

CAUSE NO. _____

SAROJINA BHAGIA AND NANIK	§	IN THE DISTRICT COURT OF
BHAGIA, Individually and d/b/a	§	
INTERSTATE INVESTMENT	§	
CORPORATION,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
RAMESH KAPUR, Individually and d/b/a	§	
AIC MANAGEMENT COMPANY,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND DEMAND FOR JURY TRIAL

Plaintiffs, Sarojina Bhagia and Nanik Bhagia, Individually and d/b/a Interstate Investment Corporation, bring this cause of action complaining of Defendants, Ramesh Kapur, Individually and Ramesh Kapur d/b/a AIC Management Company and, upon trial by jury on all disputed issues of fact, which trial is hereby demanded, Plaintiffs request judgment against Defendants as noted herein.

I. DISCOVERY CONTROL PLAN

Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery under Level 3.

II. VENUE AND JURISDICTION

Venue is appropriate in Harris County, Texas because all or part of a tort was committed in Harris County, Texas, and the property which is the subject of this suit is located in Harris County, Texas.

This Court has jurisdiction over this matter as the amount in controversy is within the Court's jurisdictional amount. Pursuant to Tex. R. Civ. P. Rule 47(c), Plaintiffs sue for monetary

relief over \$200,000.00, but not more than \$1,000,000.00 and all other relief to which Plaintiffs may be justly entitled.

III. PARTIES

Plaintiff, Sarojina Bhagia (“Sarojina Bhagia”) is an individual who resides in Harris County, Texas.

Plaintiff, Nanik Bhagia (“Nick Bhagia”) is an individual who resides in Harris County, Texas. Nick Bhagia is President of Interstate Investment Corporation (“Interstate”), a Texas corporation with its principle place of business in Harris County.

Defendant, Ramesh Kapur (“Kapur”) is an individual and president of AIC Management Company. Kapur may be served with citation by serving him at 6223 Richmond Avenue, Suite 221, Houston, TX 77057.

IV. BACKGROUND FACTS

This is a fraud case involving the concealment by Defendants of their plan and intention to sell real property belonging to their partnership with Plaintiffs to a third party at a substantial profit. The parties jointly owned property described as 4.1664 acres out of the W.C.R.R. Company Survey, Section 9, Block 2, Abstract 911, being more particularly described in File Number M050722, Official Public Records of Harris County, Texas (the “Property”). Prior to April 25, 2011, the parties jointly owned the property and intended to use it for commercial purposes or to resale it for a profit. However, Defendants convinced Plaintiffs that the property was of no value and to let the property be foreclosed upon at a tax sale. At the time Defendants induced Plaintiffs into letting the property go at a tax foreclosure sale, they knew and intended to purchase the property at foreclosure and then to sell it for a profit to Dawat-E-Hadiyah (“Buyer”). Subsequently, Ramesh Kapur, along with Manuj Kapur, bought the property at the tax sale on behalf of Fort Bend MDS, LLC, of which they are principals. Fort Bend MDS, LLC

then transferred the property to Ramesh Kapur d/b/a AIC Management Company who ultimately sold the property to Buyer at a substantial profit. The scheme implemented by Defendants to transfer the property and ultimately sell it to Buyer was in furtherance of their plan to defraud Plaintiffs from the profits they gained ultimately from the sale to the Buyer.

V. FRAUD/FRAUDULENT INDUCEMENT

Ramesh Kapur, Individually and d/b/a AIC Management Company knew at the time he induced Sarojina Bhagia and Nick Bhagia into allowing the property to go to tax foreclosure that he would subsequently acquire the property through his son's company and then sell the property to Buyer at a significant profit. As such, Defendants made a material misrepresentation that was false that they knew was false and were made with the intention that Plaintiffs act upon them. Further, Plaintiffs relied on the representations of Defendant and caused Plaintiffs injury.

VI. REQUESTS FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs request that Defendants disclose within fifty (50) days of service of this petition the information or material described in Rule 194.2(a-1).

VII. DAMAGES AND PRAYER

Plaintiffs have been damaged by Defendants conduct as set forth above.

VIII. JURY DEMAND

Plaintiffs hereby demand a jury and tenders the jury fee herewith.

Plaintiffs hereby pray that citation be issued for the Defendants to appear and after a trial by jury as to all disputed questions of fact, that Plaintiffs have judgment in their favor against Defendants for compensatory damages. In addition, Plaintiffs pray for judgment against Defendants for pre-judgment and post-judgment interest as allowed by law, and for reasonable

attorneys' fees pursuant to Chapter 38 of the Texas Civil Practice & Remedies Code. Plaintiff prays for any such further relief as the Court deems just.

Dated: February 13, 2014

Respectfully submitted,

THE BAINE FIRM, P.C.

/s/ William J. Baine

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