In the Court of the Civil Judge, S. D. Pune

Regular Civil Suit No. of 2013

1. **Osho Friends Foundation**
   Through its Managing Trustee
   Mr. Yogesh Thakkar, aka Swami Premgeet
   Having its office at 1, Anand Park,
   368-A, Near Suyojana Society, Koregaon Park
   Pune 411001

2- **Mr. Yogesh Thakkar aka Swami Premgeet**
   Age: Adult, Occupation: Business
   Residing At: 1, Anand Park,
   368-A, Near Suyojana Society,
   Koregaon Park Pune 411001.

3- **Mr. Kishor Raval Alias Swami Prem Anadi**
   Age about Adult Occupation Business,
   residing at B-3/11,Mira Nagar Park Society,
   Koregaon Park Pune 41101 .....**PLAINTIFFS**

VERSUS

1- **Shri. Mukesh Sarda aka Swami Mukesh Bharti**
   Adult, Occupation Business,
   Resident of 50, Koregaon Park, Pune 1
   Email: mukesh@osho.net

2- **Mr. Philip Toelkes aka Prem Niren**
   Adult, Business Residing at 17 Koregaon Park
   Pune 411001 Email <toelkes1@gmail.com>

3- **Dr. John Andrews aka Amrito**
   Adult, Business, Resident of 17 Koregaon Park
   Pune 411001

-2-

4- **Michael Byrne aka Anand Jayesh**,
Resident of 17, Koregaon Park Pune 411001

5- Vidya Khubchandani aka Ma Vidya Bharti
Age Adult, Occupation Business

Resident of 17, Koregaon Park Pune 411 001

Email <vidya@osho.net>

6- Neo Sannyas Foundation
608, 6th floor Maker Chambers V

Nariman Point Mumbai 400021 AND

17, Koregaon Park Pune 411001 .....**DEFENDANTS**

Suit for Declaration and Injunction Value Rs.2,000/-

The Plaintiffs above named most respectfully submits as under –

1. That, Late Shri Osho formally known as Bhagwan Shree Rajneesh was born in India on 11th December 1931 and attained Mahaparinirvana (demise) on January 19, 1990 in His ashram at Koregaon Park, Pune. Osho is an enlightened master and also known as one of the most revolutionary thinker / philosopher of our time. He has millions of disciples and admirers around the world. Osho's Samadhi is situated in His ashram at Koregaon Park Pune, India.
2. The plaintiffs submit that at the time of His Mahaparinirvana, (demise) on 19 January, 1990, Osho left for His disciples and mankind a colossal legacy as:
    - Archive of 9,000 hours of audio discourses/ speeches in Hindi and English.
    - Video Discourses/ speeches of 1,870 hours.
    - Transcribed books in Hindi and English – 650 titles, which are now being translated in 65 languages around the world.

- Intellectual property rights (IPR), in digital or any other forms are made available to the mankind.
- Approximately 850 paintings made by Osho.
- One of the biggest private libraries in the world containing more than 80,000 books situated in His ashram at Koregaon Park, Pune
- His Signature arts, original archives, meditation music and therapies created under His direct guidance.
- The Osho Heritage / Legacy also include His Samadhi situated in His ashram at Koregaon Park, Pune 411001.

The Osho Legacy is recognized as great spiritual treasures of India.

For the sake of brevity hereinafter referred to as Osho Legacy.

3. The plaintiffs submit that this suit is filed against the Defendants for the Declaration and injunction in respect of the forged Will of Osho, claimed to be executed on 15th October 1989 at Pune. The cause & action arises when, This forged will is produced by defendants # 1, 2, 3 and 4 in June 2013. This forged will is enclosed to this suit marked as **Exhibit - A**
4. The plaintiffs submit that the entire Legacy of Osho is in great danger in the hands of wrongful defendants. Osho Legacy not only benefits His present disciples but also it needs to be preserved for the future generations. Hence, a proper safe custody of Osho's Legacy has become absolute necessity. The plaintiffs submit that this Hon'ble Court shall appoint an administrator or receiver to safeguard Osho's Legacy till the pendency of this suit.
5. The Plaintiffs were duly informed and notified by the interested persons about the court proceedings in June 2013 in European Union (EU) whereby; the forged Will of Osho was for the first time was produced by the defendants # 1, 2, 3,

and 4. The said matter is on board at Office for Harmonizaion in the Internal Market, Avenida de Europa, 4, 03080 Alicante, Spain. The Witness Statements filed by defendant No. 2 in this respect is enclosed to this suit marked as **Exhibit - B**

6. The plaintiffs submit that in June 2013, after knowing production of the forged Will, thousands of Osho disciples who are spread in India and around the world are raising objections and inclined plaintiffs to save Osho's Heritage/ Legacy which has now fallen in the hands of wrong persons, who are defendants herein.
7. The plaintiffs are individuals in their personal capacity as well as on behalf of Osho Friends Foundation, a trust registered under provisions of Bombay Public Trust Act, 1950. This trust is an association of disciples of Osho, who are closely related to Osho, for more than 45 years as Osho's working persons such as, His secretaries, Ex- Secretaries, care takers, meditation camp leaders, therapists and Osho Meditation Centers. The plaintiffs are Ex- trustees and 'persons having substantial interests' in defendant trust # 6 herein Rajneesh Foundation (now known as Neo Sannyas Foundation) and Osho International Foundation, registered under the provisions of Bombay Public Trust Act 1950. In short, the plaintiffs herein are direct beneficiaries of Osho Legacy which Osho had entrusted in the said various Public Charitable Trusts.

8. The plaintiffs have filled Writ Petition No. 1346 of 2012 in the Hon'ble High Court of Bombay against the defendants (Except defendant 2), and their trusts. The said petition is filled in respect to the alienation of the property bearing plot # 3, admeasuring 5387 sq meters situated in Lane # 1, of Koregaon Park, Pune. This property valued at Rs.50 Crores held by the public trust was allegedly transferred by the defendants, by the way of free Gift to Darshan Turst, New Delhi. This is to note that this Darshan Trust in New Delhi is

held by the defendants only, which is situated outside the state of Maharashtra. The Hon'ble High Court has ruled the said petition by admitting the same and passed relief orders restricting defendants in further alienation of the said plot # 3, of Koregaon park, Pune. The orders passed by Hon'ble Bombay High Court is enclosed to this suit marked as **Exhibit - C**

9. The plaintiffs have filled another Writ Petition before Hon'ble Bombay High Court bearing # 5300/2013 exposing the alienation of funds and properties of the said trusts for more than Rs.303.39 Crores ($ 55 million) committed by defendants (Except defendant # 2).As per these two petitions various crimes are committed by defendants through Trusts and Private Companies known as Osho Multimedia and Resorts Pvt. Ltd. in India. It is evident that the foundation office bearers / trustees of Public Charitable Trusts and Directors of said private company are same persons. The foundation trustees are transferring funds, assets and benefits of Charitable Trusts in favour of Private Limited companies in their personal kitty. The plaintiff submits that this module is implemented by defendants in India and outside India especially in Switzerland, UK, US, Europe and Hongkong. This complicated, spider-net like networking is a vicious design of the defendants spread all over the world. Thus, the defendants are causing huge frauds in India as well as abroad. Whereas, due to continuous efforts by plaintiffs and their colleagues in India and abroad, the properties and funds of Osho Ashram Trusts are being protected to some extent. However, some permanent solution is required to safeguard Osho's legacy for future generations.

10. The plaintiffs have filed Application under section 41-E before the Hon'ble Charity Commissioner, Mumbai Region, against the defendants requesting Hon'ble Charity Commissioner to investigate alienation of the trust properties and funds committed by the defendants. The Hon'ble Joint

Charity Commissioner in the said applications bearing No. 4/ 2012 and 5/2012 has issued Ex-parte order against defendant # 3 and 4 who are foreign nationals for refusing to accept court notices. **Exhibit - D**

11. The plaintiffs are aggrieved and inclined to file this suit at the requests and perusal of Osho's disciples from around the world. Their support consents are received through emails and declarations. Hence, it has become extremely important to save Osho's legacy falling in to wrongful defendants # 1, 2, 3 and 4. Therefore, the plaintiffs have locus standi to file this Suit.

12. The plaintiffs submit that the forged Will of Osho is produced by Defendant # 1, 2, 3 and 4 in June 2013 for the first time in European Union court is an unprecedented document. The Osho Community had never heard of this will over 23 years since Osho's demise (Osho left His body on 19, January 1990 at, Shree Rajneesh Ashram, Osho commune, Pune). The Defendant Nos. 2 and 3 are foreigners and defendant no. 1, Mr. Mukesh Sarda is an NRI (US based Non Resident Indian).

13. The plaintiffs submit that the defendant no. 1, 3 and 4 are the office bearers of Osho International Foundation Zurich, Switzerland which is facing litigation in India as well as in other countries. The details of these cases are specified in para 7, 8, 9, 23, 24 and 25 herein. The list of defendants # 1, 3 and 4 working as Osho International Foundation, Zurich, Switzerland is enclosed to the memo of this suit marked as **Exhibit – E** The original turst deed being in German language is translated in English by official agency in Pune.

14. The plaintiffs submit that the defendant no. 1, 2, 3 and 4 have produced the said forged Will are members of Osho Foundation International Zurich, Switzerland. The defendant no. 4 is the president of this Charitable Foundation in

Switzerland. The defendant no. 1, Mr. Mukesh Sarda is a Trustee in Osho International Foundation Zurich, Switzerland as well as, he is managing trustee of Osho International Foundation and Neo Sannyas Foundation registered in the state of Maharashtra under Bombay Public Trust Act, 1950. The list of Trustees associated with various trusts and their holdings in private companies are enclosed to the memo of this suit marked as **Exhibit - F**

15. The plaintiffs submit that defendant # 5 is a trustee of defendant trust # 6 and director of Osho Multimedia and Resorts Pvt. Ltd. a company limited by shares registered under Indian companies act, 1952. The plaintiffs submit that this company is a special vehicle created to siphon funds and assets of the Public Trust in the kitty of trustees. **Exhibit – F-1**

16. The Plaintiffs submit that the forged Will as claimed by the defendant no. 1, 2, 3 and 4 that, it had been executed by late Shree Osho, in Poona (Pune) on 15th Oct. 1989. The Plaintiffs submits that the forth coming Para are evident to this Hon'ble court that the Will in question, is fabricated and designed to hijack, exploit, monopolise and commercialise Osho's Legacy in their personal kitty outside India.

17. The Plaintiffs submit that the forged Will is 'SUBSEQUENTLY' made by the defendant # 1,2,3 and 4 because the defendants are left with no alternatives after being defeated, in the courts in US and vulnerable in India and European Union. The non production of Osho's Will for 23 years, comprehensively proves that NO SUCH WILL or document ever existed. The forthcoming para along with judgments and orders issued by various courts in India and US shows that the defendants are in desperate need to establish their title in Osho's intellectual property rights by hook or crook.

18. The plaintiffs submit that the forged will is opened 23 years after Osho's demise. There is no mention for the safe custody of the Will during this period. The Will is

manufactured and opened subsequently, fitting exactly to cover the illegal holdings of OIF Zurich to hijack Osho Legacy.

19. The Plaintiffs submit that a public press conference was held by defendants on the next day of Osho's demise on 20th January 1990. The news published in Times Of India is evident whereby, defendant # 3 who claims to be a witness of the forged Will, have clearly said that Osho has not left any successors. Hence, after 23 years of Osho's demise defendants producing the forged will is simply bogus and criminal. The copy of Times of India is enclosed in the memo of this suit and marked as **Exhibit- G**

20. The Plaintiffs submit that at many instances Osho personally has said that-"He has no successors." Whereas, on various occasions defendants had admitted that the Inner Circle is successors of Osho. **Exhibit - H** The Inner Circle consented by Osho was having 21 persons on board, which is now effectively dissolved by defendant # 1, 2, 3 and 4. However, the members of the Inner Circle have never admitted or heard of any document as Will ever existed.

21. The Plaintiffs submit that, in addition to all the factors mentioned hereby, the Will produced by the defendant no. 1, 2, 3 and 4 is fake on various grounds such as;

a. The signature of Osho on the will is forged, as being artificially manufactured by defendants.
b. As per the admitted material facts, produced before various legal forums by defendants stating that, prior to execution of the Will in question, Osho had separated Himself perfectly, clearly and distinctively . "***From Worldly Activities"*** and "***Divested Himself from all Worldly Possessions"*** The declarations made by Osho and admitted by defendants are

enclosed with the memo of this suit marked as **Exhibit – I.** The plaintiffs submit that on this count alone the forged Will must to be set aside and be declared as null and void as; '*renunciation of all worldly possessions'* had already caused *'Civil Death'* of the testator prior to execution of the Will in question, hence, a question of Osho executing this Will in does not arise.

c. The plaintiffs submit that the content of Will admits assignment executed by Osho, prior to execution of Will in question.

The plaintiffs submit that since Osho had already assigned His rights then, in anyway, there was no ground for Him to make a Will. And opposite to this, in case the assignments are incomplete then the Executor of the Will defendant # 4, had neither produced the Will for 23 years after Osho's demise, nor had performed any obligation attached thereby. The plaintiffs submit as the forged Will is subsequently made, the executor was not in position to produce or perform his duties as executor. Hence, the forged Will needs to be set aside and be declared as is null and void.

d. The plaintiffs submit that the statements recorded on second page of the will reads as: *"Attestation: We, the undersigned have witnessed the signatures of Osho and Sw. Anand Jayesh and each other, to this document on October 15, 1989."*

Whereas:

i. *The true meaningful and lawful recording of Witnesses on Will must state that the "Testator has signed the document in presence of the Witnesses" or vice versa, "the witnesses have signed in presence of testator signing".* Whereas, on the document it is mentioned that *"the undersigned have witnessed the signatures of Osho*" Which is – they have not witnessed Osho signing the Will.

ii. The second page of forged Will does not have Osho's signatures validating the existence of second page on the Will on which all the defendants claimed to have signed as witnessed.

iii. The first page of the Will does not carry any footnote indicating that the Will has second page.

e. The plaintiffs submit that the forged Will claimed to have been drafted by an attorney Mr. Philip Tolkes (Prem Niren) defendant no. 2, practicing in Washington, USA. Whereas, the will in all its output is fake and wrong on various counts from the execution till implementations. Thus, defendants are causing sever civil and criminal crimes, in respect to properties held by public charitable trust in India. The Witness statements made by defendant # 2 is enclosed to the memo of this suit marked as (**Exhibit- B)**

f. The plaintiffs submit that the will has surfaced after more than 23 years of Osho's demise. And so called witnesses as recorded the 2nd page of forged Will were not present in the Osho Ashram at Koregaon Park, Pune, during the period of the forged Will. The defendants have fabricated the forged Will only with an intention to establish their title over Osho's properties to hijack and manipulated Osho's Legacy.

g. The plaintiffs submit that the defendants have used old stamp paper dated 16.6.1989, just to give a legal impression to an illegal document before the public and various forums outside India. The defendant's mischief in this respect is just to produce an appearance of some sort of validity to the forged Will.

The plaintiffs submit that the stamp paper is dated 16.6.1989 purchased from Bombay. It is used four months later on 15.10.1989 in Pune. Whereas, generally authentic documents over stamp papers are executed in few days or a week of buying a stamp paper, but definitely not after four months as it is in this case. This surely adds the chances of will subsequently made.

h. The plaintiffs submit that the forged Will is not stating proper identity of the testator. Osho's birth name is stated in this will as *"Chandra Mohan Jain"* whereas; His birth name is "Rajneesh Chandra Mohan". His passport name is "Bhagwan Shree Rajneesh". The name mentioned in the forged Will as '*Chandra Mohan Jain'* is not proper. Whereas, 'Jain' is not a name of a person, it is a surname (family name). There are no other legal documents i.e. bank account, property etc. evidencing His name as "Chandra Mohan Jain" as mentioned in the Will. This shows that some foreigners having no acquaintance with Hindu naming convention is messing around with the Will in question.

i. The plaintiffs submit that Osho has always signed documents on the Right side of the page which is at *'five o'clock position'*. Whereas Osho had never signed any document on *'Eight O'clock position'* which is on the left side of the first page as it on the forged Will. This clearly shows that positioning of Osho's signature is non- conventional.

22. The plaintiffs submit that a Declaration was made on 20th July 1978 by Bhagwan Shree Rajneesh. The copy of the Declaration dated 20th July 1978 is enclosed to the memo of this suit and is marked as **EXHIBIT- J**, As per the said Declaration dated 20.7.1978, Bhagwan Shree Rajneesh assigned ownership and delivered right, title and possession of his present and future work in favour of defendant no. 6

i.e. Rajneesh Foundation presently known as Neo Sannyas Foundation registered under Bombay Public Trust Act, 1950.

23. The Plaintiffs submits that on 1st April 1981, defendant no. 6 had made an assignment favouring one Chid Villas Rajneesh Meditation Centre situated in New Jersey USA. A Copy of this Assignment dated 1st April 1981 is enclosed to the memo of this suit marked as **EXHIBIT- K .** Notably the said Assignment Deed, dated 1st April 1981 is not signed by all the 'Nine Trustees' of Rajneesh Foundation at the time. A list of Trustees as on 1st April 1981 is attached to the memo of this petition and marked as **EXHIBIT- L.**

24. The plaintiffs submit that as stated above the transaction on 1st April 1981 executed by defendant# 6 Rajneesh Foundation, now renamed as Neo Sannyas Foundation is incorrect. The matters related to said assignments and its illegal transfer to US and presently resting at Switzerland is pending before Bombay High Court in the said Writ Petition bearing # 5300/2013. Hence, the defendants knowing consequences of their illegal assignments have cooked up the criminal plans fabricating forged Will of Osho.

25. The plaintiffs submit that defendant no. 1 and 5 are the trustees and trust Neo Sannyas Foundation (formally known as Rajneesh Foundation) registered under Bombay Public trust act 1950. The plaintiffs submit that the defendant # 6 trust is a beneficiary public trust of Osho's Intellectual Property Right (IP) as per the Declaration executed by Osho on 10.07.1978. However, the defendants # 1 and 5 and are deliberately ignoring its obligations to protect Osho's IPR and are purposefully engaged in alleged transfer of proprieties and funds of the public trust. Hence the said cases and applications are pending before the Bombay High Court and Office of the Hon'ble Charity Commissioner, Mumbai region as explained hereinabove.

26. The plaintiffs submit that after critical appeals and cases pursued by Plaintiffs' associated persons Osho Friends International, New Delhi India in USA. The National Arbitration Forum (NAF), US and United States Patent and Trademark Office (USPTO) investigated the matter. The USPTO have passed orders cancelling various trademark claimed by the Osho International Foundation, Zurich, Switzerland. A Copy of this order is attached to the memo of this suit and marked as **Exhibit - M** However, defendant # 1, 2, 3, and 4 continues to claim as owners of Osho trademarks and copyrights in European Union as well as on their website and other print Medias.

27. Hence, the balance of convenience is in favour of the plaintiffs.

28. The suit is valued for the purpose of Court fees, and Declaration on Osho's Will as mentioned above, for the purpose of Permanent Injunction for Rs. 2,000/- and proper Court fee stamp is paid thereon.

29. The Plaintiffs submit that the forged Will is claimed to be executed at Pune and therefore, this Hon'ble Court has jurisdiction to this present suit.

30. The Plaintiffs submits that they have no personal interest in the properties of Osho and its holder / beneficiaries trusts namely Neo Sannyas Foundation and Osho International Foundation. The plaintiffs submit that the public at large are beneficiaries in the said properties. If this Hon'ble Court directs that the present suit be treated as Representative Suit, then in that event the this suit be treated as Representative Suit and notice to that effect be published in the News Papers. The plaintiffs are ready to bear the expenses of the same.

It is therefore prays that –

1. This Hon'ble Court be pleased to declare the forged Will of Osho dated 15-10-1989 produced by defendants as null and void.
2. This Hon'ble Court be pleased to permanently restrain defendants to implement the forged Will.
3. This Hon'ble Court be pleased to grant ad interim reliefs during the pendency of this suit in terms of prayer (b) above.
4. This Hon'ble Court be pleased to appoint an administrator or receiver to rightfully administer and keep safe custody of Osho Legacy till the pendency of the suit.
5. Costs of the suit be awarded to the Plaintiffs from the Defendants.

Pune

Dated 10th September 2013

Plaintiffs

Advocate for Plaintiffs

Verification

We,Mr. Yogesh Thakkar aka Swami Premgeet Age: Adult, Occupation: Business Residing At: 1, Anand Park, 368-A, Near Suyojana Society, Koregaon Park Pune 411001. **And Mr. Kishor Raval Alias Swami Prem Anadi** Age about Adult Occupation Business, residing at B-3/11, Mira Nagar Park Society,Koregaon Park Pune 41101 for self and as a Trustee of **PLAINTIFF No.1,** do state on solemn affirmation that the contents of the above suit are true and correct and we have not filed any other suit in any other Court for the reliefs claimed in the present suit. Hence we have signed the same today at Pune.

Plaintiffs

In the Court of the Civil Judge, S. D. Pune

Regular Civil Suit No. 1683 of 2013

Osho Friends Foundation & others ……**PLAINTIFFS**

VERSUS

Shri. Mukesh Sarda aka Swami Mukesh Bharti & others

.....**DEFENDANTS**

Application for Ad Interim Injunction

The Plaintiffs above named most respectfully submits as under –

1 That, Late Shri Osho formally known as Bhagwan Shree Rajneesh was born in India on 11th December 1931 and attained Mahaparinirvana (demise) on January 19, 1990 in His ashram at Koregaon Park, Pune. Osho is an enlightened master and also known as one of the most revolutionary thinker / philosopher of our time. He has millions of disciples and admirers around the world. Osho's Samadhi is situated in His ashram at Koregaon Park Pune, India.

2 The plaintiffs submit that at the time of His Mahaparinirvana, (demise) on 19 January, 1990, Osho left for His disciples and mankind a colossal legacy as:

- Archive of 9,000 hours of audio discourses/ speeches in Hindi and English.
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- Intellectual property rights (IPR), in digital or any other forms are made available to the mankind.
- Approximately 850 paintings made by Osho.
- One of the biggest private libraries in the world containing more than 80,000 books situated in His ashram at Koregaon Park, Pune

- His Signature arts, original archives, meditation music and therapies created under His direct guidance.
- The Osho Heritage / Legacy also include His Samadhi situated in His ashram at Koregaon Park, Pune 411001.

The Osho Legacy is recognized as great spiritual treasures of India. For the sake of brevity hereinafter referred to as Osho Legacy.

3 The plaintiffs submit that this suit is filed against the Defendants for the Declaration and injunction in respect of the forged Will of Osho, claimed to be executed on 15th October 1989 at Pune. This forged will is produced by defendants # 1, 2, 3 and 4 in June 2013. This forged will is enclosed to this suit marked as **Exhibit - A**

4 The plaintiffs submit that the entire Legacy of Osho is in great danger in the hands of wrongful defendants. Osho Legacy not only benefits His present disciples but also it needs to be preserved for the future generations. Hence, a proper safe custody of Osho's Legacy has become absolute necessity. The plaintiffs submit that this Hon'ble Court shall appoint an administrator or receiver to safeguard Osho's Legacy till the pendency of this suit.

5 The Plaintiffs were duly informed and notified by the interested persons about the court proceedings in June 2013 in European Union (EU) whereby; the forged Will of Osho was for the first time was produced by the defendants # 1, 2, 3, and 4. The said matter is on board at Office for Harmonizaion in the Internal Market, Avenida de Europa, 4,
03080 Alicante, Spain. The Witness Statements filed by defendant No. 2 in this respect is enclosed to this suit marked as **Exhibit - B**

6 The plaintiffs submit that in June 2013, after knowing production of the forged Will, thousands of Osho disciples who are spread in India and around the world are raising objections and inclined plaintiffs to save Osho's Heritage/

Legacy which has now fallen in the hands of wrong persons, who are defendants herein.

7 The plaintiffs are individuals in their personal capacity as well as on behalf of Osho Friends Foundation, a trust registered under provisions of Bombay Public Trust Act, 1950. This trust is an association of disciples of Osho, who are closely related to Osho, for more than 45 years as Osho's working persons such as, His secretaries, Ex- Secretaries, care takers, meditation camp leaders, therapists and Osho Meditation Centers. The plaintiffs are Ex-trustees and 'persons having substantial interests' in defendant trust # 6 herein Rajneesh Foundation (now known as Neo Sannyas Foundation) and Osho International Foundation, registered under

the provisions of Bombay Public Trust Act 1950. In short, the plaintiffs herein are direct beneficiaries of Osho Legacy which Osho had entrusted in the said various Public Charitable Trusts.

8 The plaintiffs have filled Writ Petition No. 1346 of 2012 in the Hon'ble High Court of Bombay against the defendants (Except defendant 2), and their trusts. The said petition is filled in respect to the alienation of the property bearing plot # 3, admeasuring 5387 sq meters situated in Lane # 1, of Koregaon Park, Pune. This property valued at Rs.50 Crores held by the public trust was allegedly transferred by the defendants, by the way of free Gift to Darshan Turst, New Delhi. This is to note that this Darshan Trust in New Delhi is held by the defendants only, which is situated outside the state of Maharashtra. The Hon'ble High Court has ruled the said petition by admitting the same and passed relief orders restricting defendants in further alienation of the said plot # 3, of Koregaon park, Pune. The orders passed by Hon'ble Bombay High Court is enclosed to this suit marked as **Exhibit - C**

9 The plaintiffs have filled another Writ Petition before Hon'ble Bombay High Court bearing # 5300/2013 exposing the

alienation of funds and properties of the said trusts for more than Rs.303.39 Crores ($ 55 million) committed by defendants (Except defendant # 2).As per these two petitions various crimes are committed by defendants through Trusts and Private Companies known as Osho Multimedia and Resorts Pvt. Ltd. in India. It is evident that the foundation office bearers / trustees of Public Charitable Trusts and Directors of said private company are same persons. The foundation trustees are transferring funds, assets and benefits of Charitable Trusts in favour of Private Limited companies in their personal kitty. The plaintiff submits that this module is implemented by defendants in India and outside India especially in Switzerland, UK, US, Europe and Hongkong. This complicated, spider-net like networking is a vicious design of the defendants spread all over the world. Thus, the defendants are causing huge frauds in India as well as abroad. Whereas, due to continuous efforts by plaintiffs and their colleagues in India and abroad, the properties and funds of Osho Ashram Trusts are being protected to some extent. However, some permanent solution is required to safeguard Osho's legacy for future generations.

10 The plaintiffs have filed Application under section 41-E before the Hon'ble Charity Commissioner, Mumbai Region, against the defendants requesting Hon'ble Charity Commissioner to investigate alienation of the trust properties and funds committed by the defendants. The Hon'ble Joint Charity Commissioner in the said applications bearing No. 4/
2012 and 5/2012 has issued Ex-parte order against defendant # 3 and 4 who are foreign nationals for refusing to accept court notices. **Exhibit - D**

11 The plaintiffs are aggrieved and inclined to file this suit at the requests and perusal of Osho's disciples from around the world. Their support consents are received through emails and declarations. Hence, it has become extremely important to save Osho's legacy falling in to wrongful defendants # 1, 2, 3 and 4. Therefore, the plaintiffs have locus standi to file this Suit.

12 The plaintiffs submit that the forged Will of Osho is produced by Defendant # 1, 2, 3 and 4 in June 2013 for the first time in European Union court is an unprecedented document. The Osho Community had never heard of this will over 23 years since Osho's demise (Osho left His body on 19, January 1990 at, Shree Rajneesh Ashram, Osho commune, Pune). The Defendant Nos. 2 and 3 are foreigners and defendant no. 1, Mr. Mukesh Sarda is an NRI (US based Non Resident Indian).

13 The plaintiffs submit that the defendant no. 1, 3 and 4 are the office bearers of Osho International Foundation Zurich, Switzerland which is facing litigation in India as well as in other countries. The details of these cases are specified in para 7, 8, 9, 23, 24 and 25 herein. The list of defendants # 1, 3 and 4 working as Osho International Foundation, Zurich, Switzerland is enclosed to the memo of this suit marked as **Exhibit – E** The original turst deed being in German language is translated in English by official agency in Pune.

14 The plaintiffs submit that the defendant no. 1, 2, 3 and 4 have produced the said forged Will are members of Osho Foundation International Zurich, Switzerland. The defendant no. 4 is the president of this Charitable Foundation in Switzerland. The defendant no. 1, Mr. Mukesh Sarda is a Trustee in Osho International Foundation Zurich, Switzerland as well as, he is managing trustee of Osho International Foundation and Neo Sannyas Foundation registered in the state of Maharashtra under

Bombay Public Trust Act, 1950. The list of Trustees associated with various trusts and their holdings in private companies are enclosed to the memo of this suit marked as **Exhibit - F**

15 The plaintiffs submit that defendant # 5 is a trustee of defendant trust # 6 and director of Osho Multimedia and Resorts Pvt. Ltd. a company limited by shares registered under Indian companies act, 1952. The plaintiffs submit that this company is a special vehicle created to siphon funds and

assets of the Public Trust in the kitty of trustees. **Exhibit – F-1**

16 The Plaintiffs submit that the forged Will as claimed by the defendant no. 1, 2, 3 and 4 that, it had been executed by late Shree Osho, in Poona (Pune) on 15th Oct. 1989. The Plaintiffs submits that the forth coming Para are evident to this Hon'ble court that the Will in question, is fabricated and designed to hijack, exploit, monopolise and commercialise Osho's Legacy in their personal kitty outside India.

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18 The plaintiffs submit that the forged will is opened 23 years after Osho's demise. There is no mention for the safe custody of the Will during this period. The Will is manufactured and opened subsequently, fitting exactly to cover the illegal holdings of OIF Zurich to hijack Osho Legacy.

19 The Plaintiffs submit that a public press conference was held by defendants on the next day of Osho's demise on 20th January 1990. The news published in Times Of India is evident whereby, defendant # 3 who claims to be a witness of the forged Will, have clearly said that Osho has not left any successors. Hence, after 23 years of Osho's demise defendants producing the forged will is simply bogus and criminal. The copy of Times of India is enclosed in the memo of this suit and marked as **Exhibit- G**

20 The Plaintiffs submit that at many instances Osho personally has said that-"He has no successors." Whereas, on various occasions defendants had admitted that the Inner Circle is successors of Osho. **Exhibit - H** The Inner Circle consented by Osho was having 21 persons on board, which is now effectively dissolved by defendant # 1, 2, 3 and 4. However, the members of the Inner Circle have never admitted or heard of any document as Will ever existed.

21 The Plaintiffs submit that, in addition to all the factors mentioned hereby, the Will produced by the defendant no. 1, 2, 3 and 4 is fake on various grounds such as;

a The signature of Osho on the will is forged, as being artificially manufactured by defendants.

b As per the admitted material facts, produced before various legal forums by defendants stating that, prior to execution of the Will in question, Osho had separated Himself perfectly, clearly and distinctively . "***From Worldly Activities"*** and "***Divested Himself from all Worldly Possessions"*** The declarations made by Osho and admitted by defendants are enclosed with the memo of this suit marked as **Exhibit – I.** The plaintiffs submit that on this count alone the forged Will must to be set aside and be declared as null and void as; '*renunciation of all worldly possessions'* had already caused *'Civil Death'* of the testator prior to execution of the Will in question, hence, a question of Osho executing this Will in does not arise.

c The plaintiffs submit that the content of Will admits assignment executed by Osho, prior to execution of Will in question.

The plaintiffs submit that since Osho had already assigned His rights then, in anyway, there was no ground for Him to make a Will. And opposite to this, in case the assignments are incomplete then the Executor of the Will defendant # 4, had neither produced the Will for 23 years after Osho's demise, nor

had performed any obligation attached thereby. The plaintiffs submit as the forged Will is subsequently made, the executor was not in position to produce or perform his duties as

executor. Hence, the forged Will needs to be set aside and be declared as is null and void.

d The plaintiffs submit that the statements recorded on second page of the will reads as: *"Attestation: We, the undersigned have witnessed the signatures of Osho and Sw. Anand Jayesh and each other, to this document on October 15, 1989."*
Whereas:

2 *The true meaningful and lawful recording of Witnesses on Will must state that the "Testator has signed the document in presence of the Witnesses" or vice versa, "the witnesses have signed in presence of testator signing".* Whereas, on the document it is mentioned that *"the undersigned have witnessed the signatures of Osho*" Which is – <u>they have not witnessed Osho signing the Will</u>.

3 The second page of forged Will does not have Osho's signatures validating the existence of second page on the Will on which all the defendants claimed to have signed as witnessed.

4 The first page of the Will does not carry any footnote indicating that the Will has second page.

e The plaintiffs submit that the forged Will claimed to have been drafted by an attorney Mr. Philip Tolkes (Prem Niren) defendant no. 2, practicing in Washington, USA. Whereas, the will in all its output is fake and wrong on various counts from the execution till implementations. Thus, defendants are causing sever civil and criminal crimes, in respect to properties held by public charitable trust in India. The Witness statements made by defendant # 2 is enclosed to the memo of this suit marked as (**Exhibit- B)**

f The plaintiffs submit that the will has surfaced after more than 23 years of Osho's demise. And so called witnesses as recorded the 2nd page of forged Will were not present in the Osho Ashram at Koregaon Park, Pune, during the period of the forged Will. The defendants have fabricated the forged Will only with an intention to establish their title over Osho's properties to hijack and manipulated Osho's Legacy.

g The plaintiffs submit that the defendants have used old stamp paper dated 16.6.1989, just to give a legal impression to an illegal document before the public and various forums

outside India. The defendant's mischief in this respect is just to produce an appearance of some sort of validity to the forged Will.

The plaintiffs submit that the stamp paper is dated 16.6.1989 purchased from Bombay. It is used four months later on 15.10.1989 in Pune. Whereas, generally authentic documents over stamp papers are executed in few days or a week of buying a stamp paper, but definitely not after four months as it is in this case. This surely adds the chances of will subsequently made.

h The plaintiffs submit that the forged Will is not stating proper identity of the testator. Osho's birth name is stated in this will as *"Chandra Mohan Jain"* whereas; His birth name is "Rajneesh Chandra Mohan". His passport name is "Bhagwan Shree Rajneesh". The name mentioned in the forged Will as '*Chandra Mohan Jain'* is not proper. Whereas, 'Jain' is not a name of a person, it is a surname (family name). There are no other legal documents i.e. bank account, property etc. evidencing His name as "Chandra Mohan Jain" as mentioned in the Will. This shows that some foreigners having no acquaintance with Hindu naming convention is messing around with the Will in question.The plaintiffs submit that Osho has always signed documents on the Right side of the page which is at

'five o'clock position'. Whereas Osho had never signed any document on *'Eight O'clock position'* which is on the left side of the first page as it on the forged Will. This clearly shows that positioning of Osho's signature is non- conventional.

22 The plaintiffs submit that a Declaration was made on 20th July 1978 by Bhagwan Shree Rajneesh. The copy of the Declaration dated 20th July 1978 is enclosed to the memo of this suit and is marked as **EXHIBIT- J**, As per the said Declaration dated 20.7.1978, Bhagwan Shree Rajneesh assigned ownership and delivered right, title and possession of his present and future work in favour of defendant no. 6
i.e. Rajneesh Foundation presently known as Neo Sannyas Foundation registered under Bombay Public Trust Act, 1950.

23 The Plaintiffs submits that on 1st April 1981, defendant no. 6 had made an assignment favouring one Chid Villas Rajneesh Meditation

Centre situated in New Jersey USA. A Copy of this Assignment dated 1st April 1981 is enclosed to the memo of this suit marked as **EXHIBIT- K .** Notably the said Assignment Deed, dated 1st April 1981 is not signed by all the 'Nine Trustees' of Rajneesh Foundation at the time. A list of Trustees as on 1st April 1981 is attached to the memo of this petition and marked as **EXHIBIT- L.**

24 The plaintiffs submit that as stated above the transaction on 1st April 1981 executed by defendant# 6 Rajneesh Foundation, now renamed as Neo Sannyas Foundation is incorrect. The matters related to said assignments and its illegal transfer to US and presently resting at Switzerland is pending before Bombay High Court in the said Writ Petition bearing # 5300/2013. Hence, the defendants knowing consequences of their illegal assignments have cooked up the criminal plans fabricating forged Will of Osho.

25 The plaintiffs submit that defendant no. 1 and 5 are the trustees and trust Neo Sannyas Foundation (formally known

as Rajneesh Foundation) registered under Bombay Public trust act 1950. The plaintiffs submit that the defendant # 6 trust is a beneficiary public trust of Osho's Intellectual Property Right (IP) as per the Declaration executed by Osho on 10.07.1978. However, the defendants # 1 and 5 and are deliberately ignoring its obligations to protect Osho's IPR and are purposefully engaged in alleged transfer of proprieties and funds of the public trust. Hence the said cases and applications are pending before the Bombay High Court and Office of the Hon'ble Charity Commissioner, Mumbai region as explained hereinabove.

26 The plaintiffs submit that after critical appeals and cases pursued by Plaintiffs' associated persons Osho Friends International, New Delhi India in USA. The National Arbitration Forum (NAF), US and United States Patent and Trademark Office (USPTO) investigated the matter. The USPTO have passed orders cancelling various trademark claimed by the Osho International Foundation, Zurich, Switzerland. A Copy of this order is attached to the memo of this suit and marked as **Exhibit - M** However, defendant # 1, 2, 3, and 4 continues to claim as owners of Osho trademarks and copyrights in European Union as well as on their website and other print Medias.

27 The Plaintiffs submits that they have no personal interest in the properties of Osho and its holder / beneficiaries trusts namely Neo

Sannyas Foundation and Osho International Foundation. The plaintiffs submit that the public at large are beneficiaries in the said properties.

28 That it will take time to decide the present suit on merits. The Plaintiff has produced on record various documents which clearly shows that more loss would be caused to the Public at large in India as well as in Pune because the main centre is situated at Pune including the Plaintiffs and the

Defendants would not suffer any loss if the injunction order passes against them. Therefore prima facie case is in favour of the Plaintiffs and not in favour of the Defendants. The Defendants are likely to transfer the moveable and immoveable properties to the foreign countries.

The Plaintiffs have not received the notice of Caveat from the Defendants.

29 It is therefore prays that –

This Hon'ble Court be pleased to grant ad interim reliefs during the pendency of this suit that the defendants should not act on the so called bogus and fabricated Will dated 15th October 1989 through themselves or any other persons on their behalf.

This Hon'ble Court be pleased to appoint an administrator or receiver to rightfully administer and keep safe custody of Osho Legacy till the pendency of the suit.

The Hon'ble Court may pass such other orders in the interest of justice.

An affidavit in support of this is filed herewith.

Pune

Dated September 2013

Plaintiffs

Advocate for Plaintiffs.