plot No.140, 151,
   GST Road, Estancia IT Park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603202.

   Also at:
   No.1/4, Sakthi Avenue, 2nd Cross Street,
   Jaganathapuram Velachery, Chennai 600 042.

   Also at:
   Plot No.63, Mohan Street, EVP Padma
   Avenue,
   Guduvanchery Chennai 603 202, India.

4. Mr.Rajendran Dandapani
   Plot No.63, EVP Padma Avenue,
   Vallancherry,
   Guruvancheri 603 202.

   Also at:
   Flat No.2, 361, Avvai Shanmugam Salai,
   Lloyds Road Gopalapuram, Chennai 600 086.

   Also at:
   Plot No.140, 151, GST Road, Estancia IT park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603 202.

5. Mr.Jai Anand
   Plot No.140, 151 GST Road,
   Estancia IT Park, Vellanchery,
   Guduvanchery (Post),
   Kancheepuram - 603 202.

   Also at:
   No.174, Tower 1, 601, Sathyadev Avenue,
   MRC Nagar, Raja Annamalaipuram,

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Chennai 600 028.

6. Mr.Sekar Vembu
Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

7. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos. 1873 to 1875 of 2026

Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601, Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,

https://www.mhc.tn.gov.in/judis

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Chennai 600 028.

..Applicant(s)

Vs

1. Pramila Srinivasan
   W/o.Mr.Sridhar Vembu
   5611 Highland Road
   Pleasanton, California 94526.

2. Mr. Sridhar Vembu
   No.1/309, Ward No.1,
   Tenkasi District, Siddarth Farm,
   Govindaperri, Tirunelveli 627 424.

3. Mrs.Radha Vembu
   Plot No.140, 151,
   GST Road, Estancia IT Park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603202.

   Also at:
   No.1/4, Sakthi Avenue, 2nd Cross Street,
   Jaganathapuram Velachery, Chennai 600 042.

   Also at:
   Plot No.63, Mohan Street, EVP Padma Avenue,
   Guduvanchery Chennai 603 202, India.

4. Mr.Rajendran Dandapani
   Plot No.63, EVP Padma Avenue,
   Vallancherry,
   Guruvancheri 603 202.

   Also at:
   Flat No.2, 361, Avvai Shanmugam Salai,
   Lloyds Road Gopalapuram, Chennai 600 086.

   Also at:
   Plot No.140, 151, GST Road, Estancia IT park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603 202.

5. Mr.Sekar Vembu

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Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

6. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,
Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

7. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos. 1876 to 1878 of 2026

Mrs.Radha Vembu

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Plot No.140, 151,
GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603202.

Also at:
No.1/4, Sakthi Avenue, 2nd Cross Street,
Jaganathapuram Velachery, Chennai 600 042.

Also at:
Plot No.63, Mohan Street, EVP Padma Avenue,
Guduvanchery Chennai 603 202, India.

..Applicant(s)

Vs

1. Pramila Srinivasan
   W/o.Mr.Sridhar Vembu
   5611 Highland Road
   Pleasanton, California 94526.

2. Mr. Sridhar Vembu
   No.1/309, Ward No.1,
   Tenkasi District, Siddarth Farm,
   Govindaperri, Tirunelveli 627 424.

3. Mr.Rajendran Dandapani
   Plot No.63, EVP Padma Avenue,
   Vallancherry,
   Guruvancheri 603 202.

   Also at:
   Flat No.2, 361, Avvai Shanmugam Salai,
   Lloyds Road Gopalapuram, Chennai 600 086.

   Also at:
   Plot No.140, 151, GST Road, Estancia IT park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603 202.

4. Mr.Jai Anand
   Plot No.140, 151 GST Road,
   Estancia IT Park, Vellanchery,
   Guduvanchery (Post),

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Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601, Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

5. Mr.Sekar Vembu
Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

6. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,
Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

7. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery Guduvanchery (Post),
Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post),
Kancheepuram 603 202.

Also at:
No.71, Flat No.6, 7th Avenue,
Ashok Nagar, Chennai 600 083.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited

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Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos. 1879 to 1881 of 2026

Mr.Rajendran Dandapani
Plot No.63, EVP Padma Avenue,
Vallancherry,
Guruvancheri 603 202.

Also at:
Flat No.2, 361, Avvai Shanmugam Salai,
Lloyds Road Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

..Applicant(s)

Vs

1. Mrs. Pramila Srinivasan
   W/o.Mr.Sridhar Vembu,
   56/11, Highland Road, Pleasanton,
   California 94526.

2. Mr. Sridhar Vembu
   No.1/309, Ward No.1,
   Tenkasi District, Siddarth Farm,
   Govindaperri, Tirunelveli 627 424.

3. Mrs.Radha Vembu
   Plot No.140, 151,
   GST Road, Estancia IT Park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603202.
   Also at:
   No.1/4, Sakthi Avenue, 2nd Cross Street,
   Jaganathapuram Velachery,
   Chennai 600 042.

   Also at:

https://www.mhc.tn.gov.in/judis

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Plot No.63, Mohan Street, EVP Padma Avenue,
Guduvanchery Chennai 603 202, India.

4. Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601, Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

5. Mr.Sekar Vembu
Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

6. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,
Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road,
Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

7. Mr.Kumar Vembu
Plot No.140, 151, GST Road, Estancia IT Park, Vallanchery Guduvanchery Post,
Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

Also at:

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No.71, Flat No.6, 7th Avenue, Ashok Nagar,
Chennai 600 083.

9. Mr.Rajesh Ganesan
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

10. Zoho Corporation Private Limited
Estancia IT Park,
Plot No.140, 151 GST Road, Vallanchery,
Chengalpattu District -603 202, India.

..Respondent(s)

A Nos. 2497 to 2499 of 2026

Mrs. Pramila Srinivasan
W/o.Mr.Sridhar Vembu,
5611 Highland Road,
Pleasanton, California 94526.

Rep. by Power Agent Ms.Sheetal Mishra,
1104A Raheja chambers, Free Press Journal Marg,
Nariman Point, Mumbai 400021.

..Applicant(s)

Vs

1. Mr. Sridhar Vembu
No.1/309, Ward No.1,
Tenkasi District, Siddarth Farm,
Govindaperri, Tirunelveli 627 424.

2. Mrs.Radha Vembu
Plot No.140, 151,
GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603202.

Also at:
No.1/4, Sakthi Avenue, 2nd Cross Street,
Jaganathapuram Velachery, Chennai 600 042.

Also at:

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Plot No.63, Mohan Street, EVP Padma Avenue,
Guduvanchery Chennai 603 202, India.

3. Mr.Rajendran Dandapani
Plot No.63, EVP Padma Avenue,
Vallancherry,
Guruvancheri 603 202.

Also at:
Flat No.2, 361, Avvai Shanmugam Salai,
Lloyds Road Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

4. Mr.Jai Anand
Plot No.140, 151 GST Road,
Estancia IT Park, Vellanchery,
Guduvanchery (Post),
Kancheepuram - 603 202.

Also at:
No.174, Tower 1, 601,Sathyadev Avenue,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

5. Mr.Sekar Vembu
Old No.5, New no.9,
Prur Street, East Tambaram,
Chennai 600 059.

6. Mr.Manikandan Vembu
Old No.172/3, New 361,
Avvai Shanmugam Salai,
Gopalapuram, Chennai 600 086.

Also at:
Plot No.140, 151, GST Road, Estancia IT Park,
Vallanchery, Guduvanchery (Post),
Kancheepuram 603 202.

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7. Mr.Kumar Vembu
   Plot No.140, 151, GST Road, Estancia IT Park,
   Vallanchery Guduvanchery (Post),
   Kancheepuram 603 202.

8. Mr.Shailesh Kumar Davey
   Plot No.140, 151, GST Road,
   Estancia IT Park, Vallanchery,
   Guduvanchery (Post),
   Kancheepuram 603 202.

   Also at:
   No.71, Flat No.6, 7th Avenue,
   Ashok Nagar, Chennai 600 083.

9. Mr.Rajesh Ganesan
   Plot No.140, 151, GST Road, Estancia IT Park,
   Vallanchery, Guduvanchery (Post),
   Kancheepuram 603 202.

10. Zoho Corporation Private Limited
    Estancia IT Park,
    Plot No.140, 151 GST Road, Vallanchery,
    Chengalpattu District -603 202, India.

..Respondent(s)

PRAYER IN A.No.533 of 2026 - to appoint a Local Commissioner for the purpose of recording and/or collecting evidence and documents (as mentioned in Clause 6 of the order dated 02.10.2025 of the Hon'ble California Court and Letter Rogatory issued thereby), from each of the Respondents 2 to 10 separately on oath.

PRAYER IN A.No.534 of 2026 - to Confer 'Special Powers' to the Commissioner including the power to summon the person or persons including corporations and its authorized representatives to produce documents and things; the power to summon a person, to administer oath to him/her and to record his/her evidence pursuant to California Code of Civil Procedure Section 2025.330(a) and Indian law; the power to allow the Applicant's counsel the opportunity to examine or cross-examine such persons; the power to permit

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Applicant's foreign representatives to participate in the examination and examine such persons remotely through video conferencing or otherwise; the power to record the depositions verbatim stenographically, resulting in a written transcript, and to record depositions by video or audio means both through the service provider Optima Juris or any other similar service provider; the power to provide both, the documents and recordings with the transcripts to the Applicant and the Respondent's and/or their respective legal representatives or counsels;

PRAYER IN A.No.535 of 2026- To direct the Commissioner to transmit the report, evidence, documents recorded testimony, and any other materials or information collected, directly to the Honble California Court at the address captured in the letters Rogatory, in a sealed cover in accordance with the terms of the Letters Rogatory.

PRAYER IN A Nos. 1864 to 1866 of 2026 - To reject the applications in A.Nos.533 to 535 of 2026 filed by the 1st Respondent/Applicant, on the file of this Court.

PRAYER IN A Nos. 1867 to 1869 of 2026 - To reject the applications in A.Nos.533 to 535 of 2026 filed by the 1st Respondent/Applicant, on the file of this Court.

PRAYER IN A Nos. 1870 to 1872 of 2026 - To dismiss the Applications in A.Nos.533 to 535 of 2026 filed by the 1st Respondent/Applicant on the file of this Court as not maintainable.

PRAYER IN A Nos. 1873 to 1875 of 2026 - To reject A.Nos.533 to 535 of 2026 filed by the 1st Respondent/Applicant.

PRAYER IN A Nos. 1876 to 1878 of 2026 - To reject the application filed by Respondent No.1/Applicant in A.Nos.533 to 535 of 2026.

PRAYER IN A Nos. 1879 to 1881 of 2026 -To reject the application filed by Respondent No.1/Applicant in A.Nos.533 to 535 of 2026.

PRAYER IN A.Nos.2497 to 2499 2026 - To recognize the duly constituted Power Agent of the Applicant under the Special Power of Attorney dated

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08.04.2026 and permit the Power Agent to prosecute the above proceedings on behalf of the Applicant in A. Nos. 533 to 535 of 2026.

Applications	Counsels
For Applicant in A.Nos.533 to 535/2026 & 2497 to 2499/2026 and For R1 in A.Nos.1864 to 1881/2026: **(Pramila Srinivasan)**	Mr.P.V.Balasubramanian (Senior Counsel) for Mr.Akhil Bhansali, Mr.K.M.Aasim Shehazd Ms.M.Sree Vishwanathini, Mr.P.Thushar Kumar Mr.Fouziya Farheen
For R1 in A.Nos.533 to 535 & 2497 to 2499/2026 and R2 in A.Nos.1864 to 1881 of 2026: **(Sridhar Vembu)**	Mr.R.Sankaranarayanan (Senior Counsel) for Mr.Arjun Suresh, Ms.Arthi Fernandes Mr.N.P.Vijay Kumar, M/s.Dinu Prashanthi Mr.Aarti Rao
For Applicant in A.Nos.1876 to 1878/2026, R2 in A.Nos.533 to 535, 2497 to 2499/2026 and R3 in A.Nos.1864 to 1875, 1879 to 1881/2026: **(Radha Vembu)**	Mr.Sathish Parasaran (Senior Counsel) for Mr.Suhrith Parthasarathy, Mr.Arun Karthik Mohan, Ms.Amritha Sathyajith, Mr.Harshvardan R., Ms.Gayathri.G, Mr.Mayank Ramakrishnan
For Applicant in A.Nos.1879 to 1881/2026, R3 in A.Nos.533 to 535, 1876 to 1878 & 2497 to 2499/2026 and R4 in A.Nos.1864 to 1875/2026: **(Rajendran Dandapani)**	
For Applicant in A.Nos.1873 to 1875/2026, R4 in A.Nos.533 to 535, 1876 to 1881 & 2497 to 2499/2026 and R5 in A.Nos.1864 to 1872/2026: **(Jai Anand)**	Mr.A.L.Somayaji (Senior Counsel) for Mr.Arun C.Mohan, Brinda Mohan, Mr.K.Venkatesan, Ms.Shruthi Srinivasan, Ms.Swabhhi Tyagi, Ms.R.Srihari, Ms.Rupikaa Srinivasan, Ms.R.Adithya Shri, Ms.Aanjana Sasidharan, Ms.Tharika Sai S Mohan
For R5 in A.Nos.533 to 535, 1873 to 1881 & 2497 to 2499/2026 and A.Nos.1864 to 1872 of 2026:	Mr.P.Vinod Kumar,

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(Sekar Vembu)	Mr.Srinivasan.M.D, Mr.Saibarath.S, Ms.Dharaniya Sri K.M, Mr.Thiyagarajan.B
For R7 in A.Nos.533 to 535, 1870 to 1881 & 2497 to 2499 of 2026, R8 in A.Nos.1864 to 1869/2026: **(Kumar Vembu)**	
For Applicant in A.Nos.1870 to 1872/2026, R6 in A.Nos.533 to 535, 1873 to 1881 & 2497 to 2499/2026 and R7 in A.Nos.1864 to 1869/2026: **(Manikandan Vembu)**	Mr.V.Prakash, (Senior Counsel) Mr.Bharadwajaramasubramaniam R, Mr.R.S.Diwaagar, Ms.Aishwarya Rukmani Krish K, Gautham Sashan, Mr.Vigneshwar Raveekumar, Ms.Meha Varshni M.R., Ms.Leelavathi P, Mr.Prabhas Kumar, Ms.Mirudhula A., Ms.Vibha Shyam Sekar, Mr.Gokulnath Shanmugam
For Applicant in A.Nos.1864 to 1866/2026, R8 in A.Nos.533 to 535, 1870 to 1881, 2497 to 2499/2026 and R9 in A.Nos.1867 to 1869/2026: **(Shailesh Kumar Davey)**	Mr.Srinath Sridevan (Senior Counsel) for Mr.P.Giridharan, Mr.H.Siddharth, Mr.C.Thiagarajan, Mr.Kandeep Shravan, Mr.M.Karthik, Mr.R.Anand, Mr.R.Vijayakumar
For Applicant in A.Nos.1867 to 1869/2026 and R9 in A.Nos.533 to 535, 1864 to 1866, 1870 to 1881 & 2497 to 2499/2026: **(Rajesh Ganesan)**	
For R10 in A.Nos.533 to 535, 1864 to 1881 and 2497 to 2499/2026: **(Zoho Corporation Private Limited)**	

COMMON ORDER

Background, Principal Applications and the Applicant's Case

These applications (A. Nos. 533, 534 and 535 of 2026) arise from two Letters of Request issued by the Superior Court of California, County of Alameda, under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, 1970 ("the Evidence Convention"). One Letter of Request was issued at the wife's request, and the other at the husband's request,

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seeking assistance in taking evidence in India for use in the proceedings for dissolution of marriage, including the division of property, pending between them in Case No. HF21107980. According to the wife, the parties were married in California in 1993, and the husband moved to India in 2020 and instituted divorce proceedings on 04.08.2021. The dispute before the California Court concerns the identification, valuation and division of their business assets, particularly the shareholding in Zoho Corporation Private Limited ("ZCPL"), the tenth respondent. The determination of the parties' rights in those assets falls within the domain of the California Court. This Court is concerned only with whether, to what extent and in what manner the Letters of Request should be executed in India**.**

2. For convenience, Mrs Pramila Srinivasan, the applicant in the principal applications, shall be referred to as "the applicant wife", and Mr Sridhar Vembu, the first respondent, as "the first respondent husband". The other resp ondents shall be referred to by their ranks in the principal applications.

3. The applicant wife's case is that, under Sections 760, 2550 and 1100 of the California Family Code, she is entitled to an equal division of the community estate, and that the first respondent husband disposed of assets forming part of that estate for less than fair value without her written consent. According to her, the first respondent husband initially acknowledged his shareholding in ZCPL as community property, but subsequently claimed it was only 5%, whereas he had earlier held approximately 88% of the shares. She alleges that, in or around 2011, he transferred the intellectual property and control of the business from T&V Holdings, a United States company, to ZCPL, and that approximately 83% of the shares in ZCPL are held by his relatives for his benefit or were transferred to them for little or no consideration, without her knowledge or consent. She therefore contends that he continues, in substance, to own and control approximately 88% of ZCPL. Pleading limited knowledge of

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the internal affairs of the Zoho group, the applicant wife seeks evidence from persons residing in India concerning these transactions, dealings between related parties and the restructuring undertaken in 2024. In her counters, she states that no relief is sought against respondents 2 to 10.

4. Both Letters of Request emanate from an order of the Superior Court of California, County of Alameda, entered on a stipulation between the parties. Under that stipulation, each spouse consented to the relief sought in the other's motion. It is expressly recorded that neither party, by the stipulation, admits the allegations in the other's motion, and that the California Court has rendered no finding on them. The Stipulated Order provides that each party shall submit their documents under the Hague Conventions to the Indian Central Authority, namely, the Ministry of Law and Justice, Department of Legal Affairs, in conformity with the Conventions. It further provides that the Madras High Court shall determine the venue for recording the third-party witnesses' depositions and may appoint a Commissioner to supervise the proceedings. The parties are also to jointly request the appointment of a Commissioner to hear and determine disputes arising during the depositions. The expenses of the Commissioner are to be borne by the party conducting the deposition and, for the three witnesses common to both Letters of Request, shared equally, subject to reallocation by the Commissioner. It permits the parties and their California and Indian counsel to be present during the depositions, physically or through a secure video link. It contemplates the examination of each witness on oath by counsel for both parties, with the Commissioner ensuring an adequate opportunity to either side and giving the Commissioner discretion to compel compliance with the subpoenas and to award reasonable sanctions for or against a Party or the non-party witness in any dispute over discovery. It provides for stenographic recording of the depositions through Optima Juris, with audio or video recording and interpreters wherever necessary. The first respondent

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husband is to serve written objections to the applicant wife's requests for records at least thirty days before the depositions. The right of either party to object to questions under California law is preserved. The transcripts and recordings may be used at trial or other hearings, subject to the determination of such objections and the rules of evidence under California law.

5. The applicant wife's Letter of Request was signed by Judge Jessica Hawk on 02.10.2025. It identifies the Ministry of Law and Justice as the Central Authority of India and directs execution in India through the Central Authority and the High Court of Madras, Tamil Nadu. It seeks the oral testimony of respondents 2 to 9 and the production of documents from them, and the production of documents alone from ZCPL, the tenth respondent. The Letter records that the matrimonial proceedings have been pending for several years and that discovery cannot be completed, or trial commenced, until the witnesses residing in India are examined. Each witness is to be examined separately on oath by the person nominated in the accompanying documents, or by such other person as may be appointed by the High Court or the Central Authority. It provides for stenographic recording, with an option for audio or video recording. Each deposition is restricted to seven hours, unless extended by the Court, and may be taken remotely by video link, if provided and agreed by the parties, counsel, witnesses and authorities concerned. The Letter does not seek the presence of judicial personnel from the California Court. The Letter of Request issued at the first respondent husband’s request seeks only the oral testimony of respondents 2, 3 and 4.

6. The schedules annexed to the applicant wife's Letter of Request describe the position of each of respondents 2 to 9 and set out the numbered topics of examination and the documents sought from each. The topics centre on the formation, shareholding and funding of ZCPL; the 2010 Transition Services Agreement; the 2011 transfer of intellectual property to ZCPL, its pricing,

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financing and the consideration paid; the ownership interests and roles of the first respondent husband, his family members and other shareholders; the Boards and reporting structures of ZCPL and its related companies in the United States, namely T&V Holdings, Zoho Corporation, Zoho Technologies and ZDC; the accounts and tax filings of those companies since 2009, including the payment of personal expenses of, and loans to, the first respondent husband and his family; the removal of the applicant wife from the Boards in 2023; the 2024 Transaction; the change of Chief Executive of ZCPL announced in January 2025; and each witness's discussions with the first respondent husband about the matrimonial proceedings. Some topics are specific to individual witnesses, such as the lands used by ZCPL (respondents 2 and 3), any instruction by the second respondent contrary to the wishes of the first respondent husband and the proposal made in 2021 to allot shares to the applicant wife and to a trust for their son (the second respondent), and the engagement of Grant Thornton, Trident Consulting and Fenwick & West and the examination of T&V Holdings by the United States tax authorities between 2014 and 2017 (the fourth respondent).

7. The documents sought from the witnesses, in their capacities as officers, shareholders or directors, comprise communications with other persons concerning these transactions; records of payments for shares in ZCPL; valuation reports; individual income-tax returns filed since 2009; and communications relating to "Benami". From the fourth respondent, general ledgers, capitalisation tables, corporate tax returns and distribution agreements of ZCPL and the related companies, invoices of Fenwick & West since 2009, and records of the personal expenses of, and loans to, the first respondent's husband and his family are also sought.

8. From ZCPL, the tenth respondent, the Letter of Request seeks only the production of documents under 43 categories, by its "Custodian of Records",

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without oral testimony.

9. The 43 categories cover the minutes and resolutions of ZCPL's Board, committees and shareholders; valuation records and third-party valuation reports; audited financial statements, general ledgers, tax returns, statutory filings and orders of the tax authorities; distribution agreements; proof of payment for the 2011 transfer and later transfers of shares; records of the personal expenses of, and loans to, the first respondent husband and his family; legal fees in the matrimonial proceedings; borrowings and representations to banks and prospective acquirers; capitalisation tables, shareholder agreements and equity incentive plans; business plans, market, customer and revenue information, organisational charts and particulars of senior management; presentations to investors; the engagement of PricewaterhouseCoopers and its valuation report dated 24.04.2025; and financial statements from 01.01.2022.

10. According to the applicant wife, on her motion filed on 14.08.2025, the California Court, by order dated 02.10.2025, issued a Letter of Request, a Request for Service Abroad of Judicial or Extrajudicial Documents under the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters ("the Service Convention"), and deposition subpoenas, including one directing ZCPL, the tenth respondent, to produce documents.

11. The applicant wife states that, by communication dated 28.10.2025, her counsel informed the Ministry of Law and Justice that the Letter of Request was addressed to both the Ministry and this Court, and that she proposed to approach this Court in terms of the Stipulated Order. By communication in Form C dated 13.11.2025, bearing F.No.J-21013(1516)/2025 and Receipt No.876383, the Ministry returned the papers, referring to both the Hague Service Convention and the Hague Evidence Convention. The reasons stated were that the request

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had not been received through the Central Authority of the United States and that the request and documents had not been furnished in duplicate, as contemplated under Article 3 of the Service Convention. By communication dated 09.12.2025, the counsel for the applicant wife informed the Ministry that, at that stage, she was not seeking its assistance for service of summons.

12. On 12.01.2026, the applicant wife filed A.Nos. 533, 534 and 535 of 2026 seeking execution of the Letter of Request. She seeks the appointment of a Local Commissioner to record and collect evidence and documents from each of respondents 2 to 10, separately on oath. She further seeks special powers for the Commissioner to summon witnesses, including corporations and their authorised representatives, and to require the production of documents; to administer the oath and record evidence in accordance with Section 2025.330(a) of the California Code of Civil Procedure and Indian law; to permit her counsel to examine or cross-examine the witnesses; to allow her foreign representatives to participate in the examination and to examine the witnesses, including remotely by video conferencing; to arrange for stenographic, audio and video recording through Optima Juris or any similar service provider; and to furnish the documents, recordings and transcripts to both sides. She also seeks a direction to the Commissioner to transmit the evidence and documents directly to the California Court in a sealed cover.

13. Invoking Order XXVI Rule 19 CPC, she contends that the Letters of Request recognise this Court as the Central Authority under Articles 2 and 3(a) of the Hague Evidence Convention and are addressed to both the Ministry of Law and Justice and this Court. She states that the proposed witnesses reside within this Court's appellate jurisdiction, so that this Court has jurisdiction under Order XXVI Rule 19 CPC. She contends that the requests are specific and limited, as the deposition topics and documents are separately identified for each respondent and relate to transactions of the Zoho group directly in dispute

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before the California Court. The records are maintained in India, and she has no other means of obtaining the evidence. She asserts that the depositions and discovery would not affect India's national security interests.

14. The applicant wife has also filed A.Nos. 2497, 2498 and 2499 of 2026, seeking recognition of Ms Sheetal Mishra, one of the two agents named in the Special Power of Attorney dated 08.04.2026 executed by her, as her agent under Order III Rule 2 CPC.

15. In view of the simultaneous proceedings arising from the Letters of Request obtained by both spouses, involving three common witnesses, namely respondents 2, 3 and 4, this Court, by order dated 11.03.2026, deferred the recording of depositions before any forum until further orders, directed the applicant wife to place all necessary documents before it, and granted time for counters.

Counter-Averments, Maintainability Applications by the respondents:

16. Respondents 2, 3, 4, 6, 8 and 9 have filed A.Nos. 1864 to 1881 of 2026, seeking rejection of A.Nos. 533, 534 and 535 of 2026 as not maintainable: the eighth respondent in A.Nos.1864 to 1866, the ninth respondent in A.Nos.1867 to 1869, the sixth respondent in A.Nos.1870 to 1872, the fourth respondent in A.Nos.1873 to 1875, the second respondent in A.Nos.1876 to 1878, and the third respondent in A.Nos.1879 to 1881. The applications invoke, variously, Order VII Rule 11, Order XXVI Rule 19(2) and Sections 78, 141 and 151 CPC, and Order XIV Rule 8 of the Original Side Rules. ZCPL, the tenth respondent, has raised similar objections in its counter affidavits. Respondents 5 and 7 have not filed counter affidavits, but they raise similar objections in their notes of submission dated 27.07.2026.

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17. The first respondent husband does not oppose recording evidence in India and seeks the examination of respondents 2 to 4 under the separate Letter of Request issued at his instance. His papers were forwarded to the Ministry of Law and Justice on 17.10.2025 and returned in November 2025 for want of duplicate copies. Upon resubmission on 09.12.2025, the Ministry, by letters dated 05.01.2026, requested legal assistance from the District Judge and Sessions Court, Chennai, and asked the Registrar of this Court to act under Order XXVI Rule 19 CPC. The requests were forwarded to the Courts at Chennai and Chengalpattu, which fixed the examination of the fourth respondent on 23.03.2026 and of respondents 2 and 3 on 17.03.2026, respectively. He contends that the applicant's wife has circumvented the procedure agreed before the California Court by directly approaching this Court. The provision in the Stipulated Order empowering this Court to determine the venue and appoint a commissioner cannot be read independently of the requirement that the Letters of Request be transmitted through the designated Central Authority. He submits that the power to designate a Central Authority vests with the Government of India, which has designated the Ministry of Law and Justice, and that the Stipulated Order cannot confer such status upon this Court. On the substantive dispute, he denies holding the shares standing in the names of his relatives for his own benefit and maintains that his shareholding is confined to 5% in ZCPL and 26.65% in T&V Holdings, Inc.

18. The tenth respondent, ZCPL, has filed preliminary counter-affidavits, sworn by the fourth respondent, its authorised signatory. It objects to the non-disclosure of the Ministry's communication dated 13.11.2025, and contends that the proposed pre-trial discovery against third parties is impermissible under Indian law and that the document requests are vague and omnibus. It submits that Indian law bars a pre-trial subpoena of the kind contemplated under Section 2025.330(a) of the California Code of Civil Procedure, since documents may be

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summoned only under Order XVI Rule 5 CPC after issues are framed under Order XIV CPC. It contends that a consent order obtained by two spouses before a foreign Court, without hearing the affected Indian third parties, cannot by itself justify compulsory discovery against them, and that such examination would be contrary to civilised notions and to India's public policy. It adds that courts in the United States may, reciprocally, refuse similar depositions at the instance of Indian litigants on the strength of a consent order obtained from an Indian Court. In its counter in A.No.534 of 2026, it objects that foreign lawyers cannot examine witnesses in India.

19. On the procedure for execution, the contesting respondents submit that Article 2 of the Hague Evidence Convention requires transmission through the designated Central Authority, and that Section 78 read with Order XXVI CPC cannot be invoked in disregard of the Convention and India's reservations. They allege that the applicant wife failed to disclose the Ministry's communication dated 13.11.2025, which returned the papers for want of transmission through the United States Central Authority and of duplicate copies, and produced it only on the direction issued by this Court on 11.03.2026. Having invoked the Hague Conventions and consented to the procedure in the Stipulated Order, the applicant wife cannot adopt an inconsistent procedure.

20. Respondents 2 and 3 contend that designating the High Courts and the Ministry as Central Authorities does not confer on a private litigant a right to bypass the prescribed channel of transmission. The Central Authority is part of a structured process under the Convention, including scrutiny of the request under Article 5, and compliance with that procedure is a jurisdictional prerequisite rather than a formality. The fourth respondent submits that, by her communication dated 09.12.2025, the applicant wife withdrew her request for assistance from the Ministry, and cannot treat the Ministry's silence as acquiescence or approval.

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21. The sixth respondent submits that Section 78 CPC is expressly subject to prescribed conditions and limitations, including, for requests governed by the Hague Conventions, compliance with the procedure under them. It is stated that execution requires transmission of the Letter of Request through the Central Authority, a request for service of the deposition subpoenas, and service of those subpoenas through the Indian Central Authority under the Hague Service Convention. He contends that the subpoenas have not been served, and that the date fixed for his deposition in the subpoena, 27.01.2026, has expired. He further states that the Ministry's return of the request remains unchallenged.

22. On the nature and scope of the evidence, the respondents contend that the proposed examination is pre-trial discovery prohibited by India's declaration under Article 23 of the Hague Evidence Convention. Respondents 2 and 3 contend that oral depositions intended to discover and preserve evidence before trial are distinct from the recording of trial evidence under Order XXVI CPC. Order XI CPC, they say, permits interrogatories and the discovery or inspection of documents within prescribed limits, while a commission under Order XXVI cannot be converted into a mechanism for exploratory oral examination. The fourth respondent adds that discovery under Order XI is available only between the parties, that the Code does not permit sweeping discovery against strangers to the proceeding, and that a third party may be summoned only under Order XVI, or examined on commission under Order XXVI, for specific evidence; the tenth respondent ZCPL takes the same position. Respondents 8 and 9 submit that documents may be summoned from third-party witnesses under Order XVI Rule 5 CPC only after issues are framed under Order XIV CPC.

23. The respondents submit that the deposition topics and document requests are vague, extensive and insufficiently particularised, covering transactions spanning more than a decade and encompassing personal tax records, privileged communications, confidential commercial records, and information concerning

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persons who are not parties to the matrimonial proceedings. Respondents 2 and 3 contend that the Letter of Request identifies broad subjects rather than precise matters for examination, contrary to Article 3 of the Convention. Invoking Article 11, they add that witnesses may refuse to give evidence protected by privilege, privacy or statutory restrictions, and that this Court must independently examine the relevance and permissible scope of the evidence before directing its collection.

24. The fourth respondent submits that several proposed questions relate to the acts of third parties and the contents of documents held by other corporate entities or professional advisers, which cannot form the subject of oral evidence.

25. The sixth respondent contends that no specific involvement in the disputed transactions has been attributed to him, and that the applicant wife's admission of limited knowledge of ZCPL's internal affairs shows the exploratory nature of the request. Such a roving enquiry, he says, would infringe India's reservation under Article 23 and prejudice its sovereignty within the meaning of Article 12 of the Convention. He also relies on the express recital in the Stipulated Order that the California Court made no findings on the factual allegations of either spouse.

26. The respondents oppose the special powers sought under A.No.534 of 2026, relying on Articles 7 and 8 of the Hague Evidence Convention, India's declarations thereunder, and the statutory provisions governing legal practice in India. The fourth respondent and ZCPL distinguish between the presence of foreign representatives during examination and their active participation in examining or cross-examining witnesses. Foreign lawyers, the respondents say, cannot conduct such examination before a Commissioner appointed by this Court. Respondents 2 and 3 go further, and contend that the expression "representatives" in Article 7 does not include foreign lawyers, and confers on

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them no right even to be present, much less to examine.

27. Respondents 2, 3, 4, 8 and 9 and ZCPL submit that India's declaration under Article 8 requires prior authorisation from the designated Central Authority, even for the presence of foreign judicial personnel or representatives, and that no such authorisation has been obtained.

28. On the ownership and control of ZCPL, respondents 2 and 3 deny that the first respondent husband owns or controls 88% of its shares, that the shareholding has been structured to conceal his beneficial ownership, or that any transfer was made without proper consideration or to defeat the applicant wife's claims. ZCPL, they say, was incorporated as part of a legitimate business restructuring and acquired intellectual property from AdventNet Inc. for valid consideration in an arm's-length transaction supported by a valuation. They state that changes in its shareholding resulted from bona fide investments, capital contributions and lawful transfers, including intra-family arrangements made from natural love and affection, all reflected in the company's statutory records

29. The second respondent asserts that she is the lawful and beneficial owner of the shares registered in her name, having acquired them from her own funds and not on behalf of the first respondent husband or any other person. Respondents 2 and 3 contend that, to the best of their knowledge, no matrimonial dispute was contemplated when the restructuring and shareholding arrangements were undertaken in 2010 and 2011, and that those transactions could not have been intended to defeat subsequent claims.

30. The second respondent admits that she is the sister of the first respondent husband, a director of ZCPL, and holds 47.8% of its shares. The third respondent admits that he is the first respondent husband's brother-in-law and a director and former shareholder of ZCPL. They maintain that the shareholding

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and ownership structure of ZCPL are reflected in statutory records and have been within the applicant wife's knowledge, so that she cannot rely on lack of knowledge to justify a fishing enquiry into the affairs of third parties. They contend that shares lawfully held by them, or by other third parties, cannot be treated as the community property of the spouses. They further contend that a consent order made between the spouses without hearing them cannot bind third parties in India, and that giving effect to it would be inconsistent with the public policy of India. Both state that they remain neutral in the matrimonial dispute, and reserve their right to raise specific objections to the deposition topics and individual document requests.

The Applicant's counter to the Maintainability Applications

31. The applicant wife has not filed separate replies to the counter affidavits in the principal applications. She has filed six common counter affidavits in the applications seeking rejection, A.Nos.1864 to 1881 of 2026, one for each set of three applications**,** all sworn by her power agent, Ms Sheetal Mishra.

32. The applicant wife reiterates that the first respondent husband, who previously held a majority shareholding in ZCPL, reduced his holding to 5% by transferring approximately 83% of the community property to certain respondents who directly benefited from those transfers, while the remaining respondents possess relevant information and records. She asserts that the California Court has found that certain recent transactions were undertaken at the direction of the first respondent husband to dissipate community assets. Notwithstanding his consent to the Stipulated Order, the first respondent husband, acting in concert with the proposed witnesses, is now obstructing its implementation.

33. As regards the applications of respondents 2, 3 and 4, the applicant wife contends that Order VII Rule 11 CPC applies to plaints and cannot be invoked

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to reject applications seeking judicial assistance under Order XXVI CPC. She submits that none of the grounds under Order VII Rule 11 has been established. As to the invocation of Order XXVI Rule 19(2) and Section 151 CPC in the applications of respondents 6, 8 and 9, she contends that Rule 19 contains no provision for rejection of an application and that Section 151 does not independently confer a right to seek such rejection. These respondents, having themselves invoked Order XXVI Rule 19, cannot dispute its applicability.

34. The applicant wife submits that, in the absence of legislation giving it the force of municipal law, the Hague Evidence Convention cannot operate as an independent statutory bar to proceedings under Order XXVI CPC. She contends that a treaty not incorporated into domestic law cannot, by itself, be a ground for rejection under Order VII Rule 11(d) CPC. She submits that the Preamble and Article 27 of the Convention preserve procedures available under the domestic law of contracting States. Reference is also made to the Ministry's communication dated 05.01.2026 concerning the first respondent husband's Letter of Request, in which execution was sought under Order XXVI Rule 19 CPC.

35. She contends that both the Ministry of Law and Justice and the High Courts have been designated as Central Authorities, and that the applicant wife may approach this Court directly, particularly when paragraph 6 of the Stipulated Order names this Court, and the Letter of Request is addressed to both the Ministry and this Court. Order XXVI Rule 19(2)(c) CPC, she says, permits a party to produce a foreign Letter of Request without transmission through the Ministry. She submits that the three conditions under Order XXVI Rule 19 are satisfied and that this Court is bound to act upon the Letter of Request. She contends that the fourth respondent, having admitted in paragraph 24 of his affidavit that evidence can be collected under Order XXVI CPC, cannot oppose proceedings instituted under that provision. The applications

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seeking rejection, she states, were filed solely to delay the examination of witnesses and increase the costs of litigation.

36. Regarding the objections of the proposed witnesses, the applicant wife contends that respondents 2 to 10, as third parties to the matrimonial proceedings, have no independent right to challenge the execution of the Letter of Request merely because their evidence is sought. Objections to the examination of witnesses are matters for the parties to the foreign proceedings, and the first respondent husband has already consented to the examination. She submits that respondents 2 and 3, being close relatives of the first respondent husband and directors and present or former shareholders of ZCPL, should have first-hand knowledge of the topics of examination and have been instrumental in the first respondent husband's efforts to dissipate community property. She makes similar allegations against respondents 4, 6, 8 and 9. She states that respondents 2 and 3, having declared themselves neutral and confined their objection to maintainability, cannot later refuse to give evidence**.**

37. On India's declaration under Article 23, the applicant wife contends that the restriction is confined to indiscriminate pre-trial discovery of unspecified documents and does not prohibit oral examination or the production of specifically identified documents. The prohibition is directed against fishing enquiries undertaken in the hope of discovering grounds for a claim, and not against obtaining evidence on allegations already raised with sufficient particulars. She submits that pre-trial discovery is not unknown to Indian law, as Order XI CPC itself provides for interrogatories, discovery and inspection of documents. She adds that what is sought here is not discovery under Order XI, which is confined to the parties to a suit, but the recording of evidence under Order XXVI CPC.

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38. The applicant wife maintains that the Letter of Request sufficiently identifies the witnesses, the purpose for which their evidence is required, the subjects of examination, and the documents sought. She submits that the witnesses reside in India, beyond the compulsory process of the California Court, and that their depositions are intended to be used at trial in lieu of their personal attendance.

39. It is further submitted that the California Court has already found a prima facie necessity for the evidence, and that its relevance and admissibility fall within that Court's jurisdiction. This Court, exercising powers under Order XXVI Rules 19 and 20 CPC, cannot sit in appeal over the assessment of the California Court. She adds that execution may be refused only on the limited grounds in Article 12 of the Convention, none of which the respondents have even alleged.

40. Regarding foreign counsel, the applicant wife distinguishes between judicial personnel of the requesting State, whose presence is governed by Article 8, and the parties' legal representatives, whose participation is contemplated under Article 7. She submits that India has made no reservation requiring prior approval under Article 7 and that the Stipulated Order expressly contemplates the presence of counsel from California and India. The participation of California counsel is necessary because the administration of the oath and objections to questions are governed by California law, and the evidence must be recorded in a manner admissible under that law.

41. She contends that examining witnesses in India for use exclusively in proceedings before a foreign Court is not practising law in India. In any event, she relies on Section 32 of the Advocates Act, 1961, which permits such participation with the leave of the Court.

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42. The applicant wife denies having withheld the Ministry's communication dated 13.11.2025. The Ministry, she states, did not examine the Letter of Request on its merits but treated her intimation dated 28.10.2025 as a formal request and called for duplicate copies. She submits that, by communication dated 09.12.2025, her counsel clarified that she was not seeking the Ministry's assistance but was only intimating that she would approach this Court under paragraph 6 of the Stipulated Order, after which no further objection was raised. She points out that the communication addressed to the Ministry had already been disclosed in paragraph 25 of her application and that the complete correspondence was produced pursuant to this Court's direction dated 11.03.2026.

43. The applicant wife seeks appointment of a single Commissioner, being a Senior Advocate or a retired Judge of this Court**,** to examine all the witnesses. She contends that Order XXVI Rule 21 CPC is directory and does not restrict the power of this Court under Order XXVI Rule 19 read with Section 151 CPC. Recording depositions before different Courts would result in procedural inconsistency and make uniform implementation of the Stipulated Order impracticable. She therefore prays for dismissal of the applications seeking rejection and for execution of the Letter of Request through a single Commissioner appointed by this Court. She also seeks exemplary costs.

The Respondents' Rejoinders

44. Rejoinders have been filed by respondents 2 and 3 in A.Nos. 1876 to 1881 of 2026; by the fourth respondent in A.Nos. 1873 to 1875 of 2026; by the sixth respondent in A.Nos. 1870 to 1872 of 2026; and by the ninth respondent in A.Nos. 1867 to 1869 of 2026. The eighth respondent has adopted the ninth respondent's rejoinder by memo dated 19.06.2026.

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45. On maintainability, the fourth and ninth respondents submit that the applications of the applicant wife encompass all the substantive reliefs she seeks and form the fulcrum of the proceedings, and must therefore satisfy the threshold requirements of maintainability. Respondents 2 and 3 submit that it is the substance of the relief sought in their own applications, not the nomenclature or the provision invoked, that matters, and that this Court has ample power under Section 151 CPC and its inherent jurisdiction to reject a proceeding which does not lie. The sixth respondent invokes Order XIV Rule 8 of the Original Side Rules and Section 151 CPC and submits that the burden of establishing maintainability rests with the applicant wife. Respondents 4, 6 and 9 contend that, having obtained the Letter of Request under the Hague Evidence Convention and relied on it in her supporting affidavit, the applicant wife cannot contend that the Convention is not binding law.

46. In answer to Jolly George Varghese, respondents 2 and 3 rely on Dr. James W. Thomas v. Fr. Jose Thomas S.J., R.F.A. No. 73 of 2021, decided on 15.10.2024 by the Kerala High Court, which dealt with the Hague Service Convention. They submit that the decision, having considered **Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, [(1984) 2 SCC 534]**, and **Maganbhai Ishwarbhai Patel v. Union of India, [(1970) 3 SCC 400]**, held that Article 253 of the Constitution is an enabling provision and not a mandate to legislate in respect of every treaty, and that separate enabling legislation is unnecessary to implement an international convention unless its provisions conflict with municipal law or affect the substantive rights of citizens. They further submit that **Upaid Systems Ltd. v. Satyam Computer Services Ltd.** merely recognises Order XXVI CPC as the source of power for executing foreign Letters of Request and does not dispense with the Convention requirements.

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47. The sixth respondent submits that the definition of "law" under Article 13 of the Constitution is confined to the purposes of that Article. India, he submits, ratified the Hague Evidence Convention in exercise of its sovereign treaty-making power under Article 73 read with Article 253 and Entries 10, 13 and 14 of List I of the Seventh Schedule. He contends that, there being no Act of Parliament in conflict with it, the Convention is part of Indian law by the doctrine of incorporation and must be applied, and that a general domestic provision must yield to the special framework of the treaty. He submits that the applicant wife's reliance on the Ministry's communication dated 05.01.2026 is misplaced, since it was a communication from the Central Authority to this Court on the first respondent husband's Letter of Request, and not one made directly by a party. The ninth respondent submits that, under Order XXVI Rule 19(2) CPC, a Letter of Request can reach this Court only through the Ministry. He adds that this Court is not a Central Authority under the Hague Service Convention.

48. On the nature of the evidence, respondents 4 and 9 rely on Section 2017.010 of the California Code of Civil Procedure to submit that California law treats depositions as pre-trial discovery, with questioning even wider in scope, and the fourth respondent adds that a deposition does not cease to be pre-trial discovery merely because it is oral. The ninth respondent submits that the possible use of depositions at trial does not alter their character as pre-trial discovery. The fourth respondent reads India's reservation under Article 23 as having two cumulative elements, namely that the request relates to pre-trial discovery and that it seeks unspecified or broad categories of documents, and contends that it cannot be circumvented by furnishing an elaborate schedule of documents. The sixth respondent points out that the Letter of Request states that the depositions are required for the commencement of trial and questions whether the Letter was prepared by the applicant wife and merely signed by the

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California Court.

49. Relying on **Softgel Healthcare Private Limited v. Pfizer Inc., 2025 SCC OnLine Mad 11020**, the sixth respondent contends that this Court cannot act as an administrative authority and execute the Letter of Request merely upon satisfaction of the three conditions under Order XXVI Rule 19 CPC, and must consider the Letter of Request on its merits before deciding. Respondents 2, 3 and 4 deny that this Court acts as a mere post office or a ministerial executing authority. They submit that the Stipulated Order, being a consent order, carries no judicial determination of the necessity or relevance of the evidence; respondents 4 and 9 point out that it expressly records that no findings were made.

50. Respondents 2, 3 and 6 contend that persons against whom compulsory judicial process is sought are entitled to be heard. Respondents 2 and 3 submit that the applicant wife cannot characterize them both as mere witnesses without any right to object and as direct beneficiaries of the alleged transfers. Their neutrality in the matrimonial dispute, they submit, is not a waiver of their right to object to the maintainability and legality of the proceedings, and being compelled to answer on alleged benami transactions and the transfer of shares substantially affects their legal, proprietary and personal rights. The sixth respondent relies on Section 1987.1(b)(2) of the California Code of Civil Procedure, which, according to him, permits a witness to seek the quashing, modification or conditioning of a subpoena.

51. The ninth respondent submits that, although he heads a division of ZCPL, he was not personally involved in the disputed share transfers. He contends that the relevant changes in shareholding are reflected in public records of the Ministry of Corporate Affairs, accessible to the applicant wife, and that he was not heard before the California Court issued the Letter of Request. The fourth

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and ninth respondents submit that their place of business is at Guduvanchery, outside the original jurisdiction of this Court, so that this Court cannot appoint a Commissioner to examine them. The ninth respondent adds that, for the same reason, this Court is not the appropriate forum for the Letter of Request.

52. Regarding service of deposition subpoenas, the sixth respondent submits that, under California law, jurisdiction to compel a non-party witness arises only upon valid service of a subpoena. He contends that the applicant wife, having abandoned service through the Ministry by her communication dated 09.12.2025, has made no application to this Court for service of the subpoenas, and that without service the Letter of Request has nothing to operate upon. Section 29 CPC, he submits, cannot be invoked independently of the Hague Service Convention, nor can this Court issue fresh subpoenas on behalf of a foreign Court. He adds that treating the power under Order XXVI Rule 19 CPC as independent of the Hague Service Convention would render that Convention redundant. He seeks time to obtain advice from practitioners qualified in California law and opposes the appointment of a single Commissioner. Respondents 2 and 3 submit that, the principal applications not being maintainable, the question of appointing a commissioner does not arise. Answering the applicant wife's reliance on Section 2025.330(a) of the California Code of Civil Procedure, respondents 2, 3 and 9 submit that the provision only requires the deposition officer, ordinarily the court reporter, to administer the oath, and gives no role to counsel.

53. On suppression, respondents 2 and 3 state that their counsel, by communication dated 02.03.2026, sought proof of compliance with the Hague Convention but received only an email dated 03.03.2026 stating that the petition was self-explanatory. They add that informing the Ministry, as stated in paragraph 25 of her application, is not the same as disclosing that the Ministry declined to act. They contend that the power agent is not competent to depose to

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facts within the applicant wife's personal knowledge; that the filing of an application to recognise the power agent shows that her authority had not been recognised by this Court when the counter-affidavits were affirmed on 25.05.2026; and that the counter-affidavits are therefore defective and liable to be returned. The fourth respondent raises a similar objection, adding that the power agent is a practising lawyer. Respondents 2 and 3 contend that the applicant wife's personal circumstances, namely that she is a single mother of a specially abled child, are irrelevant to maintainability and object to their applications seeking rejection being treated as their reply on the merits of the principal applications.

54. Respondents 2, 3, 4 and 6 deny that they are acting in concert with the first respondent husband to obstruct the proceedings. The fourth and sixth respondents clarify that they have not objected to giving evidence, but only to the way the applicant wife has approached this Court and to the maintainability and legality of the relief sought.

Arguments

55. On rejection at the threshold, and on the standing of the witnesses to object, the arguments were these. Learned Senior Counsel for respondents 2 and 3 submitted that, even apart from Order VII Rule 11 CPC, this Court may, under Section 151 CPC, end a proceeding which is fundamentally defective or an abuse of process. Reliance was placed on **Azhar Hussain v. Rajiv Gandhi, 1986 Supp SCC 315**, where the Supreme Court upheld the rejection of an election petition at the threshold under Order VII Rule 11 read with Order VI Rule 16 CPC. Learned Senior Counsel for respondents 8 to 10 relied on Bhagya Estate Ventures Pvt. Ltd. v. Narne Estates Pvt. Ltd., Civil Appeal No.4570 of 2023, decided on 11.09.2024, for the proposition that the power to reject exists to prevent frivolous litigation and abuse of process, and on **Periyasami**

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Padayachi v. Ulaganathan, AIR 1949 Mad 162, for the proposition that every civil Court has inherent jurisdiction to decide questions which go to the root of the matter. Learned Senior Counsel for the sixth respondent relied on **S.J.S. Business Enterprises (P) Ltd. v. State of Bihar, (2004) 7 SCC 166**, and **Kusha Duruka v. State of Odisha, 2024 INSC 46**, on the consequences of suppression of material facts.

56. In reply, learned Senior Counsel for the applicant wife submitted that these are summary proceedings which decide no substantive rights, so that Order VII Rule 11 has no application. Reliance was placed on **Dahiben v. Arvindbhai Kalyanji Bhanusali, (2020) 7 SCC 366**, **S. Mani v. T.K. Jacob, (1983) 96 LW 270**, and **S. Lakshmi v. Reliance Builders, MANU/AP/2476/2014**. It was submitted that the witnesses are neither parties to the California proceedings nor persons against whom any relief is sought, and so have no locus to object to giving evidence. Relying on **Wooster Products Inc. v. Magna Tek Inc., 1988 SCC OnLine Del 116**, **Pfizer Inc. v. Unimark Remedies Ltd., 2016 SCC OnLine Bom 8599**, and Pfizer Inc. v. Teena Biolabs Pvt. Ltd. (Telangana High Court, O.P.No.3 of 2024), it was submitted that a witness cannot obstruct a foreign commission merely because his evidence is sought. His attendance, it was submitted, may be compelled under Order XVI Rule 1 and Order XXVI Rule 17 CPC, read with Article 10 of the Convention. A refusal, it was submitted, may attract an adverse inference under Section 119 of the Bharatiya Sakshya Adhiniyam, 2023 (Section 114 of the Indian Evidence Act, 1872), and the consequences under Section 2023.030 of the California Code of Civil Procedure and Section 413 of the California Evidence Code.

57. In rejoinder, learned Senior Counsel for respondents 2 and 3 submitted that what matters is the substance of the relief sought, not the provision invoked. This Court, it was submitted, has ample power, including under

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Section 151 CPC, to reject at the threshold a proceeding which does not lie, whether it is called a plaint, an application or a summary proceeding. The decisions cited by the applicant wife were said to support this, since S. Lakshmi recognises that, even where Order VII Rule 11 does not in terms apply, the Court must decide the question of jurisdiction and maintainability. On locus, it was submitted that respondents 2 and 3 are named as respondents in these applications, and are persons from whom evidence and documents are sought by compulsion, and are therefore entitled to be heard on whether the proceeding is maintainable and lawful. The applicant wife, it was submitted, cannot call them mere witnesses with no stake while alleging, in the same breath, that they are directors and beneficiaries involved in the transactions in dispute. Lastly, the Stipulated Order, being a consent order between the spouses, was said not to bind them or take away their right to object.

58. On the relationship between the Convention and the Code, learned Senior Counsel for respondents 2 and 3 submitted that the Convention, in force for India from 08.04.2007, must be given effect in harmony with Section 78 and Order XXVI CPC. Reliance was placed on **Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, (1984) 2 SCC 534**, and **Charuvila Philippose Sundaran Pillai v. P.N. Sivadasan, 2024 SCC OnLine Ker 6724 (FB)**. Relying on **R.N. Gosain v. Yashpal Dhir, (1992) 4 SCC 683**, it was submitted that the applicant wife cannot rely on a Letter issued under the Convention and yet disown its procedure. Learned Senior Counsel for the sixth respondent, also relying on Gramophone Company, submitted that the Convention governs how the request reaches India and the Code governs its execution.

59. Learned Senior Counsel for the sixth respondent submitted that implementing treaties is for the Union Executive, relying on Article 51(c) of the Constitution; In re: Assent, Withholding or Reservation of Bills by Governor

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and President of India, Special Reference No.1 of 2025; **Rosaline George v. Union of India, (1994) 2 SCC 80**; and **Aban Loyd Chiles Offshore Ltd. v. Union of India, (2008) 11 SCC 439**. It was submitted that the Ministry's return of the applicant wife's request, not challenged by her, cannot be undone by approaching this Court directly.

60. Per contra, learned Senior Counsel for the applicant wife submitted that the Convention is facilitative and does not exclude procedures under domestic law, relying on Article 27 and on Societe Nationale Industrielle Aerospatiale v. United States District Court, 482 U.S. 522 (1987). Further reliance was placed on **Aventis Pharmaceuticals Inc. v. Dr. Reddy's Laboratories Inc., 2008 SCC OnLine AP 729**, and **Wacom Co. Ltd. v. Cirel Systems Pvt. Ltd., 2026 SCC OnLine Kar 484**. Relying on Articles 13 and 253 of the Constitution, **Jolly George Varghese v. Bank of Cochin, (1980) 2 SCC 360, Upaid Systems Ltd. v. Satyam Computer Services Ltd., 2009 SCC OnLine Del 2006, Charuvila and Broadcom Inc. v. TexasLDPC Inc., 2023 SCC OnLine AP 4023**, it was submitted that the Convention, not having been made law by Parliament, cannot take away the power under Section 78 and Order XXVI CPC.

61. Learned Senior Counsel for the applicant wife also cited decisions in which Letters of Request were executed under Order XXVI Rule 19 CPC: In **re Kirit Kumar Pathak, 2006 SCC OnLine Mad 804**; **Wooster Products Inc. v. Magna Tek Inc., 1988 SCC OnLine Del 116**; **Aventis v. Dr. Reddy's; Aventis Pharmaceuticals Inc. v. Barr Laboratories Inc., 2009 SCC OnLine P&H 6167**; **Upaid Systems; Pfizer Inc. v. Unimark Remedies Ltd., 2016 SCC OnLine Bom 8599;** L & M Healthcare Communications LLC v. Rediffusion Solutions Pvt. Ltd. (Bombay High Court, M.P.(L) No.3043 of 2023); Broadcom; Pfizer Inc. v. Teena Biolabs Pvt. Ltd. (Telangana High Court, O.P.No.3 of 2024); and Wacom. It was submitted that the conditions in Rule 19

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call for no decision on the merits of the matrimonial dispute.

62. In rejoinder, learned Senior Counsel for respondents 2 and 3 submitted that Article 27 lets a State apply its own less restrictive practice, but does not let a party import a foreign mode of discovery. It was further submitted that, since the Convention and the Code do not conflict, Jolly George Varghese requires the Convention to be given effect, and that Wooster Products and Kirit Kumar Pathak were decided before India became a party to the Convention.

63. On the service of the subpoenas and the authentication of the Letter, learned Senior Counsel for the respondents submitted that the mechanism prescribed for serving foreign judicial documents cannot be disregarded. Learned Senior Counsel for the sixth respondent relied on India's objection under Article 10 of the Hague Service Convention. He described the transmission of the Letter, the request for service and the service of the subpoenas as a three-stage process, each stage with its own requirement. Learned Senior Counsel for respondents 2 and 3 relied on **Charuvila Philippose Sundaran Pillai v. P.N. Sivadasan, 2024 SCC OnLine Ker 6724 (FB)**. Learned Senior Counsel for respondents 5 and 7 submitted that documents not routed through the Central Authority must be apostilled.

64. In reply, learned Senior Counsel for the applicant wife submitted that the Service Convention does not exclude domestic modes of service. Reliance was placed on Article 19 of that Convention, Section 29(c) CPC, the notification dated 12.01.2009, and paragraphs 49 and 51(b) of Charuvila. It was also submitted that Article 3 of the Evidence Convention dispenses with legalisation of a Letter of Request, so no apostille is needed.

65. In rejoinder, learned Senior Counsel for respondents 2 and 3 submitted that Section 29(c) does not help the applicant wife. A Letter of Request, it was submitted, is addressed by one Court to another, and is not process issued

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against a party. It was pointed out that, in Broadcom, relied on by the applicant wife herself, the Letter reached the Court through the Central Authority, and that in **Aventis v. Barr** the evidence was directed to be returned through the Central Government.

66. On pre-trial discovery and the particularity of documents, learned Senior Counsel for the applicant wife submitted that the evidence sought is not exploratory. It relates to identified transactions: the 2010 Transition Services Agreement, the 2011 transfer of intellectual property, the changes in shareholding, the 2024 restructuring, the change of Chief Executive in January 2025, and the valuation of the business. The topics and documents, it was submitted, are tailored to the role of each witness. From respondents 2, 3, 5 and 7, the topics include their acquisition of shares and the consideration paid, and proof of payment for shares is sought from them and from the eighth respondent. From respondents 8 and 9, the topics include the second respondent's role in the operations of the company. From the fourth respondent, they are the 2010 agreement, the 2011 transfer, the professional advisers engaged, and the examination of T&V Holdings by the United States tax authorities. From the sixth respondent, they are the ownership of AdventNet India and its relationship to the rest of the Zoho enterprise, and his responsibilities as Chief Operating Officer. From ZCPL, documents alone are sought. Reliance was placed on **Aventis Pharmaceuticals Inc. v. Dr. Reddy's Laboratories Inc., 2008 SCC OnLine AP 729**, for the submission that Article 23 does not bar particular documents. Reliance was also placed on L & M Healthcare Communications LLC v. Rediffusion Solutions Pvt. Ltd.(Bombay High Court, M.P.(L) No.3043 of 2023), for the submission that the evidence is relevant to the issues and is intended for use at the trial. **Charman v. Charman, [2005] EWCA Civ 1606**, was cited on the need for evidence to value matrimonial property.

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67. Learned Senior Counsel for respondents 2, 3, 4, 6 and 8 to 10 relied on **Softgel Healthcare Private Limited v. Pfizer Inc., 2025 SCC OnLine Mad 11020**. It was submitted that a letter must be scrutinised for sovereignty, specificity under Article 3, privilege under Article 11, and India's declaration under Article 23. Learned Senior Counsel for the fourth respondent and for respondents 8 to 10 relied on **Rio Tinto Zinc Corporation v. Westinghouse Electric Corporation, [1978] AC 547: [1978] 1 All ER 434 (HL)**, against fishing requests. Learned Senior Counsel for respondents 2, 3, 4 and 8 to 10 relied on **Byju's Alpha Inc. v. OCI Ltd., [2025] EWHC 271 (KB)**, against requests made to fill gaps in information or to frame claims. Learned Senior Counsel for respondents 2 and 3 relied on **Intel Corporation v. Advanced Micro Devices Inc., 542 U.S. 241 (2004)**, against requests made to get around the evidence-gathering limits of the requested State. Learned Senior Counsel for respondents 4 and 8 to 10 relied on **Societe Nationale Industrielle Aerospatiale v. United States District Court, 482 U.S. 522 (1987). Gulf Oil Corporation v. Gulf Canada Ltd., 1980 SCC OnLine Can SC 25**, and **Seoul Semiconductor Co. Ltd. v. Nichia Corporation (U.S. District Court, Case No.9:07-cv-00273-RC)** were also placed on record by learned Senior Counsel for the fourth respondent.

68. Learned Senior Counsel for respondents 2 and 3 relied on **Bhagwandas Parashram v. Burjorji Ruttonji Bomonji (1912) 14 Bom LR 561**, against interrogatories used for fishing. Respondents 2 and 3 submitted that benami holdings are matters for the authorities under the Prohibition of Benami Property Transactions Act, 1988, which has its own machinery. The fourth respondent and respondents 8 to 10 submitted that questions on benami holdings concern matters of a criminal nature, and so fall outside Order XXVI Rule 19 CPC, which is confined to proceedings of a civil nature.

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69. In rejoinder, learned Senior Counsel for the applicant wife submitted that whether discovery is "pre-trial" depends on the stage at which the evidence is to be used, not when it is collected. Paragraph 14 of the Stipulated Order permits the depositions to be used at trial. The first respondent husband, it was submitted, had obtained a Letter for the examination of respondents 2 to 4 on broad topics, and the respondents raised none of these objections to it.

70. On judicial scrutiny and international comity, learned Senior Counsel for the applicant wife submitted that the Court executing a Letter of Request facilitates the collection of evidence. Relevance and admissibility, it was submitted, are for the requesting Court. Reliance was placed on Wooster Products, **Aventis v. Dr. Reddy's, Upaid Systems, Aventis v. Barr**, Unimark, Teena Biolabs and Broadcom.

71. Learned Senior Counsel for the fourth respondent and for respondents 8 to 10 submitted that comity does not require the automatic execution of every Letter, and that the specificity and necessity of the evidence and the sovereign interests of the requested State must be weighed, relying on Aerospatiale. Learned Senior Counsel for respondents 8 to 10, relying on **CF Industries Sales LLC, [2026] QSC 17**, submitted that comity carries less weight where the requesting Court has not considered the procedural limits of the receiving Court. Learned Senior Counsel for respondents 8 to 10, relying on **Silor Associates SA v. Bharat Heavy Electricals Ltd., 2014:DHC:2995**, submitted that a Court need not mechanically implement an order founded on a wrong premise. They also submitted that the order of the California Court was passed by consent, without examining the merits, and records no finding of any prima facie need for the evidence. Learned Senior Counsel for respondents 2 and 3, and for the fourth respondent, submitted that this Court must itself examine the permissibility of the topics and documents before any commission is issued. Learned Senior Counsel for the eighth respondent also relied on academic

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writings on international evidence-gathering.

72. Learned Senior Counsel for respondents 2 and 3 distinguished the decisions relied on by the applicant wife. Wooster Products and Kirit Kumar Pathak, it was submitted, preceded India's accession to the Convention. **Aventis v. Barr** concerned identified samples and batches, and was uncontested. Upaid Systems concerned the records of one industry association. Unimark concerned one technical subject within a confidentiality club, with a limited contest. Softgel, a later decision of a Division Bench of this Court, was said to prevail over Wooster Products, Kirit Kumar Pathak and Upaid Systems. The suggestion in **Aventis v. Dr. Reddy's** that the Code be amended was said to show the limits of the existing provision.

73. In rejoinder, learned Senior Counsel for the applicant wife submitted that comity calls for a high degree of deference to the requesting Court. The California Court, it was submitted, has already found a prima facie need for this evidence, and this Court does not sit in appeal over that finding.

74. On privilege, confidentiality and privacy, learned Senior Counsel for the applicant wife submitted that the right to object to questions belongs to the parties, and that under Order XXVI Rule 16-A CPC the Commissioner only records the question, the answer and the objection.

75. Learned Senior Counsel for respondents 2 and 3 invoked Article 11 of the Convention. Learned Senior Counsel for respondents 2 and 3 also invoked the protection of professional communications with legal advisers under Sections 126 to 129 of the Indian Evidence Act, 1872, and the corresponding provisions of the Bharatiya Sakshya Adhiniyam, 2023. Relying on **K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1**, they submitted that compelling disclosure of personal financial information must satisfy the tests of legality, necessity and proportionality. Learned Senior Counsel for respondents 8 to 10 relied on

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fiduciary and contractual duties of confidentiality, and objected to questions calling for hearsay, speculation, or the motives or communications of others. Learned Senior Counsel for the sixth respondent submitted that third-party witnesses, unlike parties, cannot explain themselves through examination-in-chief and re-examination, and that the depositions may be used against them for pecuniary advantage without their being able to defend themselves.

76. On the participation of foreign counsel, learned Senior Counsel for the applicant wife submitted that taking part in recording evidence solely for use in a foreign proceeding is not the practice of Indian law. Reliance was placed on **Bar Council of India v. A.K. Balaji, (2018) 5 SCC 379**, and on Rule 8(5) of the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, which permit limited "fly in and fly out" work. It was submitted that Article 7 of the Convention, the Stipulated Order and Section 32 of the Advocates Act, 1961 allow this Court to permit California counsel to take part in the examination. Reliance was also placed on L & M Healthcare, **Broadcom,** Teena Biolabs and **Wacom**, and, in her counter affidavits, on orders of the Bombay High Court in M.P.No.3 of 2023 and in M.P.No.1 of 2026, in which foreign counsel took part without objection.

77. Learned Senior Counsel for respondents 2, 3, 4, 6 and 8 to 10 submitted that examining witnesses before a Commissioner appointed by this Court is the practice of law, relying on **A.K. Balaji**. Learned Senior Counsel for respondents 2 and 3 added that it is litigious practice governed by Sections 29 and 33 of the Advocates Act, relying on **A.K. Balaji** and **Sharestates Inc. v. Prasad Choorakuzhiyil Gopalan, 2026 SCC OnLine Ker 6793**, and, with learned Senior Counsel for the fourth respondent, on HDT Bio Corp. v. Emcure Pharmaceuticals Ltd. (Bombay High Court, M.P.(L) No.38982 of 2022, order dated 28.03.2023). Foreign lawyers, it was submitted, cannot examine or cross-

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examine witnesses.

78. Learned Senior Counsel for respondents 2 and 3 distinguished the decisions cited by the applicant wife. It was submitted that in Teena Biolabs and Wacom, Indian counsel examined the witnesses while foreign representatives only attended and observed, and that L & M Healthcare permitted foreign representatives only to participate in the examination. In Broadcom, it was pointed out, the prayer for American attorneys to attend, observe and participate in the examination was not granted. All of these, it was added, were commercial cases involving corporate witnesses. Learned Senior Counsel for respondents 5 and 7, and for the sixth respondent, relied on Section 119 CPC, and learned Senior Counsel for respondents 5 and 7 also relied on Clauses 9 and 10 of the Letters Patent, submitting that a Commissioner cannot have wider powers than the Court. Learned Senior Counsel for respondents 2 and 3 also opposed foreign counsel suggesting questions to the examining counsel during the depositions.

79. On the execution of the commission, learned Senior Counsel for the applicant wife sought a single Commissioner for all witnesses, preferably a Senior Advocate or a retired Judge. The Stipulated Order contemplates stenographic and audio-visual recording through Optima Juris, as well as remote participation, and examinations before different Courts would make that procedure difficult to follow. It was submitted that Order XXVI Rule 21 is directory, and that Section 151 CPC permits a single Commissioner. In A.No.535 of 2026, she sought direct transmission of the evidence to the California Court.

80. Learned Senior Counsel for the sixth respondent opposed a single Commissioner. Learned Senior Counsel for respondents 5 and 7 submitted that direct transmission would contravene Order XXVI Rule 22 CPC and Article 13 of the Convention, which require the evidence to return through the High Court

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and the Central Government. Respondents 2, 3 and 4, as witnesses common to both Letters, objected to being examined twice. Respondents 2 and 3 submitted that the California Court had directed both spouses to question and subpoena them jointly, subject to the Hague Convention and Indian law, and that, by bypassing the Central Government, the applicant wife has exposed them to two separate rounds of testimony, causing prejudice which cannot be remedied. Respondents 2 and 3 added that answers given on the first occasion could be used to shape the questions on the second. The respondents objected that seven hours of deposition would be oppressive for third-party witnesses. Respondents 2 and 3 proposed that each examination be limited to one hour, with further sittings only with leave of this Court, and that the documents to be produced be called for at least three weeks before the examination. For the power of the executing Court to regulate the scope, schedule and manner of recording, they relied on Teena Biolabs and Wacom.

81. On consistency of conduct, learned Senior Counsel for the applicant wife submitted that the respondents accepted the procedure followed on the husband's Letter while opposing hers. It was submitted that respondents 2 to 4 raised no objection to his Letter; respondents 5 to 10 supported the route he took; and the objections are meant only to obstruct and delay the examination of the witnesses.

82. In reply, learned Senior Counsel for respondents 5 and 7 submitted that the husband had approached the Ministry, as paragraph 4 of the Stipulated Order requires, and that his procedure cannot be equated with the applicant wife's. Learned Senior Counsel for respondents 2 and 3 submitted that, of the two spouses, only the first respondent husband took the course which the Convention prescribes; that his request, though duly routed through the Central Authority, was thereafter sent by the Registry of this Court directly to the Court of the learned Principal District and Sessions Judge, Chengalpattu; and that this

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is the subject matter of Crl.O.P.No.11205 of 2026, pending on the file of this Court. Raising a legal objection, it was submitted that they are not acting in concert with either spouse.

83. In A.Nos.2497 to 2499 of 2026, learned Senior Counsel for the applicant wife submitted that she resides in California and cannot attend personally. By a Special Power of Attorney dated 08.04.2026, she has authorised Ms. Sheetal Mishra to represent her in these proceedings.

84. Learned Senior Counsel for respondents 2, 3, 4 and 6 objected that the agent had affirmed counter affidavits on matters within the applicant wife's personal knowledge. Those counter affidavits, it was pointed out, were affirmed on 25.05.2026, before the applications for recognition were served. Learned Senior Counsel for the fourth respondent submitted that the agent is a practising legal professional. Learned Senior Counsel for the sixth respondent pointed to the absence of an affidavit from the applicant wife confirming the authority, and of an affidavit from the agent stating that she is not a legal practitioner. The sixth respondent sought rejection of the request for recognition. Respondents 2 and 3 sought the return of the counter affidavits affirmed by the agent, the sixth respondent that they be eschewed, and the fourth respondent that they be read with circumspection.

Points for Consideration

85. On the pleadings and the submissions, the following points arise for consideration:

(i) Whether Ms Sheetal Mishra should be recognised as the agent of the applicant wife in A.Nos.2497 to 2499 of 2026?

(ii) Whether A.Nos.533 to 535 of 2026 are maintainable, when the Letter of Request issued by the Superior Court of the State of California, County of

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Alameda, has been presented directly before this Court by the applicant wife instead of being transmitted through the Ministry of Law and Justice, and whether they are liable to be rejected at the threshold, as sought in A.Nos.1864 to 1881 of 2026?

(iii) Whether the witnesses may resist examination on the ground that they are strangers to the California proceedings, how their objections based on privilege, privacy, confidentiality and other grounds are to be dealt with, and whether foreign counsel may examine the witnesses?

(iv) Whether Article 23 of the Hague Evidence Convention and the declaration of India thereunder bar the oral examination and the production of documents sought, and to what extent the Letter of Request can be executed?

(v) Which Court or person is to execute the Letter of Request and on what terms; what course is to be adopted in respect of the Letter of Request obtained by the first respondent husband; and to what relief are the parties entitled?

Point No.(i):

86. The applicant wife is resident in California and is the caregiver of a child with special needs. By a Special Power of Attorney dated 08.04.2026, duly adjudicated for stamp duty, she has constituted Ms Sheetal Mishra and Mr Aliff Sultan Fazelbhoy as her agents, jointly and severally. The original instrument has been produced before the Registry and found in order. Recognition is sought only in respect of Ms Sheetal Mishra. Order III Rule 2 of the Code of Civil Procedure, 1908, permits a party to appear, apply or act through a recognised agent holding a power of attorney authorising such acts. Order II Rule 7 of the Original Side Rules of this Court requires the authorised agent to file an affidavit. In the present case, the power of attorney and the affidavit of the agent have been filed, and these requirements are therefore met. That the

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agent is a legal professional does not, by itself, disqualify her, since she acts as the agent of the party and not as an advocate. The objection of the sixth respondent that no separate affidavit has been filed by the principal confirming the authority conferred, or by the agent declaring that she is not a legal practitioner, is not accepted, since the Rules require no such affidavit beyond that of the agent, which has been filed, and the instrument itself has been produced and verified.

87. Respondents 2, 3, 4 and 6 object that the counter affidavits were affirmed by the agent on 25.05.2026, before her recognition was sought, on matters within the personal knowledge of the applicant wife. The agent's authority flows from the earlier power of attorney, so the later application for recognition does not affect those affidavits. A power of attorney holder cannot depose to matters within the principal's personal knowledge **(Janki Vashdeo Bhojwani v. IndusInd Bank Ltd., (2005) 2 SCC 217)**, but these affidavits only answer legal objections, and no finding in this order rests on them. Point No.(i) is answered by recognising Ms Sheetal Mishra as the agent of the applicant wife.

Point No.(ii):

(a) The power of this Court and the channel of transmission

88. Section 78 CPC provides that, subject to such conditions and limitations as may be prescribed, the provisions of the Code relating to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by, or at the instance of, courts of any State or country outside India. Such a commission is issued by this Court at the instance of the foreign Court, upon its Letter of Request. The conditions and limitations contemplated by Section 78 are prescribed in Order XXVI Rules 19 to 22 CPC.

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89. Rule 19(1) empowers the High Court, subject to Rule 20, to issue a commission for the examination of a witness, if it is satisfied that a foreign court situated in a foreign country wishes to obtain his evidence in a proceeding before it, that the proceeding is of a civil nature, and that the witness resides within the limits of its appellate jurisdiction. Under Rule 19(2), those matters may be established by a certificate of the consular officer of the foreign country of the highest rank in India, transmitted through the Central Government; by a Letter of Request transmitted through the Central Government; or by a Letter of Request produced before the High Court by a party to the proceeding.

90. The conditions in Rule 19(1) are satisfied in this present case. The California Court seeks the evidence; the proceeding, being one for dissolution of marriage and division of property, is civil in nature; and the witnesses reside within the appellate jurisdiction of this Court. As to how the Letter reaches this Court, transmission through the Central Government is only one of the three modes recognised by Rule 19(2), and not the exclusive one. The applicant wife, being a party to the proceeding before the California Court, has produced the Letter under clause (c), and her right to do so flows from the Code, not from the Stipulated Order.

91. The respondents rely on **Article 2** of the Hague Evidence Convention, which reads:

A Contracting State shall designate a Central Authority which will undertake to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them. Each State shall organise the Central Authority in accordance with its own law. Letters shall be sent to the Central Authority of the State of execution without being transmitted through any other authority of that State.

Article 2 thus provides the channel through which Letters of Request ordinarily

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travel under the Convention. It does not, however, stand alone.

Article 27 reads:

The provisions of the present Convention shall not prevent a Contracting State from –

a) declaring that Letters of Request may be transmitted to its judicial authorities through channels other than those provided for in Article 2;
b) permitting, by internal law or practice, any act provided for in this Convention to be performed upon less restrictive conditions;
c) permitting, by internal law or practice, methods of taking evidence other than those provided for in this Convention."

92. Read together, the two Articles show that the channel in Article 2 is not exclusive. Article 27 leaves each Contracting State free to receive Letters of Request through other channels, and to allow, by its own law or practice, anything provided for in the Convention to be done on easier terms. Receiving a Letter of Request directly from a party, rather than through the Central Authority, is one such easier term. Order XXVI Rule 19(2)(c) CPC is such a provision, for it permits a party to the foreign proceeding to produce the Letter directly before the High Court. The Ministry itself, in its letter dated 05.01.2026 forwarding the first respondent husband's Letter to the Registrar of this Court, referred to Section 78 and Order XXVI Rule 19 CPC as the source of the power. The Letter of the applicant wife cannot, therefore, be rejected because it was not transmitted through the Ministry. Respondents 2 and 3 contend that this course makes the scrutiny under Article 5 otiose. It does not.

Article 5 reads:

"If the Central Authority considers that the request does not comply with the provisions of the present Convention, it shall promptly inform the authority of

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the State of origin which transmitted the Letter of Request, specifying the objections to the Letter."

Under Article 5, the Central Authority examines the Letter for compliance with the Convention and informs the requesting authority of its objections. The Article gives it no power to refuse execution. Where a Letter is produced directly under Order XXVI Rule 19(2)(c) CPC, the same examination is made by this Court itself. Article 5 is therefore not made otiose, and the contention is rejected.

93. The first respondent husband and the sixth respondent contend that only the Government of India can designate a Central Authority. They state that paragraph 6 of the Stipulated Order cannot confer that status on this Court, and that item 5(b) of the Letter of Request, which names this Court, is contrary to India's designation. It is seen on perusal that paragraph 6 designates no Central Authority. It only provides that this Court will set the location of the depositions and may appoint a Commissioner. The first respondent husband and several of the respondents also rely on paragraph 4, which records that each party will submit his or her Hague documents to the Ministry. That is only an arrangement between the spouses. It cannot take away the power that Order XXVI Rule 19(2)(c) CPC confers on this Court.

94. In any case, India has designated the High Courts as Central Authorities. On 21.12.2006, the Union Cabinet approved India's accession to the Hague Evidence Convention and designated the Ministry of Law and Justice and the High Courts in all the States and Union Territories as Central Authorities under Article 2 (Press Information Bureau release, Release ID 23558, filed on 23.06.2026). Respondents 2 and 3 accept this designation, but contend that it does not permit a party to approach the High Court directly, since the High Court may act only on a request transmitted through the Central Authority. That

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contention is answered by Order XXVI Rule 19(2)(c) CPC, which expressly permits a party to produce the Letter before the High Court, and by Article 27, as held in paragraph 92 supra. Item 5(b) of the Letter of Request, which names this Court, is therefore consistent with India's designation. In any event, this Court's power to issue a commission rests on Section 78 and Order XXVI CPC, not on that designation.

(b) Apostille

95. Respondents 5 and 7 contend that the Letter of Request, not having come through the Central Authority, must be apostilled before it can be used in India. The contention cannot be accepted. Article 3 of the Evidence Convention states: *"No legalisation or other like formality may be required."* Legalisation and an apostille serve the same purpose: each certifies that the signature and seal on a foreign document are genuine. The apostille is only the simpler form that replaced legalisation under the Apostille Convention, 1961. It is therefore a "like formality" within Article 3. A Letter of Request needs no apostille, whichever channel it comes through. The Letter here bears the signature and seal of the requesting Judge, and that is sufficient.

(c) Whether the Convention bars the applications

96. Respondents 2, 3 and 4 contend that Article 2 of the Convention requires a Letter of Request to come through the Central Authority. Since this Letter did not, they submit that the applications are barred by law under Order VII Rule 11(d) CPC.

97. The applicant wife replies that only the Code is law, and that the Convention, not having been enacted by Parliament, cannot bar the applications. She relies on Articles 13 and 253 of the Constitution, ***Jolly George Varghese v. Bank of Cochin, (1980) 2 SCC 360***, and ***Upaid Systems Ltd. v. Satyam***

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Computer Services Ltd., 2009 SCC OnLine Del 2006.

98. Respondents 2 and 3 answer that the applicant's wife, having obtained the Letter under the Convention, cannot now refuse to follow its procedure, as that would be to approbate and reprobate **(*R.N. Gosain v. Yashpal Dhir, (1992) 4 SCC 683*).** They also submit that the Convention can be enforced without an Act of Parliament, relying on ***Charuvila Philippose Sundaran Pillai v. P.N. Sivadasan, 2024 SCC OnLine Ker 6724 (FB)***, and *Dr. James W. Thomas v. Fr. Jose Thomas S.J., R.F.A. No.73 of 2021 (Kerala High Court, 15.10.2024*).

99. It is unnecessary to decide whether the Convention needs an Act of Parliament, as the Convention and the Code do not conflict here. Order XXVI Rule 19(2)(c) CPC allows a party to produce the Letter directly before the High Court, and Article 27 of the Convention allows such a channel. The applicant wife does not approbate and reprobate either. The Convention is the source of the Letter, and the Code governs its execution in India. The Convention does not bar these proceedings, and the contention under Order VII Rule 11(d) CPC fails.

(d) Decisions on the execution of Letters of Request

100. The applicant wife also cites a series of decisions in which foreign Letters of Request were executed under Order XXVI Rule 19, to show that the power exists. These are **Wooster Products Inc. v. Magna Tek Inc., 1988 SCC OnLine Del 116;** In **re Kirit Kumar Pathak, 2006 SCC OnLine Mad 804; Aventis Pharmaceuticals Inc. v. Dr. Reddy's Laboratories Inc., 2008 SCC OnLine AP 729; Aventis Pharmaceuticals Inc. v. Barr Laboratories Inc., 2009 SCC OnLine P&H 6167; Upaid Systems Ltd. v. Satyam Computer Services Ltd., 2009 SCC OnLine Del 2006; Pfizer Inc. v. Unimark Remedies Ltd., 2016 SCC OnLine Bom 8599;** L & M Healthcare Communications LLC v. Rediffusion Solutions Pvt. Ltd., M.P.(L) No.3043 of

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2023; **Broadcom Inc. v. TexasLDPC Inc., 2023 SCC OnLine AP 4023;** Pfizer Inc. v. Teena Biolabs Pvt. Ltd., O.P.No.3 of 2024 (High Court for the State of Telangana); and **Wacom Co. Ltd. v. Cirel Systems Pvt. Ltd., 2026 SCC OnLine Kar 484.**

101. Respondents 2 and 3 distinguish them on the grounds that **Wooster Products** and **Kirit Kumar Pathak** were decided before India acceded to the Convention; that in **Aventis v. Barr** the documents were specified item by item, and in **Upaid** and **Unimark** the requests were confined to a single subject; and that in **Broadcom** and **Aventis v. Barr** the Letter came, or the evidence was returned, through the Central Government. It is seen that none of these cases touches the existence of the power, which all these decisions recognise and which flows from the Code. The question of specificity is considered by this court under Point No. (iv), and the mode of return under Point No. (v) below.

(e) The role of the Executive and the Ministry's letter

102. The Learned Senior Counsel for the sixth respondent raises the question of transmission in another form. It was submitted that dealing with Letters of Request from foreign Courts is the work of the Executive and not of the Court. Relying on Article 51(c) of the Constitution and on In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No.1 of 2025, it was submitted that the separation of powers is a basic feature of the Constitution, and that this Court should not permit what the Union of India has declined. Relying on **Rosiline George v. Union of India, (1994) 2 SCC 80**, and **Aban Loyd Chiles Offshore Ltd. v. Union of India, (2008) 11 SCC 439**, it was submitted that judicial assistance under the Hague Conventions rests on reciprocity between States, and that whether to extend such reciprocity is a political decision for the Executive alone. It was further submitted that the Ministry returned the applicant wife's papers, that she did not

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challenge the return, and that she cannot get around it by coming directly to this Court.

103. The Learned Senior Counsel for the applicant wife submitted that issuing a commission on a Letter of Request is a judicial function. If the Ministry had first to decide whether the Letter is valid, an executive body would be doing a quasi-judicial task. This Court would then only carry out what the Ministry had approved, without exercising its own judicial discretion over the request. It was submiited that the Ministry did not reject the applicant's request but only asked for duplicate copies, and that, by her letter dated 09.12.2025, she informed the Ministry that she was not seeking its assistance.

104. The contention of the sixth respondent cannot be accepted. The power to issue a commission at the request of a foreign Court is a judicial power, given to the High Court by Section 78 and Order XXVI CPC. Article 51(c) of the Constitution directs the State to foster respect for international law and treaty obligations; it does not take away a power which a statute gives to the Court. The decisions relied on by the sixth respondent do not hold otherwise. **Rosiline George** concerned a request by the United States of America for the extradition of a person from India. The Supreme Court held that whether a State is in a position to perform its treaty obligations is essentially a political question, on which the action of the Government is of controlling importance. It also held that, although extradition is granted to implement the State's international commitments, the procedure courts follow in deciding it is determined by the municipal law of the land. **Aban Loyd** concerned the levy of customs duty in the exclusive economic zone. Following **Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, (1984) 2 SCC 534**, the Supreme Court held that international conventions may be looked into and given effect where they do not conflict with municipal law. Both decisions therefore support what this Court does here. The Executive has already taken the political decision. The Union of

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India acceded to the Convention and designated the Ministry of Law and Justice and the High Courts as Central Authorities. The United States of America accepted India's accession, and the Convention has been in force between the two countries since 16.09.2007, as the status table published by the Hague Conference on Private International Law records. The procedure for executing a Letter of Request is then governed by municipal law, namely Section 78 and Order XXVI CPC. When this Court issues a commission on a Letter of Request from that country, it gives effect to the decision of the Executive; it does not override it.

105. Nor has the Union of India declined anything. The Ministry returned the papers by its communication dated 13.11.2025 (Form C, Receipt No.876383) for two reasons only, both procedural. The papers had not come directly from the Central Authority of the United States, and they were not in duplicate as Article 3 of the Hague Service Convention requires. The Ministry decided nothing about the merits of the request. The applicant wife then informed the Ministry that she was not seeking its assistance. There was, therefore, no decision of the Executive for her to challenge, and none that this Court is asked to set aside. The Special Reference, which concerned the assent of the Governor and the President to Bills, has no bearing on this question.

(f) Suppression

106. The same letter of the Ministry is the basis of the charge of suppression. The respondents state that the applicant wife did not disclose it in her applications and produced it only after this Court directed her, on 11.03.2026, to place all necessary documents on record. The applicant wife replies that it was in her own interest to disclose everything, and that her affidavit itself stated that her counsel had written to the Ministry on 28.10.2025 to say that she would approach this Court. According to her, the Ministry's reply was a standard

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printed reply, much like the one sent to the first respondent husband. It did not say that the Letter was invalid or that this Court had no jurisdiction, and it did not use the word "rejected". It was submitted that no law provides for an appeal against such a reply.

107. The sixth respondent relies on **S.J.S. Business Enterprises (P) Ltd. v. State of Bihar, (2004) 7 SCC 166**, and **Kusha Duruka v. State of Odisha, 2024 INSC 46**, for the principle that a party who suppresses facts from the Court is not entitled to relief. In **S.J.S. Business Enterprises**, the Supreme Court explained that the rule applies only to the suppression of a material fact, that is, a fact which would have affected the decision of the case. Here, the Ministry's letter raised only procedural points and, as held above, would not have changed the decision. Leaving it out was not, therefore, the suppression of a material fact, and these decisions do not help the respondents.

(g) The Californian subpoenas and the Service Convention

108. The respondents' next objection is to the subpoenas issued by the California Court. The Learned Senior counsel for the sixth respondent contends that they were never served on the witnesses through the Ministry under the Hague Service Convention, and that the dates fixed for the depositions have passed. Respondents 2 and 3 contend that, under the Service Convention, India has designated only the Ministry as the Central Authority. They rely on **Charuvila Philippose Sundaran Pillai v. P.N. Sivadasan, 2024 SCC OnLine Ker 6724 (FB)**. As the Stipulated Order requires compliance with that Convention and nothing was routed through the Ministry, they submit that the applications must fail.

109. The applicant wife relies on the same decision. In **Charuvila**, the Full Bench of the Kerala High Court considered how an Indian Court should serve its summons on defendants living abroad. It held that the Service Convention

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applies in India even without enabling legislation, and that service by post under Order V Rule 25 CPC remains permissible where the country concerned does not object. It was submitted by the Learned Senior Counsel that, therefore, the Convention does not exclude the modes of service under the Code.

110. Charuvila concerns summons issued by an Indian Court to persons living abroad. The present case is the reverse: a foreign Court seeks evidence from persons living in India. The decision does not apply, and the difference in the Central Authorities designated under the two Conventions does not arise.

111. Nor does anything turn on whether the Californian subpoenas were served or have lapsed. They are the process of a foreign Court and have no force in India on their own. This Court neither enforces them nor issues fresh subpoenas in their place. It issues its own commission under Order XXVI CPC. The executing Court will summon each witness by its own summons, served in India under Order XVI read with Order XXVI Rule 17 CPC. The Service Convention, which concerns the service of documents abroad, has no part in that process. The reference to it in the Stipulated Order is an arrangement between the spouses and cannot limit the power the Code confers on this Court.

(i) Rejection at the threshold

112. It remains to be considered whether the applications in A No 533, 534 and 535 of 2026 should be rejected at the threshold. Respondents 2, 3 and 4 invoke Order VII Rule 11 CPC. Respondents 4, 8 and 9 also invoke Sections 141 and 151 and Order XXVI Rule 19(2) CPC, and the sixth respondent invokes Order XIV Rule 8 of the Original Side Rules read with Section 151 CPC. The applicant wife replies that Order VII Rule 11 applies only to a plaint and not to summary proceedings of this kind. She relies on **Dahiben v. Arvindbhai Kalyanji Bhanusali, (2020) 7 SCC 366 (para 11), S. Mani v. T.K. Jacob, (1983) 96 LW 270 (para 5), and S. Lakshmi v. Reliance**

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Builders, MANU/AP/2476/2014.

113. Respondents 2 and 3 reply that what matters is the substance of their request, not the provision named. They rely on **Azhar Hussain v. Rajiv Gandhi, 1986 Supp SCC 315,** which permits a Court to end meaningless litigation at the threshold. Respondents 8 to 10 rely, to the same effect, on **Bhagya Estate Ventures Pvt. Ltd. v. Narne Estates Pvt. Ltd., C.A.No.4570 of 2023, and Periyasami Padayachi v. Ulaganathan, AIR 1949 Mad 162**.

114. Order VII Rule 11 CPC deals with the rejection of a plaint. These are not suits, but applications to execute a foreign Letter of Request under Section 78 read with Order XXVI Rules 19 to 22 CPC, and they cannot be rejected as though they were plaints. Under Order XIV Rule 8 of the Original Side Rules or Section 151 CPC, a Court may end at the threshold a proceeding which cannot lawfully continue or which is an abuse of process. But that power is used only where such a defect is shown.

115. Every ground urged for rejection has been examined: the absence of transmission through the Central Authority, the alleged bar under the Convention, the plea that the matter lies with the Executive, the return by the Ministry, the alleged suppression, the want of service of the subpoenas and the absence of an apostille. None of them holds good, and no abuse of process is made out. Point No.(ii) is answered by holding that A.Nos.533 to 535 of 2026 are maintainable, and that A.Nos.1864 to 1881 of 2026 are liable to be dismissed.

<u>Point No.(iii)</u>

(a) The contentions recapitulated

116. The rival contentions on this Point may be briefly recapitulated. Respondents 2 and 3 contend that they are strangers to the matrimonial dispute,

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are neutral as between the spouses, and are not bound by a consent order made without hearing them. ZCPL adds that subjecting third parties in India to deposition on the strength of such an order is opposed to public policy. The respondents object that the proposed examination would intrude into their communications with their legal advisers, their personal and family finances, and the confidential affairs of ZCPL, and respondents 2 and 3 invoke the right to privacy recognised in **K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.** Respondents 2 and 3 further contend that questions on benami holdings fall within the Prohibition of Benami Property Transactions Act, 1988, which provides its own machinery; the fourth respondent and respondents 8 to 10 contend that such questions are criminal in nature and fall outside Order XXVI Rule 19, which applies only to a proceeding of a civil nature. The fourth respondent and respondents 8 to 10 also object that several questions call for hearsay or relate to the acts of other persons, and the sixth respondent contends that no specific role is attributed to him. As regards foreign counsel, the respondents rely on the Advocates Act, 1961 and on **Bar Council of India v. A.K. Balaji, (2018) 5 SCC 379**, to contend that foreign lawyers cannot examine witnesses in India. Per contra, the applicant wife submits that a witness cannot refuse to comply with a lawful commission; that the evidence is taken for use under the law of California, so that foreign counsel examining the witnesses under that law would not be practising Indian law; and that, in any event, this Court may permit them to do so under Section 32 of the Advocates Act.

(b) The provisions of law:

117. The governing law is found in the Code and in the Convention. Under Order XXVI Rule 17(1) CPC, which Rule 22 makes applicable to commissions issued at the request of a foreign Court, the provisions of the Code relating to the summoning, attendance and examination of witnesses apply to persons required to give evidence or to produce documents, whether the commission has

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been issued by a Court within or beyond India. Article 10 of the Convention requires the requested authority to apply measures of compulsion in the instances and to the same extent as are provided by its internal law. Article 11 of the Convention reads thus:

> *"In the execution of a Letter of Request the person concerned may refuse to give evidence in so far as he has a privilege or duty to refuse to give the evidence—*
> *a) under the law of the State of execution; or*
> *b) under the law of the State of origin, and the privilege or duty has been specified in the Letter, or, at the instance of the requested authority, has been otherwise confirmed to that authority by the requesting authority."*

Under Order XXVI Rule 16-A(1) CPC, as applied by Rule 22, an objection to a question is to be recorded, and the proviso thereto provides that the answer to a question objected to on the ground of privilege shall not be taken down. Article 7 of the Convention enables the parties and their representatives to be present at the execution of a Letter. Article 9 requires the executing authority to apply its own law as to the methods and procedures to be followed, and to follow a special method or procedure requested by the requesting authority only where it is not incompatible with the internal law of the State of execution.

(c) The obligation of the witnesses to give evidence

118. It follows that a witness under a commission issued at the request of a foreign Court is summoned and examined in the same manner as a witness in a suit before an Indian Court. The circumstance that a witness is not a party to the foreign proceeding, or is neutral as between the parties, affords no ground to refuse to give evidence. Rule 19 exists precisely to secure the evidence of persons whom the foreign Court cannot reach. Section 124 of the Bharatiya

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Sakshya Adhiniyam, 2023, corresponding to Section 118 of the Indian Evidence Act, 1872, declares all persons competent to testify, subject to the exceptions specified therein, and none of the respondents claims to fall within those exceptions. The witnesses are not bound by the Stipulated Order, nor are they summoned under it. They are summoned by the process of an Indian Court, have been heard by this Court on every objection, and will be examined in accordance with Indian law. Paragraphs 10 and 11 of the Stipulated Order contemplate sanctions, including against a witness who is not a party. No such power is available under Order XXVI CPC, and those clauses shall have no operation in India. A commission so executed is not opposed to public policy. The reliance placed by the sixth respondent on Section 1987.1(b)(2) of the California Code of Civil Procedure, which enables a witness to seek the quashing of a subpoena, does not advance his case, since the subpoenas issued in California are not being enforced. Nor is his objection that no specific role is attributed to him a ground to refuse. The Letter sets out topics against his name; whether he has any knowledge of them is a matter for his evidence, and his examination stands confined to those topics. This position is consistent with **Wooster Products Inc. v. Magna Tek Inc., 1988 SCC OnLine Del 116**, and **Pfizer Inc. v. Unimark Remedies Ltd., 2016 SCC OnLine Bom 8599**, relied on by the applicant wife, where it was held that a person summoned as a witness under Order XXVI CPC cannot resist the commission merely because his evidence is sought or because giving it is inconvenient to him. The applicant wife also contends that a refusal to depose may invite an adverse inference, and that the witnesses are acting in concert with the first respondent husband. Neither contention calls for decision. Whether an adverse inference should be drawn is a matter for the California Court, and the conduct alleged against the witnesses has no bearing on whether the commission should issue.

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(d) Privilege and objections to questions

119. The witnesses retain every privilege available under the law of this country, including the protection of professional communications with their legal advisers under the Bharatiya Sakshya Adhiniyam, 2023, on which respondents 2 and 3 rely. Where privilege is claimed in answer to a question, the answer shall not be taken down; the question and the objection shall be recorded, and the examination shall proceed. Objections that a question calls for hearsay or speculation, or relates to the acts of other persons, go to admissibility and weight, which are matters for the California Court. Such objections shall be recorded and transmitted along with the evidence.

(e) Privacy and the individual tax returns

120. The right to privacy, on which respondents 2 and 3 rely, is not absolute. Under Puttaswamy, an intrusion upon that right is permissible where it is sanctioned by law, pursues a legitimate aim, and is proportionate, that is to say, no greater than that aim requires. A commission under Order XXVI CPC is sanctioned by law, and the collection of evidence for the division of matrimonial property is a legitimate aim. The question, therefore, is one of necessity. The Letter calls for the individual tax returns of each witness, filed in every jurisdiction, from 2009 to the present. The matter in controversy is the ownership of shares and the consideration paid for them. That can be established by the capitalisation tables and corporate tax returns to be produced by the fourth respondent, by the proof of payment and the valuation reports to be produced by ZCPL under Point No.(iv), and by the oral evidence of the witnesses, who may be asked, within the numbered topics, what they paid for their shares and how. A demand for all the personal tax returns of non-parties over a period of seventeen years travels far beyond that purpose. The individual tax returns, namely, item 9 of Radha Vembu, item 12 of Rajendran Dandapani,

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item 20 of Jai Anand, item 9 of Sekar Vembu, item 7 of Manikandan Vembu, item 8 of Kumar Vembu and of Shailesh Kumar Davey, and item 7 of Rajesh Ganesan, are, therefore, declined. The confidential documents of ZCPL, and the corporate tax returns to be produced by the fourth respondent, shall be kept in a sealed cover, as directed under Point No.(v).

(f) Questions relating to benami holdings

121. Section 2(9) of the Prohibition of Benami Property Transactions Act, 1988 defines a benami transaction to include, in substance, a transaction in which property is held by one person while the consideration for it is provided by another, and is held for the benefit of that other. Questions on the source of consideration and the beneficial ownership of shares go to the very facts which the definition describes, and are, in substance, questions on benami holdings. However, what Section 4 of that Act prohibits is a suit, claim or action, and a defence, by a person claiming to be the real owner of benami property; and the Act entrusts the adjudication and confiscation of such property to the authorities constituted under it. A commission does neither. It merely records facts for use in a proceeding in California, which will apply its own law to them. Article 12 of the Convention forbids refusal of execution merely because Indian law "would not admit a right of action on it". The questions on ownership and consideration are, therefore, permitted, within the numbered topics. Nor can they be excluded on the ground urged by the fourth respondent and respondents 8 to 10 that they are criminal in nature. Rule 19(1)(b) asks whether the proceeding before the foreign Court is of a civil nature. A proceeding for dissolution of marriage and division of property is undoubtedly civil, and its character does not change because some of the questions concern facts which may also attract a penal statute. It is made clear that nothing in the evidence to be recorded, or in this order, shall be construed as a finding that any transaction is benami. The items calling for "communications between the witness and any

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other person related to 'Benami'", namely, item 11 of Radha Vembu, item 13 of Rajendran Dandapani, item 21 of Jai Anand, item 10 of Sekar Vembu, item 8 of Manikandan Vembu, item 9 of Kumar Vembu and of Shailesh Kumar Davey, and item 8 of Rajesh Ganesan, describe classes of documents, and are declined on the test set out in paragraph 139 below.

(g) The role of foreign counsel

122. On the question of foreign counsel, the principal submission of the applicant wife is that the evidence will be taken under the law of California, and that foreign counsel examining the witnesses would, therefore, be practising the law of California and not that of India. The premise is erroneous. Under Article 9 of the Convention, the evidence is taken in accordance with the law of India. Under Rules 16-A, 17 and 18 of Order XXVI, as applied by Rule 22, the witnesses are summoned and examined under the Code. The evidence will be recorded by an Indian Court under the Code of Civil Procedure, 1908 and the Bharatiya Sakshya Adhiniyam, 2023, and the examination is a step in a judicial proceeding in India. In **A.K. Balaji**, the Supreme Court held that only advocates enrolled under the Advocates Act, 1961 are entitled to practise law, and that all others may appear only with the permission of the Court before which the proceedings are pending; that the plea that a foreign lawyer may practise foreign law in India without subjecting himself to the Indian regulatory mechanism cannot be accepted; and that foreign lawyers cannot practise law in India, either on the litigation side or otherwise. The examination of the witnesses by foreign counsel is, therefore, a method "incompatible with the internal law of the State of execution" within the meaning of Article 9, and cannot be adopted. Section 32 of the Advocates Act enables a Court to permit a person who is not enrolled to appear before it in a particular case, but no reason is made out for such permission here, since advocates enrolled in India can conduct the examination on instructions. The reliance placed by the applicant wife on paragraphs 45 and

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48 of **A.K. Balaji**, by analogy with international commercial arbitration, does not assist her, since the examination in the present case is a step in a judicial proceeding before an Indian Court. Article 7 of the Convention provides that the requesting authority may be informed of the time and place of execution "in order that the parties concerned, and their representatives, if any, may be present". It contemplates the presence of the parties and their representatives, and nothing more. India's declaration under Article 8, which requires prior authorisation, relates only to "members of the judicial personnel of the requesting authority", and not to the parties or their counsel. The objection of respondents 2, 3, 4, 8 and 9 and ZCPL that the presence of foreign representatives requires the prior authorisation of the Central Authority is, therefore, rejected, and the contention of respondents 2 and 3 that Article 7 does not extend to foreign lawyers runs contrary to its plain language. Their presence is permitted by this Court, as the authority executing the Letter, and shall be regulated as directed under Point No.(v).

(h) The decisions cited

123. The decisions cited are to the same effect. In HDT Bio Corp. v. Emcure Pharmaceuticals Ltd. (Bombay High Court, M.P.(L) No.38982 of 2022, order dated 28.03.2023), relied on by the fourth respondent and by respondents 2 and 3, the Court executed a Letter of Request but declined to permit a United States attorney to conduct the deposition in India, following **A.K. Balaji** and the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, under which a registered foreign lawyer may practise only in non-litigious matters. That decision is followed. Respondents 2 and 3 also cite **Sharestates Inc. v. Prasad Choorakuzhiyil Gopalan, 2026 SCC OnLine Ker 6793**, to the same effect. The applicant wife refers to orders of the Bombay High Court in M.P.No.3 of 2023 and M.P.No.1 of 2026, under which foreign representatives took part in the examination. Copies of those

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orders are not on record, and the latter, on her own showing, was passed without objection. In any event, they cannot prevail over the binding decision in **A.K. Balaji**. The applicant wife also relies on L & M Healthcare, **Broadcom,** Teena Biolabs **and Wacom**. In none of them was the bar declared in **A.K. Balaji** considered. Moreover, as rightly pointed out by respondents 2 and 3, the examination in Teena Biolabs and Wacom was conducted by Indian counsel, and in Broadcom the prayer of the American attorneys was not granted. The "fly in and fly out" practice under the Rules of 2022, on which she relies, is confined to non-litigious matters, as noted in **HDT Bio Corp.,** and does not extend to the examination of witnesses in a judicial proceeding. Respondents 2 and 3 object even to foreign counsel suggesting questions. That objection cannot be sustained. An advocate conducting an examination is entitled to take instructions from his client and the client's advisers, and questions proposed by foreign counsel may be put through the advocates enrolled in India, the examination remaining throughout under the control of the learned Judge.

(i) Conclusion

124. In the light of the foregoing discussion, Point No.(iii) is answered as follows: (a) The witnesses cannot refuse to give evidence on the ground that they are strangers to the proceedings in California. They shall be summoned and examined in accordance with Indian law, and the clauses of the Stipulated Order providing for sanctions shall have no operation in India. (b) The witnesses retain every privilege available under Indian law, and objections shall be dealt with as directed in paragraph 119. (c) The individual tax returns of the witnesses shall not be called for. (d) Questions on the ownership of shares and the consideration paid for them are permitted within the numbered topics, but nothing in the evidence or in this order shall constitute a finding that any transaction is benami. (e) The examination and cross-examination of the witnesses shall be conducted only by advocates enrolled in India. Foreign

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counsel and the parties may attend, in person or by video link, and may advise, and questions proposed by foreign counsel may be put through the advocates enrolled in India.

Point No.(iv):

(a) The contentions recapitulated

125. The rival contentions on this Point have been noticed in detail earlier and need only be briefly recapitulated. The respondents contend that the Letter of Request is, in substance, a request for pre-trial discovery, which stands excluded by the declaration made by India under Article 23 of the Convention, and that the topics for examination and the documents called for are wide and omnibus. Respondents 2 and 3 contend that this Court is not empowered to compel the production of documents at all, since Rule 16 of Order XXVI CPC, which enables a Commissioner to call for documents, is not one of the Rules made applicable by Rule 22. Per contra, the applicant wife submits that "pre-trial discovery" refers to the stage at which evidence is used, not when it is collected. In California, once commenced, trial proceeds day to day without ordinary interruption for witness examination, and the witnesses, residing in India, cannot attend. Their depositions are, therefore, recorded in advance as a substitute for their appearance, which, the applicant wife contends, is testimony preservation, not pre-trial discovery. She relies on paragraph 14 of the Stipulated Order, on Section 2025.620 of the California Code of Civil Procedure, which permits such depositions to be used as though the deponent were then present and testifying, and on **Chavez v. Zapata Ocean Resources Inc., (1984) 155 Cal.App.3d 115**. She further submits that it is only the first respondent husband who could have objected to the evidence sought, and that he has himself sought a Letter of Request for the examination of respondents 2 to 4; and that a matrimonial proceeding, in which the very extent of the

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community property is in dispute, warrants a flexible approach.

(b) ***India's declaration under Article 23***

126. The principal objection of the respondents is that the Letter of Request seeks pre-trial discovery, which India has declared it will not execute. Article 23 of the Convention reads thus:

> *"A Contracting State may at the time of signature, ratification or accession, declare that it will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries."*

In exercise of the option under that Article, India has made the following declaration, as published by the Hague Conference on Private International Law:

> *"The Republic of India will not execute Letters of Request issued in pursuance of Article 23 of the Convention for the purpose of obtaining pre-trial discovery of documents, which requires a person to produce any documents other than particular documents specified in the Letter of Request, which are likely to be in his possession, custody or power."*

A plain reading of the declaration discloses three features. Firstly, it is confined to documents; it is silent as to oral evidence. Secondly, it does not decline a Letter issued before trial in its entirety; it declines only to require a person to produce any documents other than particular documents specified in the Letter of Request. Thirdly, the declaration itself furnishes the test to be applied to every document called for. The document must be "particular", that is to say, an individual document, and not a class of documents described by reference to their subject-matter; it must be specified in the Letter, so that the witness is

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apprised from the Letter itself of what he is required to produce; and it must be likely to be in his possession, custody or power. A demand for all communications relating to a transaction describes a class, for it would compel the witness to search through his papers and to judge for himself which of them fall within the subject. On the other hand, a demand for the capitalisation tables or the audited accounts of a named company is a demand for particular documents, even if it spans several years. The declaration draws no distinction between one kind of civil proceeding and another, and the length of a schedule does not cure a request which is otherwise impermissible. Each document called for must, therefore, be tested individually.

(c) The role of the High Court under Order XXVI Rule 19:

127. The duty of the High Court upon receipt of a Letter of Request is delineated in Order XXVI Rule 19(1) CPC, which reads thus:

> *"19. Cases in which High Court may issue commission to examine witness.—*
> *(1) If a High Court is satisfied—*
> *(a) that a foreign court situated in a foreign country wishes to obtain the evidence of a witness in any proceeding before it,*
> *(b) that the proceeding is of a civil nature, and*
> *(c) that the witness is residing within the limits of the High Court's appellate jurisdiction, it may, subject to the provisions of rule 20, issue a commission for the examination of such witness."*

The Rule provides that the High Court may, subject to the provisions of Rule 20, issue a commission only if it is satisfied of the matters enumerated therein. The satisfaction contemplated is that of the High Court itself, and the use of the word may vest in it the discretion to decide whether a commission ought to

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issue at all and, if so, for what purpose. The High Court is, therefore, not a mere conduit for transmitting the Letter. It must scrutinise the Letter, item by item, and determine the extent to which it can be executed consistently with the law of this country and the limits India has accepted under the Convention. That determination cannot be left to the Court which will subsequently record the evidence. Such scrutiny, however, does not extend to an inquiry into relevance. Rule 19(1) requires only that a foreign Court wishes to obtain the evidence of a witness in a civil proceeding pending before it, and Article 3(c) requires the Letter to state the nature of the proceedings for which the evidence is required, which the present Letter does. Questions of relevance and admissibility are for the requesting Court. The applicant wife contends that the California Court has found a prima facie need for the evidence, whereas respondents 6 and 8 to 10 contend that the Stipulated Order was passed by consent and expressly records that no findings were made. It is unnecessary for this Court to resolve that controversy. This Court is concerned only with whether the law of this country permits it to compel compliance with each demand, and the absence of any pleading against the witnesses is, therefore, of no consequence.

(d) The conditions in Rule 19(1), and the stage of the foreign proceeding:

128. The first question is whether the conditions in Rule 19(1) are satisfied, namely, that a foreign Court wishes to obtain the evidence of a witness in any proceeding before it, that the proceeding is of a civil nature, and that the witness resides within the limits of the appellate jurisdiction of the High Court. Article 1 of the Convention is to the same effect, and contemplates a Letter for evidence intended for use in judicial proceedings, commenced or contemplated. Neither provision makes the commencement of trial in the foreign Court a condition. The stage of the foreign proceeding is not, by itself, a ground for declining to execute a Letter. For the same reason, the objection of respondents 8 to 10 that documents may be summoned from a witness under Order XVI Rule 5 CPC

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only after issues are framed under Order XIV, and the objection of respondents 2 and 3 that Order XI permits only limited discovery before trial and that Order XXVI is intended only for recording the trial evidence of a witness unable to attend, are misconceived. Those provisions regulate the successive stages of a suit before an Indian Court. A commission under Rule 19 is issued in aid of a proceeding pending before a foreign Court, and the provisions of the Code apply to it only to the extent made applicable by Rules 19 to 22. The only limitation on what may be demanded before the foreign trial is that which India has itself declared under Article 23. Equally, the contention of the applicant wife that, once the three conditions in Rule 19(1) are satisfied, this Court is bound to act and can inquire no further, cannot be countenanced. Rule 19(1) employs the word "may", and the Division Bench in **Softgel** requires the Letter to be examined also under Articles 3, 12 and 23 of the Convention. The three conditions are, therefore, necessary, but not by themselves sufficient.

(e) What the Letter must state: Article 3

129. The next question is what exactly the Letter seeks. Article 3 of the Convention reads thus:

> *"A Letter of Request shall specify –*
> *a) the authority requesting its execution and the authority requested to execute it, if known to the requesting authority;*
> *b) the names and addresses of the parties to the proceedings and their representatives, if any;*
> *c) the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto;*
> *d) the evidence to be obtained or other judicial act to be performed.*
> *Where appropriate, the Letter shall specify, inter alia –*

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e) the names and addresses of the persons to be examined;

f) the questions to be put to the persons to be examined or a statement of the subject-matter about which they are to be examined;

g) the documents or other property, real or personal, to be inspected;

h) any requirement that the evidence is to be given on oath or affirmation, and any special form to be used;

i) any special method or procedure to be followed under Article 9.

A Letter may also mention any information necessary for the application of Article 11.

No legalisation or other like formality may be required."

Insofar as oral evidence is concerned, Article 3(f) requires either the questions to be put or a statement of the subject-matter about which they are to be examined. A statement of the subject-matter suffices, but the examination must then be confined to it, and words which leave the subject-matter open-ended travel beyond what the Article permits. Insofar as documents are concerned, Article 3(g) requires them to be stated in the Letter itself. It follows that this Court can execute the Letter only to the extent of the topics and the documents stated in it.

(f) The power to require documents: Order XXVI Rules 17 and 22

130. The next question is which documents a witness may be required to produce. Order XXVI Rule 17(1) CPC reads thus:

"17. Attendance and examination of witnesses before Commissioner.—(1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and

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to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Order whether the commission in execution of which they are so required has been issued by a Court situate within or by a Court situate beyond the limits of India, and for the purposes of this rule the Commissioner shall be deemed to be a Civil Court: Provided that when the Commissioner is not a Judge of a Civil Court, he shall not be competent to impose penalties; but such penalties may be imposed on the application of such Commissioner by the Court by which the commission was issued."

Order XXVI Rule 22 CPC reads thus:

> *"22. Issue, execution and return of commissions, and transmission of evidence to foreign Court.—The provisions of rules 6, 15, 16A(1), 17, 18 and 18B of this Order in so far as they are applicable shall apply to the issue, execution and return of such commissions, and when any such commission has been duly executed it shall be returned, together with the evidence taken under it, to the High Court, which shall forward it to the Central Government, along with the letter of request, for transmission to the foreign Court."*

Rule 22 applies Rule 17 to a commission issued at the request of a foreign Court, and Rule 17(1) expressly covers persons required to produce documents under such a commission. The power to make a witness produce documents is therefore given by the Code itself. Respondents 2 and 3 point out that Rule 22 does not apply Rule 16. But Rule 16 gives a Commissioner powers of his own,

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including the power to call for documents of his choice. Leaving it out only keeps the Commissioner within the request; it does not take away the power under Rule 17(1) to make a witness produce the documents which the Commission directs. **In Aventis Pharmaceuticals Inc. v. Dr Reddy's Laboratories Inc., 2008 SCC OnLine AP 729**, the Court suggested amending the Code for clarity to encompass not only oral evidence but also documentary evidence, but it still directed the production of the specified documents. This power is, however, limited by India's declaration, and only particular documents can be called for.

(g) The decisions cited

(i) Softgel

131. The decision of the Division Bench of this Court in **Softgel Healthcare Pvt. Ltd. v. Pfizer Inc., 2025 SCC OnLine Mad 11020,** is binding on this Court. In that case, Pfizer had instituted a suit before the United States District Court, Delaware, against two companies for infringement of its patent for a drug. Those companies stated that the drug was manufactured in India by **Softgel**, which was not a party to the suit, and the Delaware Court issued Letters Rogatory for documents and testimony from **Softgel**. Every document called for was framed as "All documents … that refer or relate to" a subject. The Division Bench held that India's declaration "mandates the Courts careful scrutiny to the Letters Rogatory received for execution and orders cannot be passed as a matter of routine"; that domestic law permits a request for documents to be honoured, subject to Articles 11 and 12, Article 23 and the notification issued by the Government of India; that, differing from **Upaid**, the Court must be satisfied not only of the three conditions in Rule 19 but also that the recording of evidence does not prejudice the sovereignty of the country; and that the request before it was vague under Article 3, was "undoubtedly an attempt to collect pre-trial

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documents", and was barred by the declaration. This Court has followed each of those principles, by scrutinising the Letter item by item and declining every demand for a class of documents. It is true that the Division Bench declined the request for oral testimony as well. That conclusion, however, rested on the peculiar facts of that case. The witness was a manufacturer which was neither a party to the foreign suit nor connected with the trade of Pfizer; the application of Pfizer for a patent in India for the same drug had been rejected and its appeal was pending; the disputes in the two countries were "factually inter linked"; and the disclosure sought posed a threat to the witness's own registered Indian patent. None of those features is present in the case on hand. The Division Bench did not hold that India's declaration bars oral evidence; paragraph 34 of the judgment speaks only of "pre-trial discovery of documents". Nor was the Division Bench called upon to decide the fate of a Letter which is particular in part, since no part of the request before it was particular. That question stands answered by Articles 12 and 13.

(ii) Rio Tinto and Byju's Alpha

132. The respondents also place reliance on **Rio Tinto Zinc Corporation v. Westinghouse Electric Corporation, [1978] AC 547: [1978] 1 All ER 434 (HL), and Re Byju's Alpha Inc. (Letter of Request), [2025] EWHC 271 (KB).** Both decisions arose under the Evidence (Proceedings in Other Jurisdictions) Act, 1975 of the United Kingdom, Section 2(4)(b) of which employs the same words as India's declaration. In **Byju's Alpha**, a company prosecuting a claim before a bankruptcy court in Delaware for the recovery of USD 533 million obtained a Letter of Request for documents and testimony from an English company and two of its officers. The High Court of Justice, King's Bench Division, set aside the order giving effect to that Letter. As regards documents, it held that a description must be "sufficiently certain so that the recipient of the request knows the particular document or documents they

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need to bring with them", and that a demand for "all documents and communications" relating to a subject describes a class. It explained that **Charman v. Charman, [2005] EWCA Civ 1606**, on which the applicant wife relies, concerns documents which are clearly described but may not exist, and does not permit documents described by category. It further held that a Court may strike out parts of a Letter but may not rewrite it. This Court has applied the very same test. **Byju's Alpha** also set aside the order for oral testimony, on the finding that the request was, in substance, an exercise in gathering information about dealings not pleaded in the Delaware proceedings, so as to enable the applicant to decide whether to proceed against the witnesses themselves; such a request fell outside Section 2(3) of the 1975 Act, which confines assistance to evidence for trial, and was oppressive. The present Letter stands on a different footing. Its numbered topics relate to transactions already in issue before the California Court, and the oral examination is confined to them. The decision also recognises that a Court may look broadly at a Letter signed without contest in terms drafted by one side. This Court has gone further, and has examined every topic and every document.

(iii) The other decisions

133. In **Upaid Systems Ltd. v. Satyam Computer Services Ltd., 2009 SCC OnLine Del 2006,** the Delhi High Court held that "evidence" in Rule 19 includes documentary evidence. That view is followed. The Delhi High Court also held the declaration to be irrelevant and declined to insist upon specificity; the Division Bench in **Softgel** has taken a different view, and those paragraphs are not followed. In **Aventis Pharmaceuticals Inc. v. Dr. Reddy's Laboratories Inc., 2008 SCC OnLine AP 729**, the Andhra Pradesh High Court directed the production of the specified documents and samples "and nothing beyond thereto". **Aventis Pharmaceuticals Inc. v. Barr Laboratories Inc., 2009 SCC OnLine P&H 6167, and Pfizer Inc. v. Unimark Remedies Ltd.,**

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2016 SCC OnLine Bom 8599, executed requests which were specific and largely uncontested, as rightly pointed out by respondents 2 and 3. These decisions are consistent with the view taken above, and are followed to that extent. **Wooster Products Inc. v. Magna Tek Inc., 1988 SCC OnLine Del 116,** and In re **Kirit Kumar Pathak, 2006 SCC OnLine Mad 804,** were rendered before India acceded to the Convention on 07.02.2007. They are followed on the proposition that relevance is a matter for the requesting Court, which **Softgel** and Pfizer Inc. v. Teena Biolabs Pvt. Ltd. (Telangana High Court, O.P.No.3 of 2024) also accept. That does not, however, mean that a witness cannot object to a demand which the law of this country does not permit; the Division Bench in **Softgel** recognised the right of the witness to refuse. In L & M Healthcare Communications LLC v. Rediffusion Solutions Pvt. Ltd. (Bombay High Court, M.P.(L) No.3043 of 2023) and **Broadcom Inc. v. TexasLDPC Inc., 2023 SCC OnLine AP 4023,** India's declaration does not appear to have been considered, and those decisions do not assist on the question of documents. In **Wacom Co. Ltd. v. Cirel Systems Pvt. Ltd., 2026 SCC OnLine Kar 484,** the objection that the request amounted to pre-trial discovery was rejected on the ground that the documents were set out in detail. That reasoning, however, rests on the decision of the learned single Judge in **Softgel**, which has since been set aside by the Division Bench, and this Court, with respect, is unable to follow it on that point.

134. Respondents 8 to 10 place reliance on **Silor Associates SA v. Bharat Heavy Electricals Ltd., 2014:DHC:2995.** That decision did not concern a Letter of Request. An arbitral tribunal, under the impression that it lacked the power to direct a party to produce documents, applied to the Delhi High Court for assistance under Section 27 of the Arbitration and Conciliation Act, 1996. The Delhi High Court held that it is not bound to act upon such a request "mechanically" where the request proceeds on an erroneous premise in law, and

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that the tribunal itself possessed the power. The principle that a Court acting upon the request of another authority must nonetheless apply its own mind accords with the word "may" in Rule 19(1), and has been applied in the present case. The remaining decisions relied on by the respondents, namely, **Gulf Oil Corporation v. Gulf Canada Ltd., 1980 SCC OnLine Can SC 25;** Seoul Semiconductor Co. Ltd. v. Nichia Corporation (U.S. District Court, Case No.9:07-cv-00273-RC, 20.11.2008); **Intel Corporation v. Advanced Micro Devices Inc., 542 U.S. 241 (2004); Societe Nationale Industrielle Aerospatiale v. United States District Court, 482 U.S. 522 (1987);** In the matter of **CF Industries Sales LLC, [2026] QSC 17; and Bhagwandas Parashram v. Burjorji Ruttonji Bomonji, (1912) 14 Bom LR 561**, are cited for the propositions that a Letter of Request is not to be executed mechanically and that requests in the nature of a fishing inquiry are to be refused. Those propositions are precisely what the Code and the Convention, read together, require, and they have been applied in the present case.

(h) Grounds of refusal and partial execution: Articles 12 and 13

135. Article 12 of the Convention reads thus:

> *"The execution of a Letter of Request may be refused only to the extent that –*
>
> *a) in the State of execution the execution of the Letter does not fall within the functions of the judiciary; or*
>
> *b) the State addressed considers that its sovereignty or security would be prejudiced thereby.*
>
> *Execution may not be refused solely on the ground that under its internal law the State of execution claims exclusive jurisdiction over the subject-matter of the action or that its*

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internal law would not admit a right of action on it."

Execution may, therefore, be refused only on two grounds, namely, that it does not fall within the functions of the judiciary, or that it would prejudice the sovereignty or security of India. Execution cannot be refused merely because the law of this country would not admit a similar action. Apart from these grounds, an individual demand may be declined only to the extent that it does not conform to Article 3 or falls within the declaration made by India under Article 23.

136. Article 13 of the Convention reads thus:

> *"The documents establishing the execution of the Letter of Request shall be sent by the requested authority to the requesting authority by the same channel which was used by the latter.*
>
> *In every instance where the Letter is not executed in whole or in part, the requesting authority shall be informed immediately through the same channel and advised of the reasons."*

Article 13 contemplates a Letter which is not executed in whole or in part, and requires the requesting authority to be advised of the reasons. It follows that a Letter which is good in part must be executed in part. In so doing, the High Court may strike out words which travel beyond what the law permits and decline demands which the law does not permit. It cannot, however, rewrite the Letter or add to it, and the requesting Court must be informed of what has not been executed and why.

(i) The oral evidence and the documents sought from respondents 2 to 10

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137. Applying these principles, the conditions in Rule 19(1) are satisfied: the Letter comes from a foreign Court, the proceeding for dissolution of marriage and division of property is civil in nature, and the witnesses reside within the appellate jurisdiction of this Court. That California treats a deposition as discovery makes no difference, since what can be executed in India depends on India's declaration, not on Californian law.

138. As regards the oral evidence, no question shall be put outside the numbered topics. So confined, the topics relate to the transactions in issue, namely, the Transition Services Agreement of 2010, the transfer of intellectual property in 2011, the formation and shareholding of ZCPL, the removal of the applicant wife from the boards, the 2024 Transaction and the change of Chief Executive in January 2025. Whether a particular question relates to the acts of others or to the contents of documents is a matter of admissibility, which falls within the domain of the California Court.

139. The documents called for from respondents 2 to 9 fall to be dealt with as follows. Every item framed as "communications between the witness and any other person" relating to a subject describes a class, and is declined. So also are the items calling for "proof of any payments" for shares and "documents related to any pricing or valuation" of ZCPL or its shares. They do not identify any document; they describe documents by reference to their subject-matter, and leave it to the witness to search through his papers and judge which of them evidence a payment or relate to a valuation. For the same reason, item 5 of Jai Anand, which calls for valuation reports relating to several companies and assets, and his items 18 and 19, which call for "any documents related to" personal expenses, loans and the use of company assets, are declined. His item 14, the general ledgers of four companies from 2009, is likewise declined. A ledger is the entire book of account of a company, and it is sought not as a particular document but in order that fifteen years of transactions may be

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searched for the information described in items 18 and 19. Accordingly, items 1 to 8 and 10 of Radha Vembu, items 1 to 11 of Rajendran Dandapani, items 1 to 12, 14, 18 and 19 of Jai Anand, items 1 to 8 of Sekar Vembu, items 1 to 6 of Manikandan Vembu, items 1 to 7 of Kumar Vembu, items 1 to 7 of Shailesh Kumar Davey and items 1 to 6 of Rajesh Ganesan are declined. The items calling for individual tax returns, and those relating to "Benami", namely, items 9 and 11 of Radha Vembu, items 12 and 13 of Rajendran Dandapani, items 20 and 21 of Jai Anand, items 9 and 10 of Sekar Vembu, items 7 and 8 of Manikandan Vembu, items 8 and 9 of Kumar Vembu and of Shailesh Kumar Davey, and items 7 and 8 of Rajesh Ganesan, are dealt with under Point No.(iv).

140. Of the documents called for from respondents 2 to 9, only the following items of Jai Anand answer the description of particular documents, and they shall be produced to the extent that they exist and are in his possession, custody or power, and subject to any valid claim of privilege: item 13, the invoices of Fenwick & West LLP for the entities named therein, excluding the words "and any other Zoho-related entities"; item 15, the existing capitalisation tables of the four companies named; item 16, the corporate tax returns as filed by those companies, excluding working papers, correspondence and tax advice; and item 17, the executed distribution agreements between ZCPL and the counterparties named therein, excluding any other entity. Respondents 2, 3 and 5 to 9 are not required to produce any document, and shall give oral evidence only.

141. Of the forty-three items called for from ZCPL, the following answer the description of particular documents, or are confined to the particular documents named therein, and shall be produced: items 1 and 2 (minutes and resolutions), confined to the meetings at which the 2011 transfer, any allotment or transfer of shares, the 2024 Transaction or the change of Chief Executive in January 2025 was considered; items 5 (audited financial statements), 7 (confined to income-tax returns), 8 (distribution agreements with the entities named), 10 (orders of

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the Indian tax authorities against ZCPL), 11 (confined to statutory filings relating to the 2011 transfer and the 2024 Transaction), 12 (proof of payment for the 2011 transfer and for transfers of shares), 15 (confined to legal fees paid by ZCPL in the dissolution proceedings), 18 (capitalisation tables), 25 (organisational charts), 26 (confined to shareholder agreements), 28 (incentive plans with equity components), 31 (valuation reports by third parties), 33 to 35 (the retainer, invoices and proof of payment of PricewaterhouseCoopers) and 43, excluding the general ledgers.

142. The remaining twenty-five items of ZCPL, namely, items 3, 4, 6, 9, 13, 14, 16, 17, 19 to 24, 27, 29, 30, 32 and 36 to 42, either describe documents by reference to their subject-matter or call for the entirety of the books, plans, presentations and correspondence of the company, and are accordingly declined. Documents which are publicly available need not be produced. The subject matter of all declined items, and of the witnesses, remains open to oral examination within the numbered topics. Accordingly, for convenience, the documents directed to be produced and those declined are set out, witness-wise, in the Table below.

S.No.	Witness	Items directed to be produced	Items declined	Items dealt with under Point No. (iv) (individual tax returns; "Benami")
1	Radha Vembu (2nd respondent)	Nil	1 to 8 and 10	9 and 11
2	Rajendran Dandapani (3rd respondent)	Nil	1 to 11	12 and 13
3	Jai Anand (4th respondent)	13, 15, 16 and 17, subject to the restrictions in	1 to 12, 14, 18 and 19	20 and 21

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		paragraph 140		
4	Sekar Vembu (5th respondent)	Nil	1 to 8	9 and 10
5	Manikandan Vembu (6th respondent)	Nil	1 to 6	7 and 8
6	Kumar Vembu (7th respondent)	Nil	1 to 7	8 and 9
7	Shailesh Kumar Davey (8th respondent)	Nil	1 to 7	8 and 9
8	Rajesh Ganesan (9th respondent)	Nil	1 to 6	7 and 8
9	ZCPL (10th respondent)	1, 2, 5, 7, 8, 10, 11, 12, 15, 18, 25, 26, 28, 31, 33, 34, 35 and 43, as confined in paragraph 141	3, 4, 6, 9, 13, 14, 16, 17, 19 to 24, 27, 29, 30, 32 and 36 to 42	Not applicable

(j) Sovereignty and reciprocity

143. No ground for refusal under Article 12 is made out. The issue of a commission is a judicial function in this country, and the first ground does not, therefore, arise. As regards the second, the mere fact that evidence is sought from persons in India concerning an Indian company cannot, by itself, prejudice India's sovereignty or security; otherwise, no Letter of Request could ever be executed. The evidence sought in the present case concerns the ownership of shares within a family, for the purpose of the division of matrimonial property. An Indian Court will record it within the limits fixed by this order, with privilege, privacy, and the bar under the benami law preserved under Point No. (iii), and the demands excluded by Article 3 and by the declaration have been declined. Article 12 does not make execution dependent upon reciprocity, and its second paragraph precludes refusal merely on the ground that the law of this country would not admit a similar action.

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(k) Conclusion

144. In the light of the foregoing discussion, Point No.(iv) is answered as follows: (a) No ground for refusing execution under Article 12 of the Convention is made out. (b) The Letter of Request is executed in part, under Order XXVI Rule 19 CPC read with Articles 1, 3, 12, 13 and 23 of the Convention. (c) Each of respondents 2 to 9 shall be examined orally only on the numbered topics listed against that respondent in the Letter, and no question shall be put on any matter outside those topics. (d) Only the fourth respondent and ZCPL shall produce documents, and only those directed in paragraphs 140 and 141 and shown in the Table in paragraph 142, to the extent that they are in their possession, custody or power. No other document shall be required of them, and respondents 2, 3 and 5 to 9 shall give oral evidence only.

Point No (v)

(a) The rival contentions recapitulated:

145. The applicant wife seeks the appointment of a single Commissioner, being either a Senior Advocate or a retired Judge, to examine all the witnesses, invoking Section 151 CPC, with facilities for stenographic and audio-visual recording through Optima Juris. In A.No.535 of 2026, she also seeks the direct transmission of the evidence to the California Court. The respondents contend that Order XXVI Rule 21 CPC requires the commission to be issued to the Court within whose territorial jurisdiction each witness resides; that an examination extending to seven hours would be oppressive; and that the evidence must be transmitted through this Court and the Central Government. The first respondent husband seeks the examination of respondents 2, 3 and 4 under his own Letter of Request, received by this Court through the Ministry of Law and Justice. Respondents 2 and 3 object to being examined twice under two separate Letters of Request.

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(b) The provisions of law

146. The relevant provisions are Rules 20 to 22 of Order XXVI CPC and Article 13 of the Convention. Rule 20 provides for the issue of a commission under Rule 19 upon an application by a party to the proceeding before the foreign Court or by a law officer of the State Government. Under Rule 21, the residence of the witness determines the authority to which the commission may be issued. Rule 22 requires the commission, when duly executed, to be returned together with the evidence taken under it to the High Court, which shall forward it to the Central Government, along with the Letter of Request, for transmission to the foreign Court. Article 13 of the Convention likewise requires the documents establishing the execution of the Letter to be returned through the same channel, and, where the Letter is not executed in whole or in part, requires the requesting authority to be informed of the reasons.

(c) Authority to execute the Commission

147. In the cause titles of these applications, more than one address is furnished for several of the witnesses, without distinguishing the residential address from the office address. For the purpose of these applications, the first address furnished for each witness is treated as the residential address. On that basis, respondents 2, 3, 4 and 7 to 10 reside at Guduvanchery and the fifth respondent resides at East Tambaram, both within Chengalpattu District and outside the ordinary original civil jurisdiction of this Court. In respect of those witnesses, the commission must be issued to a competent Court within whose jurisdiction they reside. The first address of the sixth respondent is at Gopalapuram, Chennai, within the ordinary original civil jurisdiction of this Court, and in respect of him Rule 21 permits the commission to be issued to any person whom this Court considers fit. The prayer for the appointment of a single private Commissioner to examine all the witnesses cannot, therefore, be granted

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in the manner sought.

148. Having regard to the matrimonial character of the proceeding before the California Court, and in order to facilitate the orderly recording of evidence, the marking of documents and the reference to exhibits in the course of the examination, it is desirable that the evidence of all the witnesses be recorded by one judicial authority, so far as the requirements of Rule 21 permit. Accordingly, the learned Judge, Family Court, Chengalpattu, is nominated to execute the commission in respect of respondents 2 to 5 and 7 to 10.

149. As regards the sixth respondent, who resides within the ordinary original civil jurisdiction of this Court, Order XXVI Rule 21 CPC uses the expression "may", indicating the discretionary nature of the provision. In the present circumstances, recording his evidence before the same judicial authority would ensure uniformity and facilitate effective execution of the commission, without causing prejudice to any party and avoiding unnecessary delay. Accordingly, in exercise of the inherent powers of this Court under Rule 21 CPC, the learned Judge, Family Court, Chengalpattu, is also appointed to execute the commission in respect of the sixth respondent.

(d) The Letter of Request of the first respondent husband

150. The Letter of Request obtained by the first respondent husband from the same California Court was received by this Court through the Ministry of Law and Justice under Order XXVI Rule 19 (2) (b) CPC, registered as ROC.No.4122/2026/F2, and forwarded on the administrative side, by Official Memorandum dated 11.02.2026, to the Principal Judge, City Civil Court, Chennai, in respect of the fourth respondent, and to the Court at Chengalpattu in respect of respondents 2 and 3. They have challenged the summons issued on it in Crl.O.P.No.11205 of 2026. No judicial order was passed thereon. However the issue of a commission under Rule 19 is a judicial function to be exercised

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upon an application under Order XXVI Rule 20 of the CPC. It is neither necessary nor appropriate in these proceedings to decide the validity of the administrative action or the summons under challenge. Those questions are left open for consideration in the pending proceedings. The Letter of Request obtained by the applicant wife also covers the witnesses named in the earlier Letter of Request obtained by the first respondent husband. Their examination pursuant to the present order may, therefore, proceed, subject to any subsisting order in the pending proceedings. The effect of such examination upon the necessity for any further examination under the earlier Letter of Request is left to the competent Court.

(e) Terms of execution:

151. As regards duration, the Letter of Request states that the depositions "will continue for no longer than seven hours of total testimony, or as otherwise provided" under Section 2025.290 of the California Code of Civil Procedure. This stipulation does not require every witness to be examined for seven hours. Subject to the terms of the Letter of Request, the learned Judge shall regulate the duration and manner of examination in accordance with the applicable Indian procedure, permitting reasonable breaks and preventing unnecessary repetition or oppressive questioning.

152. The Registry shall transmit to the learned Judge, Family Court, Chengalpattu, the duly indexed papers relating to the applicant wife's Letter of Request, together with a copy of this order, for execution of the commission in respect of the witnesses entrusted to that Court under paragraph 148.

153. The commission shall be executed subject to the following directions:

(i) The witnesses shall be summoned in accordance with Order XVI read with Order XXVI Rule 17 CPC. The subpoenas issued by the California Court shall

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not themselves be enforced as summons of an Indian Court.

(ii) The depositions and exhibits shall bear appropriate reference to Case No.HF21107980 pending before the Superior Court of California, County of Alameda, and to the present commission proceedings.

(iii) The learned Judge shall examine the witnesses covered by the applicant wife's Letter of Request i.e Respondents 2 to 10 whose examination is entrusted to that Court under this order.

(iv) Examination and cross-examination shall be conducted only by advocates enrolled in India. The parties and their foreign representatives may attend in person or through a secure video link, subject to the directions of the learned Judge. Foreign counsel may advise the parties and communicate proposed questions through Indian counsel.

(v) The evidence shall be recorded in English in accordance with the Code of Civil Procedure, 1908, and the applicable Indian law of evidence. Documents shall be received and marked in accordance with the applicable Indian law and procedure.

(vi) Stenographic and audio-visual recording through Optima Juris or a similar service provider may be permitted at the expense of the parties, subject to the supervision and directions of the learned Judge.

(vii) The examination shall remain within the scope of the proceeding and the Letter of Request. Production of the documents referred to in paragraphs 140 and 141 shall be required and dealt with in accordance with the applicable Indian law.

(viii) Any objection to a question, production of a document or marking of an exhibit on the ground of privilege or confidentiality shall be recorded and

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decided in accordance with the applicable Indian law.

(ix) Objections relating to relevance or admissibility shall be recorded and dealt with in accordance with the applicable Indian procedure.

(x) The documents of ZCPL and the corporate tax returns produced by the fourth respondent shall be maintained in a sealed cover and transmitted only as part of the commission record.

(xi) Upon completion, the depositions, exhibits and recordings shall be duly authenticated, securely sealed and returned to the Registry of this Court for onward transmission to the Central Government and, thereafter, to the California Court. Direct transmission to the California Court is declined.

(xii) The learned Judge shall endeavour to complete the exercise within two months from the date of receipt of the complete records.

154. In the result, A.Nos.2497 to 2499 of 2026 are allowed. A.Nos.1864 to 1881 of 2026 are dismissed. A.Nos.533 and 534 and A Nos 535 of 2026 are partly allowed as per the directions above in para 153. The stay order dated 11.03.2026 is vacated insofar as the applicant wife's request is concerned. There shall be no order as to costs.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE J.

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PRE-DELIVERY ORDER IN
A.Nos.533 to 535 of 2026
and
A.Nos.1864 to 1881 and 2497 to 2499 of 2026

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