



SUPPLEMENT TO THE  
CEYLON GOVERNMENT  
GAZETTE

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No. 8,454 — FRIDAY, MAY 26, 1939.

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*Published by Authority.*

**PROCLAMATION.**

L. D.—B 35/39 BY HIS EXCELLENCY THE GOVERNOR. M/L. I. C.  
A PROCLAMATION.

A. CALDECOTT.

KNOW Ye that in pursuance of the provisions of section 49 of the Courts Ordinance (Chapter 6), I, Andrew Caldecott, Governor of Ceylon, do hereby—

- (a) proclaim the rules set out in the Schedule hereto, made by the Judges of the Supreme Court by virtue of the powers vested in them by section 53 (now section 49) of the Courts Ordinance and section 282 (1) of the Companies Ordinance, No. 51 of 1938, and duly laid before the State Council; and
- (b) declare that the said rules shall come into force on the 26th day of May, 1939.

By His Excellency's command,

E. R. SUDBURY,  
Secretary to the Governor.

Colombo, May 18, 1939.

GOD SAVE THE KING.

**Schedule.**

THE COMPANIES ORDINANCE, No. 51 OF 1938.

By virtue of the powers vested in us by section 53 of the Courts Ordinance, 1889, and section 282 (1) of the Companies Ordinance, No. 51 of 1938, We, Francis Arnold Moseley, Acting Chief Justice of the Island of Ceylon, and Francis Joseph Soertsz, Arthur Eric Keuneman, Oswald Leslie de Kretser, and Edwin Arthur Lewis Wijeyewardene, Puisne Justices of the Supreme Court, do hereby make the rules set out hereunder for the carrying into effect of the objects of the said Companies Ordinance, so far as relates to the winding up of companies.

Dated this twenty-eighth day of March, 1939.

(Sgd.) F. A. MOSELEY,  
Acting Chief Justice.  
(Sgd.) F. J. SOERTSZ,  
Puisne Justice.  
(Sgd.) A. E. KEUNEMAN,  
Puisne Justice.  
(Sgd.) O. L. DE KRETSER,  
Puisne Justice.  
(Sgd.) E. A. L. WIJEYWARDENE,  
Puisne Justice.

THE COMPANIES WINDING-UP RULES, 1939.

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## THE COMPANIES WINDING-UP RULES, 1939.

- Short title. 1. These rules may be cited as the Companies Winding-up Rules, 1939.
- Forms. 2. (1) The forms in the First Schedule hereto, where applicable, shall be used with such variations as circumstances may require.
- (2) Any costs occasioned by the use of any other or more prolix forms shall be borne by or disallowed to the party using the same, unless the court shall otherwise direct.
- Application to court how made. 3. Every application to the court other than a petition shall be made by motion, notice of which shall be served on every person against whom an order is sought, not less than two clear days before the day named in the notice for hearing the motion.

### *Proceedings.*

- Title of proceeding. 4. (1) Every proceeding in a winding-up matter shall be dated, and shall with any necessary additions, be intituled in the matter of the company to which it relates and in the matter of the Companies Ordinance, No. 51 of 1938.
- (2) The first proceeding in every winding-up matter shall have a distinctive number assigned to it by the court, and all proceedings in any matter subsequent to the first proceeding shall bear the same number as the first proceeding.
- Service. 5. Except where it is otherwise so provided by these rules or where the court otherwise directs the service of any notice, summons, or other document on any person shall be made by delivering or tendering a duplicate thereof through the Fiscal to such person.

### *Petitions.*

- Form of petition. Forms 1 and 2. 6. Every petition for the winding-up of a company by the court, or subject to the supervision of the court, shall be in the Forms 1 and 2.
- Advertisement of petition. Form 3. 7. (1) Every petition shall be advertised seven clear days before the hearing once in the *Government Gazette*, and once at least in one daily English newspaper published in Ceylon.
- (2) The advertisement shall state the day on which the petition was presented, and the name and address of the petitioner, and of his proctor, and shall contain a note at the foot thereof, stating that any person who intends to appear on the hearing of the petition, either to oppose or support, must send notice of his intention to the petitioner, or to his proctor, within the time and manner prescribed by rule 13, and an advertisement of a petition for the winding-up of a company by the court which does not contain such a notice shall be deemed irregular.
- (3) If the petitioner or his proctor does not within the time prescribed by paragraph (1) or within such extended time as the court may allow duly advertise the petition in the manner prescribed by paragraph (2) the petition shall be removed from the roll of the court.
- Service of petition. Forms 4 and 5. 8. Every petition shall, unless presented by the company, be served upon the company at the registered office, if any, of the company, and if there is no registered office, then at the principal or last known principal place of business of the company in Ceylon, if any such can be found, by leaving a copy with any member, officer, or servant of the company there, or in case no such member,

officer or servant can be found there, then by leaving a copy at such registered office or principal place of business, or by serving it on such member, officer or servant of the company as the court may direct; and where the company is being wound up voluntarily, the petition shall also be served upon the Liquidator, if any, appointed for the purpose of winding-up the affairs of the company.

9. Every petition for the winding-up of a company by the court, or subject to the supervision of the court, shall be verified by an affidavit referring thereto. Such affidavit shall be made by the petitioner, or by one of the petitioners, if more than one, or, in case the petition is presented by a corporation, by some director, secretary, or other principal officer thereof, and shall be sworn after and filed within four days after the petition is presented, and such affidavits shall be sufficient *prima facie* evidence of the statements in the petition.

Verification of petition. Forms 6 and 7.

10. Every contributory or creditor of the company shall be entitled to be furnished, by the proctor of the petitioner with a copy of the petition, within twenty-four hours after requiring the same, on paying the rate of twenty-five cents per folio of 72 words for such copy.

Copy of petition to be furnished to creditor or contributory.

*Provisional Liquidator.*

11. (1) After the presentation of a petition, upon the application of a creditor, or of a contributory, or of the company, and upon proof by affidavit of sufficient ground for the appointment of a Provisional Liquidator, the court if it thinks fit and upon such terms as in the opinion of the court shall be just and necessary, may make the appointment.

Appointment of Provisional Liquidator. Form 8.

(2) The order appointing the Provisional Liquidator shall bear the number of the petition, and shall state the nature and a short description of the property of which the Provisional Liquidator is ordered to take possession, and the duties to be performed by the Provisional Liquidator.

(3) Subject to any order of the court, if no order for the winding-up of the company is made upon the petition, or if an order for the winding-up of the company on the petition is rescinded, or if all proceedings on the petition are stayed, or if an order is made continuing the voluntary winding-up of the company subject to the supervision of the court, the Provisional Liquidator shall be entitled to be paid, out of the property of the company, all the costs, charges, and expenses properly incurred by him as Provisional Liquidator, including such sum as is or would be payable under the scale of fees for the time being in force where the Official Receiver is appointed Provisional Liquidator, and may retain out of such property the amounts of such costs, charges, and expenses.

(4) Where any person other than the Official Receiver has been appointed Provisional Liquidator and the Official Receiver has taken any steps for the purpose of obtaining a Statement of Affairs or has performed any other duty prescribed by these rules the Provisional Liquidator shall pay the Official Receiver such sum, if any, as the court directs.

*Hearing of Petitions and Orders made thereon.*

12. After a petition has been presented, the petitioner, or his proctor shall, on a day to be appointed by the court, attend before it and satisfy it that the petition has been duly advertised, that the prescribed affidavit verifying the statements therein and the affidavit of service, if any, have been duly filed, and that the provisions of the rules as to petitions for winding-up companies

Attendance before hearing to show compliance with rules.

have been duly complied with by the petitioner. No order for the winding-up of a company shall be made on the petition of any petitioner who has not, prior to the hearing of the petition, attended before the court at the time appointed, and satisfied it in manner required by this rule.

Notice by persons who intend to appear.  
Form 9.

13. (1) Every person who intends to appear on the hearing of a petition shall serve on, or send by post to, the petitioner, or his proctor at the address stated in the advertisement of the petition, notice of his intention.

(2) The notice shall contain the address of such person, and shall be signed by him or by his proctor, and shall be served, or if sent by post shall be posted in such time as in ordinary course of post to reach the address not later than six o'clock in the afternoon of the day previous to the day appointed for the hearing of the petition, or if such day be a Monday, not later than one o'clock in the afternoon of the Saturday previous to such day. The notice shall be in Form 9. A person who has failed to comply with this rule shall not, without the special leave of the court, be allowed to appear on the hearing of the petition.

List of names and addresses of persons who appear on the petition.  
Form 10.

14. The petitioner, or his proctor shall prepare a list of the names and addresses of the persons who have given notice of their intention to appear on the hearing of the petition, and of their respective proctors, which shall be in Form 10. On the day appointed for hearing the petition a fair copy of the list (or if no notice of intention to appear has been given a statement in writing to that effect) shall be landed by the petitioner, or his proctor, to the court prior to the hearing of the petition.

Affidavits in opposition and reply.

15. (1) Affidavits in opposition to a petition that a company may be wound up by or subject to the supervision of the court shall be filed within seven days of the date on which the affidavit verifying the petition is filed, and notice of the filing of every affidavit in opposition to such a petition shall be given to the petitioner or his proctor on the day on which the affidavit is filed.

(2) An affidavit in reply to an affidavit filed in opposition to a petition shall be filed within three days of the date on which notice of such affidavit is received by the petitioner or his proctor.

Substitution of creditor or contributory for withdrawing petitioner.

16. When a petitioner is not entitled to present a petition, or whether so entitled or not, where he—

- (a) fails to advertise his petition within the time by these rules prescribed or such extended time as the court may allow, or
- (b) consents to withdraw his petition, or to allow it to be dismissed, or the hearing adjourned, or fails to appear in support of his petition when it is called on in court on the day originally fixed for the hearing thereof, or on any day to which the hearing has been adjourned, or
- (c) if appearing, does not apply for an order in the terms of the prayer of his petition,

the court may, upon such terms as it may think just, substitute as petitioner any creditor or contributory who in the opinion of the court would have a right to present a petition, and who is desirous of prosecuting the petition.

*Order to Wind-up a Company.*

Notice that winding-up order has been pronounced to be given to Official Receiver.  
Forms 11 and 12.

17. When an order for the winding-up of a company, or for the appointment of a Provisional Liquidator prior to the making of an order for the winding-up of the company, has been made, the Secretary of the court shall, on the same day, give to the Official Receiver notice informing him that the order has been pronounced.



The notice shall be in Forms 11 and 12 respectively.

18. It shall be the duty of the petitioner, or his proctor and of all other persons who have appeared on the hearing of the petition, at least on the day following the day on which an order for the winding-up of a company is pronounced in court to deliver to the Secretary of the court all the documents required for the purpose of enabling the Secretary to complete the order forthwith.

Documents for drawing up order to be left with Secretary.

19. An order to wind up a company or for the appointment of a Provisional Liquidator shall contain at the foot thereof a notice stating that it will be the duty of such of the persons who are liable to make out or concur in making out the company's Statement of Affairs as the Official Receiver may require, to attend on the Official Receiver at such time and place as he may appoint and to give him all information he may require.

Contents of winding-up order. Forms 8 and 13.

20. (1) When an order that a company be wound up, or for the appointment of a Provisional Liquidator has been made—

Transmission and advertisement of winding-up order.

(a) three copies of the order signed by the judge of the court shall forthwith be sent by post or otherwise by the Secretary of the court to the Official Receiver ;

(b) the Official Receiver shall cause a copy of the order signed by the judge of the court to be served upon the company by prepaid letter addressed to it at its registered office (if any) or if there is no registered office at its principal or last known principal place of business in Ceylon or upon such other person or persons, or in such other manner as the court may direct, and if the order is that the company be wound up by the court, shall forward to the Registrar of Companies the copy of the order which by section 170 of the Ordinance is directed to be so forwarded by the company ;

(c) the Official Receiver shall forthwith give notice of the order to the Director, who shall forthwith cause the notice to be gazetted ;

Form 93 (1).

(d) the Official Receiver shall forthwith send notice of the order to such daily English newspaper as the Director may from time to time direct, or, in default of such direction, as he may select.

Form 14.

(2) An order for the winding-up of a company subject to the supervision of the court, shall before the expiration of twelve days from the date thereof be advertised by the petitioner, once in the *Government Gazette* and shall be served on such persons (if any) and in such manner as the court shall direct.

Form 15.

#### *Special Manager.*

21. (1) An application by the Official Receiver for the appointment of a Special Manager shall be supported by a report of the Official Receiver, which shall be filed in the record of the proceedings, and such report shall either state the amount of remuneration which, in the opinion of the Official Receiver, ought to be allowed to the Special Manager, or that it is, in the opinion of the Official Receiver, desirable that the fixing of such remuneration should be deferred. No affidavit by the Official Receiver in support of the application shall be required.

Appointment of Special Manager.

(2) The remuneration of the Special Manager shall, unless the court otherwise in any case directs, be stated in the order appointing him, but the court may at any subsequent time for good cause shown make an order for payment to the Special Manager of further remuneration.

(3) A copy of the order appointing a Special Manager shall be transmitted to the Director by the Official Receiver.

Accounting  
by Special  
Manager.  
Form 16.

22. Every Special Manager shall account to the Official Receiver, and the Special Manager's accounts shall be verified by affidavit, and, when approved by the Official Receiver, the totals of the receipts and payments shall be added by the Official Receiver to his accounts.

*Statement of Affairs.*

Preparation  
of Statement  
of Affairs.  
Form 17.

23. (1) A person who under section 175 of the Ordinance has been required by the Official Receiver to submit and verify a Statement of Affairs of a company shall be furnished by the Official Receiver with such forms and instructions as the Official Receiver in his discretion shall consider necessary. The Statement of Affairs shall be made out in duplicate, one copy of which shall be verified by affidavit. The Official Receiver shall cause to be delivered to the Secretary of the court the verified Statement of Affairs.

(2) The Official Receiver may from time to time hold personal interviews with any such person as is mentioned in paragraphs (a), (b), (c) or (d) of sub-section (2) of section 175 of the Ordinance for the purpose of investigating the company's affairs, and it shall be the duty of every such person to attend on the Official Receiver at such time and place as the Official Receiver may appoint and give the Official Receiver all information that he may require.

Extension  
of time for  
submitting  
Statement of  
Affairs.

24. When any person requires any extension of time for submitting the Statement of Affairs, he shall apply to the Official Receiver, who may, if he thinks fit, give a written certificate extending the time, which certificate shall be filed with the proceedings in the winding-up and shall render an application to the court unnecessary.

Information  
subsequent to  
Statement of  
Affairs.

25. After the Statement of Affairs of a company has been submitted to the Official Receiver it shall be the duty of each person who has made or concurred in making it, if and when required, to attend on the Official Receiver and answer all such questions as may be put to him, and give all such further information as may be required of him by the Official Receiver in relation to the Statement of Affairs.

Default.

26. Any default in complying with the requirements of section 175 of the Ordinance may be reported by the Official Receiver to the court.

Expenses of  
Statement  
of Affairs.

27. A person who is required to make or concur in making any Statement of Affairs of a company shall, before incurring any costs or expenses in and about the preparation and making of the Statement of Affairs, apply to the Official Receiver for his sanction and submit a statement of the estimated costs and expenses which it is intended to incur; and, except by order of the court, no person shall be allowed out of the assets of the company any costs or expenses which have not before being incurred been sanctioned by the Official Receiver.

Dispensing  
with Statement  
of Affairs.

28. (1) Any application to dispense with the requirements of section 175 of the Ordinance shall be supported by a report of the Official Receiver showing the special circumstances which in his opinion render such a course desirable.

(2) When the court has made an order dispensing with the requirements of the said section, it may give such consequential

directions as it may see fit and in particular it may give directions as to the sending of any notices which are by these rules required to be sent to any person mentioned in the Statement of Affairs.

*Appointment of Liquidator in a Winding-up by the Court.*

29. (1) As soon as possible after the first meeting of creditors and contributories has been held, the Official Receiver, or the chairman of the meeting, as the case may be, shall report the result of each meeting to the court.

Appointment of Liquidator on report of meetings of creditors and contributories

(2) Upon the result of the meetings of creditors being reported to the court, if there is a difference between the determination of the meetings of the creditors and contributories, the court shall, on the application of the Official Receiver, fix a time and place for considering the resolutions and determinations (if any) of the meetings, deciding differences, and making such order as shall be necessary. In any other case the court may upon the application of the Official Receiver forthwith make any appointment necessary for giving effect to any such resolutions or determinations.

Form 18.

(3) When a time and place have been fixed for the consideration of the resolutions and determinations of the meetings, such time and place shall be advertised by the Official Receiver in such manner as the court shall direct, but so that the first or only advertisement shall be published not less than seven days before the time so fixed.

(4) Upon the consideration of the resolutions and determinations of the meetings, the court shall hear the Official Receiver and any creditor or contributory.

(5) If a Liquidator is appointed a copy of the order appointing him shall be transmitted to the Director by the Official Receiver, and the Director shall, as soon as the Liquidator has given security, cause notice of the appointment to be gazetted. The expense of gazetting the notice of the appointment shall be paid by the Liquidator, but may be charged by him on the assets of the company.

Forms 19 and 93 (7).

(6) Every appointment of a Liquidator or Committee of Inspection shall be advertised by the Liquidator in such manner as the court directs immediately after the appointment has been made, and the Liquidator has given the required security.

Form 20.

(7) If a Liquidator in a winding-up by the court dies, or resigns, or is removed, another Liquidator may be appointed in his place in the same manner as in the case of a first appointment, and the Official Receiver shall, on the request of not less than one-tenth in value of the creditors or contributories summon meetings for the purpose of determining whether or not the vacancy shall be filled; but none of the provisions of this rule shall apply where the Liquidator is released under section 190 of the Ordinance in which case the Official Receiver shall remain Liquidator.

Form 93 (8).

*Security by Liquidator or Special Manager in a Winding-up by the Court.*

30. In the case of a Special Manager or a Liquidator other than the Official Receiver, the following provisions as to security shall have effect, namely :—

Standing security.

(a) the security shall be given to such officers or persons, and in such manner as the court may from time to time direct;

- (b) it shall not be necessary that security shall be given in each separate winding-up ; but security may be given either specially in a particular winding-up, or generally, to be available for any winding-up in which the person giving security may be appointed, either as Liquidator or Special Manager ;
- (c) the court shall fix the amount and nature of such security, and may from time to time, as it thinks fit, either increase or diminish the amount of special or general security which any person has given. Every order made by the court under this paragraph shall forthwith be communicated in writing by the Secretary of the court to the Registrar of Companies ;
- (d) the certificate of the Registrar of Companies that a Liquidator or Special Manager has given security to his satisfaction shall be filed in the court ;
- (e) the cost of furnishing the required security by a Liquidator or Special Manager, including any premiums which he may pay to a guarantee company or society, shall be borne by him personally, and shall not be charged against the assets of the company as an expense incurred in the winding-up ;
- (f) a Liquidator or Special Manager may give security in one or more of the following ways :—
  - (i) by personal bond in favour of the Crown and deposit with the Deputy Financial Secretary of public securities of the United Kingdom of Great Britain and Northern Ireland, India, the Dominions, or the Colonies, duly endorsed in favour of the said Deputy Financial Secretary, or
  - (ii) by personal bond in favour of the Crown and lodgment of monies in the name of the Deputy Financial Secretary in the Ceylon Savings Bank, or Post Office Savings Bank, or any bank approved by the Governor, or
  - (iii) by personal bond in favour of the Crown and the guarantee of any company or society accustomed as part of their regular business to guarantee the fidelity of any person, as may be approved by the Governor, or
  - (iv) by personal bond and by hypothecation of immovable property in favour of the Crown.

Form 21.

Failure to give or keep up security.

31. (1) If a Liquidator or Special Manager fails to give the required security within the time stated for that purpose in the order appointing him, or any extension thereof, the Official Receiver shall report such failure to the court, who may thereupon rescind the order appointing the Liquidator or Special Manager.

(2) If a Liquidator or Special Manager fails to keep up his security, the Official Receiver shall report such failure to the court, who may thereupon remove the Liquidator or Special Manager, and make such order as to costs as the court shall think fit.

(3) Where an order is made under this rule rescinding an order for the appointment of or removing a Liquidator, the court may direct that meetings shall be held for the purpose of determining whether an application shall be made to the court for another

Liquidator to be appointed and thereupon the same meetings shall be summoned and the same proceedings may be taken as in the case of a first appointment of a Liquidator.

*Public Examination.*

32. At the consideration by the court of a report made by the Official Receiver pursuant to sub-section (2) of section 176 of the Ordinance, the Official Receiver shall personally, or by counsel or proctor, attend and give the court any further information or explanation with reference to the matters stated in the report which the court may require.

Consideration of report.

33. Where the Judge makes an order under section 207 of the Ordinance, directing any person to attend for public examination, he may, if he thinks fit, either in the order for examination, or by any subsequent order, give directions as to the special matters on which any such person is to be examined.

Procedure consequent on order for public examination. Form 22.

34. A day and place shall be appointed for holding the public examination, and notice of the day and place shall be given to the person who is to be examined. Except where the court otherwise directs such notice shall be given by the Official Receiver.

Appointment of time and place for public examination. Form 23.

35 (1) The Official Receiver shall give notice of the time and place appointed for holding a public examination to the creditors and contributories by advertisement in such newspapers as the court may from time to time direct, or in default of any such direction as the Official Receiver thinks fit, and shall also forward notice of the appointment to the Director to be gazetted.

Notice of public examination to creditors and contributories. Form 93 (3).

(2) Where an adjournment of the public examination has been directed, notice of the adjournment shall not, unless otherwise directed by the court, be advertised in any newspaper, but it shall be sufficient to publish in the *Government Gazette* a notice of the time and place fixed for the adjourned examination.

36. If any person who has been directed by the court to attend for public examination fails to attend at the time and place appointed for holding or proceeding with the same, and no good cause is shown by him for such failure, or if before the day appointed for the examination the Official Receiver satisfies the court that such person has absconded, or that there is reason for believing that he is about to abscond with the view of avoiding examination, it shall be lawful for the court, upon it being proved to the satisfaction of the court that notice of the order and of the time and place appointed for attendance at the public examination was duly served, without any further notice to issue a warrant for the arrest of the person required to attend, or to make such other order as the court shall think just.

Default in attending court for public examination. Form 24.

*Proceedings By or Against Directors, Promoters, and Officers.*

37. An application made to the court under any of the following provisions of the Ordinance—

Application by or against delinquent directors, officers, and promoters.

(a) section 264 ;

(b) sub-sections (1), (2) or (4) of section 263 ;

(c) section 208 ;

(d) sub-section (2) of section 353 ;

shall be made by motion to the court.

Notice of application.

38. (1) On an application made under rule 37 the court may at any time before making an order require the Official Receiver or Liquidator to furnish to the court a report with respect to any facts or matters which are in his opinion relevant to the application and may give any such directions as it deems fit as to whether points of claim and defence are to be delivered, as to the taking of evidence wholly or in part by affidavit or orally, and the cross-examination of any deponents to affidavits in support of or in opposition to the application and as to any report it may require the Official Receiver or Liquidator to make and generally as to the procedure on the motion and for the hearing thereof.

(2) Notice of any such intended motion shall be served on every person against whom an order is sought, not less than eight days before the day named in the notice for hearing the motion.

(3) A copy of every report and affidavit intended to be used in support of the motion shall be served on every person to whom notice of motion is given not less than four days before the hearing of the motion.

*Witnesses and Depositions.*

Depositions at private examinations.

39. The Official Receiver may attend in person or by counsel or by proctor employed for the purpose, any examination of a witness under section 206 of the Ordinance, on whosoever application the same has been ordered, and may take notes of the examination for his own use, and put such questions to the persons examined as the court may allow.

*Disclaimer.*

Disclaimer. Forms 25 and 26.

40. (1) Any application for leave to disclaim any part of the property of a company pursuant to sub-section (1) of section 256 of the Ordinance shall, where not otherwise provided in these rules, be by summary procedure under Chapter XXIV., of the Civil Procedure Code. Such application shall be supported by an affidavit showing who are the parties interested and what their interests are. On the hearing of the application the court shall give such directions as it deems fit and in particular directions as to the notices to be given to the parties interested or any of them and the court may adjourn the application to enable any such party to attend.

(2) Where a Liquidator disclaims a leasehold interest he shall forthwith file the disclaimer in the court. The disclaimer shall contain particulars of the interest disclaimed and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is filed by the Liquidator the disclaimer shall be inoperative. A disclaimer shall be in Form 25 and a notice of disclaimer shall be in Form 26.

(3) Where any person claims to be interested in any part of the property of a company which the Liquidator wishes to disclaim he shall at the request of the Liquidator furnish a statement of the interest so claimed by him.

*Vesting of Disclaimed Property.*

Vesting of disclaimed property.

41. (1) Any application under sub-section (6) of section 256 of the Ordinance for an order for the vesting of any disclaimed property in or the delivery of any such property to any person shall be supported by the affidavit filed on the application for leave to disclaim such property.

(2) Where such an application as aforesaid relates to disclaimed property of a leasehold nature and it appears that there is any mortgagee or sub-lessee of such property the court may direct that notice shall be given to such mortgagee or sub-lessee that if he does not elect to accept and apply for such a vesting order as aforesaid upon the terms required by the above-mentioned sub-section and imposed by the court within a time to be fixed by the court and stated in the notice he will be excluded from all interest in and security upon the property and the court may adjourn the application for such notice to be given and for such mortgagee or sub-lessee to be added as a party to and served with the application and if he sees fit to make such election and application as is mentioned in the notice. If at the expiration of the time so fixed by the court such mortgagee or sub-lessee fails to make such election and application the court may make an order vesting the property in the applicant and excluding such mortgagee or sub-lessee from all interest in or security upon the property.

*Arrangements with Creditors and Contributories in a Winding-up by the Court.*

42. In a winding-up by the court if application is made to the court to sanction any compromise or arrangement the court may, before giving its sanction thereto hear a report by the Official Receiver as to the terms of the scheme, and as to the conduct of the directors and other officers of the company, and as to any other matters which, in the opinion of the Official Receiver or the Registrar of Companies, ought to be brought to the attention of the court. The report shall not be filed of record, unless and until the court shall direct it to be filed.

Report by  
Official  
Receiver on  
arrangements  
and  
compromises.

*Collection and Distribution of Assets in a Winding-up by the Court.*

43. (1) The duties imposed on the court by section 195 (1) of the Ordinance, in a winding-up by the court with regard to the collection of the assets of the company and the application of the assets in discharge of the company's liabilities shall be discharged by the Liquidator as an officer of the court subject to the control of the court.

Collection and  
distribution of  
company's  
assets by  
Liquidator.

(2) For the purpose of the discharge by the Liquidator of the duties imposed by section 195 (1) of the Ordinance, and paragraph (1) of this rule, the Liquidator in a winding-up by the court shall for the purpose of acquiring or retaining possession of the property of the company, be in the same position as if he were a Receiver of the property appointed by the Court under section 671 of the Civil Procedure Code, and the court may, on his application, enforce such acquisition or retention accordingly.

44. The powers conferred on the court by section 196 of the Ordinance shall be exercised by the Liquidator. Any contributory for the time being on the list of contributories, trustee, receiver, banker or agent or officer of a company which is being wound up under order of the court shall, on notice from the Liquidator and within such time as he shall by notice in writing require, pay, deliver, convey, surrender or transfer to or into the hands of the Liquidator any money, property, books or papers, which happen to be in his hands for the time being and to which the company is *prima facie* entitled.

Power of  
Liquidator  
to require  
delivery of  
property.  
Form 27.

*List of Contributories in a Winding-up by the Court.*

Liquidator to settle list of contributories. Form 28.

45. Unless the court shall dispense with the settlement of a list of contributories the Liquidator shall with all convenient speed after his appointment settle a list of contributories of the company, and shall appoint a time and place for that purpose. The list of contributories shall contain a statement of the address of, and the number of shares or extent of interest to be attributed to each contributory, and the amount called up and the amount paid up in respect of such shares or interest and shall distinguish the several classes of contributories. As regards representative contributories the Liquidator shall, so far as practicable, observe the requirements of section 195 (2) of the Ordinance.

Appointment of time and place for settlement of list. Forms 29 and 30.

46. The Liquidator shall give notice in writing of the time and place appointed for the settlement of the list of contributories to every person whom he proposes to include in the list, and shall state in the notice to each person in what character and for what number of shares or interest he proposes to include such person in the list and what amount has been called up and what amount paid up in respect of such shares or interest.

Settlement of list of contributories. Form 31.

47. On the day appointed for settlement of the list of contributories the Liquidator shall hear any person who objects to being settled as a contributory, and after such hearing shall finally settle the list, which when so settled shall be the list of contributories of the company.

Notice to contributories. Forms 32 and 33.

48. The Liquidator shall forthwith give notice to every person whom he has finally placed on the list of contributories stating in what character and for what number of shares or interest he has been placed on the list and what amount has been called up and what amount paid up in respect of such shares or interest and in the notice he shall inform such person that any application for the removal of his name from the list, or for a variation of the list, must be made to the court by motion within twenty-one days from the date of the service on the contributory or alleged contributory of notice of the fact that his name is settled on the list of contributories.

Application to the court to vary the list. Form 34.

49. (1) Subject to the power of the court to extend the time or to allow an application to be made notwithstanding the expiration of the time limited for that purpose, no application to the court by any person who objects to the list of contributories as finally settled by the Liquidator shall be entertained after the expiration of twenty-one days from the date of the service on such person of notice of the settlement of the list.

(2) The Official Receiver shall not in any case be personally liable to pay any costs of or in relation to an application to set aside or vary his act or decision settling the name of a person on the list of contributories of a company.

Variation of or addition to list of contributories. Form 35.

50. The Liquidator may from time to time vary or add to the list of contributories, but any such variation or addition shall be made in the same manner in all respects as the settlement of the original list.

*Calls.*

Calls by Liquidator.

51. The powers and duties of the court in relation to making calls upon contributories conferred by section 198 of the Ordinance



may be exercised, in a winding-up by the court, by the Liquidator as an officer of the court subject to the proviso to section 211 of the Ordinance, and to the following provisions :—

(a) where the Liquidator desires to make any call on the contributories, or any of them for any purpose authorised by the Ordinance, if there is a Committee of Inspection he may summon a meeting of such Committee for the purpose of obtaining their sanction to the intended call ;

(b) the notice of the meeting shall be sent to each member of the Committee of Inspection in sufficient time to reach him not less than seven days before the day appointed for holding the meeting, and shall contain a statement of the proposed amount of the call, and the purpose for which it is intended. Notice of the intended call and the intended meeting of the Committee of Inspection shall also be advertised once at least in a daily English newspaper.

Forms 36  
and 37.

The advertisement shall state the time and place of the intended meeting of the Committee of Inspection, and that each contributory may either attend the said meeting and be heard, or make any communication in writing to the Liquidator or members of the Committee of Inspection to be laid before the meeting, in reference to the said intended call ;

(c) at the meeting of the Committee of Inspection any statements or representations made either to the meeting personally or addressed in writing to the Liquidator or members of the Committee by any contributory shall be considered before the intended call is sanctioned ;

(d) the sanction of the Committee shall be given by resolution, which shall be passed by a majority of the members present ;

Form 38.

(e) where there is no Committee of Inspection, the Liquidator shall not make a call without obtaining the leave of the court.

52. In a winding-up by the court an application to the court for leave to make any call on the contributories of a company, or any of them, for any purpose authorised by the Ordinance, shall be made by motion stating the proposed amount of such call, notice of which application shall be served four clear days at the least before the day appointed for making the call on every contributory proposed to be included in such call ; or if the court so directs, notice of such intended call may be given by advertisement, without a separate notice to each contributory.

Application to  
the court for  
leave to make  
a call.  
Forms 39, 40,  
41 and 42.

53. When the Liquidator is authorised by resolution or order to make a call on the contributories he shall file in the court a document in Form 43 making the call.

Document  
making the call.  
Form 43.

54. When a call has been made by the Liquidator in a winding-up by the court, a copy of the resolution of the Committee of Inspection or order of the court (if any) as the case may be, shall forthwith after the call has been made be served upon each of the contributories included in such call, together with a notice from the Liquidator specifying the amount or balance due from such contributory in respect of such call, but such resolution or order need not be advertised unless for any special reason the court so directs.

Service of  
notice of a call.  
Forms 38, 42,  
44 and 45.

Enforcement  
of call.  
Forms 46, 47  
and 48.

55. The payment of the amount due from each contributory on a call may be enforced by order of the court, to be made on application by motion by the Liquidator.

*Proofs.*

Proof of  
debt.

56. In a winding-up by the court, every creditor shall subject as hereinafter provided prove his debt, unless the court in any particular winding-up shall give directions that any creditor or class of creditors shall be admitted without proof.

Mode of  
proof.

57. A debt may be proved in any winding-up by delivering or sending through the post an affidavit verifying the debt. In a winding-up by the court the affidavit shall be so sent to the Official Receiver or if a Liquidator has been appointed, to the Liquidator; and in any other winding-up the affidavit may be so sent to the Liquidator.

Verification  
of proof.

58. An affidavit proving a debt may be made by the creditor himself or by some person authorised by or on behalf of the creditor: If made by a person so authorised, it shall state his authority and means of knowledge.

Contents of  
proof Form 49.

59. An affidavit proving a debt shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Official Receiver or Liquidator to whom the proof is sent may at any time call for the production of the vouchers.

Statement of  
security.

60. An affidavit proving a debt shall state whether the creditor is or is not a secured creditor.

Costs of proof.

61. A creditor shall bear the cost of proving his debt unless the court otherwise orders.

Discount.

62. A creditor proving his debt shall deduct therefrom any discount which he may have agreed to allow for payment in cash, and all trade discounts.

Periodical  
payments.

63. When any rent or other payment falls due at stated periods, and the order or resolution to wind up is made at any time other than one of those periods, the persons entitled to the rent or payment may prove for a proportionate part thereof up to the date of the winding-up order or resolution as if the rent or payment grew due from day to day :

Provided that where the Liquidator remains in occupation of premises leased to a company which is being wound up, nothing herein contained shall prejudice or affect the right of the landlord of such premises to claim payment by the company, or the Liquidator, of rent during the period of the company's or the Liquidator's occupation.

Proof for debt  
payable at a  
future time.

64. A creditor may prove for a debt not payable at the date of the winding-up order or resolution as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of six per centum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Workmen's  
wages.  
Form 50.

65. In any case in which it appears that there are numerous claims for wages by workmen and others employed by the company, it shall be sufficient if one proof for all such claims is made either by a foreman or by some other person on behalf of all such creditors.

Such proof shall have annexed thereto as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others.

66. Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the company is liable, such bill of exchange, note, instrument, or security must, subject to any special order of the court made to the contrary, be produced to the Official Receiver, Chairman of a meeting or Liquidator, as the case may be, and be marked by him before the proof can be admitted either for voting or for any purpose.

Production of bills of exchange and promissory notes.

67. Where a Liquidator is appointed in a winding-up by the court, all proofs of debts that have been received by the Official Receiver shall be handed over to the Liquidator, but the Official Receiver shall first make a list of such proofs, and take a receipt thereon from the Liquidator for such proofs.

Transmission of proofs to Liquidator.

*Admission and Rejection of Proofs and Preferential Claims and Appeal to the Court.*

68. (1) Subject to the provisions of the Ordinance, and unless otherwise ordered by the court, the Liquidator in any winding-up may from time to time fix a certain day, which shall be not less than fourteen days from the date of the notice, on or before which the creditors of the company are to prove their debts or claims, and to establish any title they may have to priority under section 253 of the Ordinance, or to be excluded from the benefit of any distribution made before such debts are proved, or as the case may be, from objecting to such distribution.

Notice to creditors to prove.

(2) The Liquidator shall give notice in writing of the day so fixed by advertisement in such newspaper as he shall consider convenient, and in a winding-up by the court to every person mentioned in the Statement of Affairs as a creditor, and who has not proved his debt, and to every person mentioned in the Statement of Affairs as a preferential creditor whose claim to be a preferential creditor has not been established and is not admitted, and in any other winding-up to the last known address or place of abode of each person who, to the knowledge of the Liquidator, claims to be a creditor or preferential creditor of the company and whose claim has not been admitted.

(3) All the rules hereinafter set out as to admission and rejection of proofs shall apply with the necessary variations to any such claim to priority as aforesaid.

69. The Liquidator shall examine every proof of debt lodged with him, and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it. If he rejects a proof he shall state in writing to the creditor the grounds of the rejection.

Examination of proof. Form 51.

70. If a creditor or contributory is dissatisfied with the decision of the Liquidator in respect of a proof, the court may, on the application of the creditor or contributory, reverse or vary the decision; but, subject to the power of the court to extend the time, no application to reverse or vary the decision of the Liquidator in a winding-up by the court rejecting a proof sent to him by a creditor, or person claiming to be a creditor, shall be entertained,

Appeal by creditor.

unless notice of the application is given before the expiration of twenty-one days from the date of the service of the notice of rejection.

Expunging  
at instance  
of Liquidator.

71. If the Liquidator thinks that a proof has been improperly admitted the court may, on the application of the Liquidator, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

Expunging  
at instance  
of creditor.

72. The court may also expunge or reduce a proof upon the application of a creditor or contributory if the Liquidator declines to interfere in the matter.

Official  
Receiver's  
powers.

73. In a winding-up by the court the Official Receiver, before the appointment of a Liquidator, shall have all the powers of a Liquidator with respect to the examination, admission, and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

Filing proofs  
by Official  
Receiver.

74. In a winding-up by the court the Official Receiver, where no other Liquidator is appointed, shall, before payment of a dividend, file all proofs tendered in the winding-up, with a list thereof, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

Proofs to  
be filed.  
Form 52.

75. Every Liquidator in a winding-up by the court other than the Official Receiver shall on the first day of every month, file in the court a certified list of all proofs, if any, received by him during the month next preceding, distinguishing in such lists the proofs admitted, those rejected, and such as stand over for further consideration ; and, in the case of proofs admitted or rejected, he shall cause the proofs to be filed in the court.

Procedure  
where creditor  
appeals.

76. The Liquidator in a winding-up by the court, including the Official Receiver when he is Liquidator, shall, within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof in the court, with a memorandum thereon of his disallowance thereof.

Time for  
dealing  
with proofs  
by Official  
Receiver.

77. Subject to the power of the court to extend the time in a winding-up by the court, the Official Receiver as Liquidator, not later than fourteen days from the latest date specified in the notice of his intention to declare a dividend as the time within which such proofs must be lodged, shall in writing either admit or reject wholly, or in part, every proof lodged with him, or require further evidence in support of it.

Time for  
dealing with  
proofs by  
Liquidator.

78. Subject to the power of the court to extend the time, the Liquidator in a winding-up by the court, other than the Official Receiver, within twenty-eight days after receiving a proof, which has not previously been dealt with shall in writing either admit or reject it wholly or in part, or require further evidence in support of it :

Provided that where the Liquidator has given notice of his intention to declare a dividend, he shall within fourteen days after the date mentioned in the notice as the latest date up to which proofs must be lodged, examine, and in writing admit or reject, or require further evidence in support of, every proof which has not been already dealt with, and shall give notice of his decision, rejecting a proof wholly or in part, to the creditors affected thereby. Where a creditor's proof has been admitted the notice of dividend shall be a sufficient notification of the admission.

79. The Official Receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

Cost of appeals from decisions as to proofs.

*Dividends in a Winding-up by the Court.*

80. (1) Not more than two months before declaring a dividend the Liquidator in a winding-up by the court, shall give notice of his intention to do so to the Director in order that the same may be gazetted, and at the same time to such of the creditors mentioned in the Statement of Affairs as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall not be less than fourteen days from the date of such notice.

Dividends to creditors. Forms 53, 54 and 93 (4).

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date up to which proofs may be lodged, appeals against the decision of the Liquidator rejecting a proof, notice of appeal shall, subject to the power of the court to extend the time in special cases, be given within seven days from the date of the notice of the decision against which the appeal is made, and the Liquidator may in such case make provision for the dividend upon such proof, and the probable cost of such appeal in the event of the proof being admitted. Where no notice of appeal has been given within the time specified in this rule, the Liquidator shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time fixed by this rule for appealing against the decision of the Liquidator he shall proceed to declare a dividend, and shall give notice to the Director (in order that the same may be gazetted), and shall also send a notice of dividend to each creditor whose proof has been admitted.

Forms 55 and 93 (5).

(4) If it becomes necessary, in the opinion of the Liquidator and the Committee of Inspection, to postpone the declaration of the dividend beyond the limit of two months, the Liquidator shall give a fresh notice of his intention to declare a dividend to the Director in order that the same may be gazetted ; but it shall not be necessary for the Liquidator to give a fresh notice to such of the creditors mentioned in the Statement of Affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

(5) Upon the declaration of a dividend the Liquidator shall forthwith transmit to the Director a list of the proofs filed in the court under rule 75, which list shall be in Form 56 or 57 as the case may be.

Forms 56 and 57.

(6) Dividends may at the request and risk of the person to whom they are payable be transmitted to him by post.

(7). If a person to whom dividends are payable desires that they shall be paid to some other person he may lodge with the Liquidator a document in Form 58 which shall be a sufficient authority for payment of the dividend to the person therein named.

Form 58.

81. Every order by which the Liquidator in a winding-up by the court is authorised to make a return to contributories of the company shall, unless the court otherwise directs, contain or have appended thereto a schedule or list (which the Liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be paid, and the amount of money payable to each person, and particulars of the transfers of shares (if any) which have been made or the variations in the list of

Return of capital to contributories. Forms 59, 60 and 93 (6).

contributories which have arisen since the date of the settlement of the list of contributories and such other information as may be requisite to enable the return to be made. The schedule or list shall be in Form 60, and the Liquidator shall send a notice of return to each contributory.

*General Meetings of Creditors and Contributories in relation to a Winding-up by the Court.*

First meetings of creditors and contributories.

82. Unless the court otherwise directs, the meetings of creditors and contributories under section 179 of the Ordinance (hereinafter referred to as the first meetings of creditors and contributories) shall be held within one month or if a Special Manager has been appointed then within six weeks after the date of the winding-up order. The dates of such meetings shall be fixed and they shall be summoned by the Official Receiver.

Notice of first meetings to the Director. Form 93 (2).

83. The Official Receiver shall forthwith give notice of the dates fixed by him for the first meetings of creditors and contributories to the Director who shall gazette the same.

Summoning of first meetings.

84. The first meetings of creditors and contributories shall be summoned as hereinafter provided.

Form of notices of first meetings. Forms 61 and 62.

85. The notices of first meetings of creditors and contributories may be in Forms 61 and 62, and the notices to creditors shall state a time within which the creditors must lodge their proofs in order to entitle them to vote at the first meeting.

Notice of first meetings to officers of company. Form 63.

86. The Official Receiver shall also give to each of the directors and other officers of the company who in his opinion ought to attend the first meetings of creditors and contributories seven days' notice of the time and place appointed for each meeting. The notice may either be sent by prepaid post letter, or delivered in any other manner as may be convenient. It shall be the duty of every director or officer who receives notice of such meeting to attend if so required by the Official Receiver, and if any such director or officer fails to attend the Official Receiver shall report such failure to the court.

Summary of Statement of Affairs.

87. (1) The Official Receiver shall also, as soon as practicable, send to each creditor mentioned in the company's Statement of Affairs, and to each person appearing from the company's books or otherwise to be a contributory of the company a summary of the company's Statement of Affairs, including the causes of its failure, and any observations thereon which the Official Receiver may think fit to make. The proceedings at a meeting shall not be invalidated by reason of any summary or notice required by these rules not having been sent or received before the meeting.

(2) Where prior to the winding-up order the company has commenced to be wound up voluntarily the Official Receiver may if in his discretion he sees fit so to do send to the persons aforesaid or any of them an account of such voluntary winding-up showing how such winding-up has been conducted and how the property of the company has been disposed of and any observations which the Official Receiver may think fit to make on such account or on the voluntary winding-up.

*General Meetings of Creditors and Contributories in relation to Winding-up by the Court and of Creditors in relation to a Creditor's Voluntary Winding-up.*

88. (1) In addition to the first meetings of creditors and contributories and in addition also to meetings of creditors and contributories directed to be held by the court under section 275 of the Ordinance (hereinafter referred to as court meetings of creditors and contributories), the Liquidator in any winding-up by the court may himself from time to time, subject to the provisions of the Ordinance and the control of the court summon, hold and conduct meetings of the creditors or contributories (hereinafter referred to as Liquidator's meetings of creditors and contributories) for the purpose of ascertaining their wishes in all matters relating to the winding-up.

Liquidator's meetings of creditors and contributories.

(2) In any creditor's voluntary winding-up the Liquidator may himself from time to time summon, hold and conduct meetings of creditors for the purpose of ascertaining their wishes in all matters relating to the winding-up (such meetings and all meetings of creditors which a Liquidator or a company is by the Ordinance required to convene in or immediately before such a voluntary winding-up and all meetings convened by a creditor in a voluntary winding-up under these rules are hereinafter called voluntary liquidation meetings).

89. Except where and so far as the nature of the subject-matter or the context may otherwise require, the rules as to meetings hereinafter set out shall apply to first meetings, court meetings, Liquidator's meetings of creditors and contributories, and voluntary liquidation meetings, but so nevertheless that the said rules shall take effect as to first meetings subject and without prejudice to any express provisions of the Ordinance and as to court meetings subject and without prejudice to any express directions of the court.

Application of rules as to meetings.

90. (1) The Official Receiver or Liquidator shall summon all meetings of creditors and contributories by giving not less than seven days' notice of the time and place thereof in the *Government Gazette* and in a daily English newspaper ; and shall, not less than seven days before the day appointed for the meeting, send by post to every person appearing by the company's books to be a creditor of the company notice of the meeting of creditors, and to every person appearing by the company's books or otherwise to be a contributory of the company notice of the meeting of contributories.

Summoning of meetings. Form 65.

(2) The notice to each creditor shall be sent to the address given in his proof, or if he has not proved, to the address given in the Statement of Affairs of the company, if any, or to such other address as may be known to the person summoning the meeting. The notice to each contributory shall be sent to the address mentioned in the company's books as the address of such contributory, or to such other address as may be known to the person summoning the meeting.

(3) In the case of meetings under section 233 of the Ordinance the continuing Liquidator or if there is no continuing Liquidator any creditor may summon the meeting.

(4) This rule shall not apply to meetings under section 229 or section 236 of the Ordinance.

91. A certificate by the Official Receiver or other officer of the court, or an affidavit by the Liquidator, or creditor, or his proctor, or as the case may be by some officer of the company or its proctor,

Proof of notice. Forms 66 and 67.

that the notice of any meeting has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Place of meetings.

92. Every meeting shall be held at such place as is in the opinion of the person convening the same most convenient for the majority of the creditors or contributories or both. Different times or places or both may if thought expedient be named for the meetings of creditors and for the meetings of contributories.

Costs of calling meeting.

93. The costs of summoning a meeting of creditors or contributories at the instance of any person other than the Official Receiver or Liquidator shall be paid by the person at whose instance it is summoned who shall before the meeting is summoned deposit with the Official Receiver or Liquidator (as the case may be) such sum as may be required by the Official Receiver or Liquidator as security for the payment of such costs. The costs of summoning such meeting of creditors or contributories including all disbursements for printing, stationery, postage and the hire of room, shall be calculated at the following rate for each creditor or contributory to whom notice is required to be sent, namely, one rupee per creditor or contributory for the first 20 creditors or contributories, fifty cents per creditor or contributory for the next 30 creditors or contributories, twenty-five cents per creditor or contributory for any number of creditors or contributories after the first 50. The said costs shall be repaid out of the assets of the company if the court shall by order or if the creditors or contributories (as the case may be) shall by resolution so direct. This rule shall not apply to meetings under section 229 or section 233 of the Ordinance.

Chairman of meeting.

94. Where a meeting is summoned by the Official Receiver or the Liquidator, he or someone nominated by him shall be Chairman of the meeting. At every other meeting of creditors or contributories the Chairman shall be such person as the meeting by resolution shall appoint. This rule shall not apply to meetings under section 229 of the Ordinance.

Ordinary resolution of creditors and contributories.

95. At a meeting of creditors a resolution shall be deemed to be passed when a majority in number and value of the creditors present personally or by proxy and voting on the resolution have voted in favour of the resolution, and at a meeting of the contributories a resolution shall be deemed to be passed when a majority in number and value of the contributories present personally or by proxy, and voting on the resolution, have voted in favour of the resolution, the value of the contributories being determined according to the number of votes conferred on each contributory by the regulations of the company.

Copy of resolution to be filed.

96. The Official Receiver or as the case may be the Liquidator shall file in the court a copy certified by him of every resolution of a meeting of creditors or contributories in a winding-up by the court.

Non-reception of notice by a creditor.

97. Where a meeting of creditors or contributories is summoned by notice the proceedings and resolutions at the meeting shall unless the court otherwise orders be valid notwithstanding that some creditors or contributories may not have received the notice sent to them.

Adjournments. Form 69.

98. The Chairman may with the consent of the meeting adjourn it from time to time and from place to place, but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the court otherwise orders.



99. (1) A meeting may not act for any purpose except the election of a Chairman, the proving of debts and the adjournment of the meeting unless there are present or represented thereat at least three creditors entitled to vote or three contributories or all the creditors entitled to vote or all the contributories if the number of creditors entitled to vote or the contributories as the case may be shall not exceed three.

Quorum.

(2) If within half an hour from the time appointed for the meeting a quorum of creditors or contributories is not present or represented the meeting shall be adjourned to the same day in the following week at the same time and place or to such other day or time or place as the Chairman may appoint but so that the day appointed shall be not less than seven or more than twenty-one days from the day from which the meeting was adjourned.

100. In the case of a first meeting of creditors or of an adjournment thereof a person shall not be entitled to vote as a creditor, unless he has duly lodged with the Official Receiver not later than the time mentioned for that purpose in the notice convening the meeting or adjourned meeting a proof of the debt which he claims to be due to him from the company. In the case of a court meeting or Liquidator's meeting of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the official Receiver or Liquidator a proof of the debt which he claims to be due to him from the company and such proof has been admitted wholly or in part before the date on which the meeting is held :

Creditors entitled to vote.

Provided that this and the next four following rules shall not apply to a court meeting of creditors held prior to the first meeting of creditors. This rule shall not apply to any creditor or class of creditors who by virtue of the rules or any directions given thereunder are not required to prove their debts or to any voluntary liquidation meeting.

101. A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the company and who has not been adjudged insolvent, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

Cases in which creditors may not vote.

102. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof or in a voluntary liquidation in such a statement as is hereinafter mentioned the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the court on application is satisfied that the omission to value the security has arisen from inadvertence.

Votes of secured creditors.

103. The Official Receiver or Liquidator may within twenty-eight days after a proof or in a voluntary liquidation a statement estimating the value of a security as aforesaid has been used in voting at a meeting require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated with an addition thereto of twenty per cent. :

Creditor required to give up security.

Provided that where a creditor has valued his security he may at any time before being required to give it up correct the valuation by a new proof and deduct the new value from his debt, but in that case the said addition of twenty per cent. shall not be made if the security is required to be given up.

Admission and rejection of proofs for purpose of voting.

104. The Chairman shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the court. If he is in doubt whether a proof shall be admitted or rejected he shall mark it as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Statement of security.

105. For the purpose of voting at any voluntary liquidation meetings a secured creditor shall unless he surrenders his security lodge with the Liquidator or where there is no Liquidator at the registered office of the company before the meeting a statement giving the particulars of his security, the date when it was given and the value at which he assesses it.

Minutes of meeting.  
Form 64.

106. (1) The Chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book kept for that purpose and the minutes shall be signed by him or by the Chairman of the next ensuing meeting.

(2) A list of creditors and contributories present at every meeting shall be made and kept in Form 64.

*Proxies in Relation to a Winding-up by the Court and to Meetings of Creditors in a Creditors' Voluntary Winding-up.*

Creditor or contributory may vote by proxy.

107. A creditor or a contributory may vote either in person or by proxy. Where a person is authorised in manner provided by section 114 of the Ordinance to represent a corporation at any meeting of creditors or contributories such person shall produce to the Official Receiver or Liquidator or other the Chairman of the meeting a copy of the resolution so authorising him. Such copy must either be under the seal of the corporation or must be certified to be a true copy by the Secretary or a director of the corporation. The succeeding rules as to proxies shall not (unless otherwise directed by the court) apply to a court meeting of creditors or contributories prior to the first meeting.

Form of proxies.  
Forms 70 and 71.

108. Every instrument of proxy shall be in Form 70 or 71 as the case may be and every written part thereof shall be in the handwriting of the person giving the proxy or of any manager or clerk or other person in his regular employment.

Forms of proxy to be sent with notices.

109. General and special forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the Official Receiver or Liquidator or any other person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

General proxies.

110. A creditor or a contributory may give a general proxy to any person.

Special proxies.

111. A creditor or a contributory may give a special proxy to any person to vote at any specified meeting or adjournment thereof—

(a) for or against the appointment or continuance in office of any specified person as Liquidator or member of the Committee of Inspection, and

(b) on all questions relating to any matter other than those above referred to and arising at the meeting or an adjournment thereof.

112. Where it appears to the satisfaction of the court that any solicitation has been used by or on behalf of a Liquidator in obtaining proxies or in procuring his appointment as Liquidator except by the direction of a meeting of creditors or contributories, the court if it thinks fit may order that no remuneration be allowed to the person by whom or on whose behalf the solicitation was exercised notwithstanding any resolution of the Committee of Inspection or of the creditors or contributories to the contrary.

Solicitation by Liquidator to obtain proxies.

113. A creditor or a contributory in a winding-up by the court may appoint the Official Receiver or Liquidator and in a voluntary winding-up the Liquidator or if there is no Liquidator the Chairman of a meeting to act as his general or special proxy.

Proxies to Official Receiver or Liquidator.

114. No person acting either under a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate or business of the company otherwise than as a creditor rateably with the other creditors of the company: Provided that where any person holds special proxies to vote for an application to the court in favour of the appointment of himself as Liquidator he may use the said proxies and vote accordingly.

Holder of proxy not to vote on matter in which he is financially interested.

115. (1) A proxy intended to be used at the first meeting of creditors or contributories, or an adjournment thereof, shall be lodged with the Official Receiver not later than the time mentioned for that purpose in the notice convening the meeting or the adjourned meeting, which time shall be not earlier than twelve o'clock at noon of the day but one before, nor later than twelve o'clock at noon of the day before the day appointed for such meeting, unless the court otherwise directs.

When should proxies be lodged with the Official Receiver. Forms 70 and 71.

(2) In every other case a proxy shall be lodged with the Official Receiver or Liquidator in a winding-up by the court with the company at its registered office for a meeting under section 229 of the Ordinance, and with the Liquidator or if there is no Liquidator with the person named in the notice convening the meeting to receive the same in a voluntary winding-up not later than four o'clock in the afternoon of the day before the meeting or adjourned meeting at which it is to be used.

#### *Attendance and Appearance of Parties.*

116. (1) Every person for the time being on the list of contributories of the company, and every person whose proof has been admitted shall be at liberty, at his own expense, to attend proceedings, and shall be entitled, upon payment of the costs occasioned thereby, to have notice of all such proceedings as he shall by written request desire to have notice of; but if the court shall be of opinion that the attendance of any such person upon any proceedings has occasioned any additional costs which ought not to be borne by the funds of the company, it may direct such costs, or a gross sum in lieu thereof, to be paid by such person; and such person shall not be entitled to attend any further proceedings until he has paid the same.

Attendance at proceedings.

(2) The court may from time to time appoint any one or more of the creditors or contributories to represent before the court, at the expense of the company, all or any class of the creditors or contributories, upon any question or in relation to any proceedings before the court, and may remove the person so appointed. If more than one person is appointed under this rule to represent one class, the persons appointed shall employ the same proctor to represent them.

Attendance of Liquidator's proctor.

117. Where the attendance of the Liquidator's proctor is required on any proceeding in the court, the Liquidator need not attend in person, except in cases where his presence is necessary in addition to that of his proctor, or where the court directs him to attend.

*Liquidator and Committee of Inspection.*

Directions under section 185 (3) of the Ordinance.

118. The Liquidator of a company which is being wound up by the court may in relation to any particular matter arising under the winding up by motion apply to the court for directions.

Remuneration of Liquidator.

119. (1) The remuneration of a Liquidator, unless the court otherwise orders, shall be fixed by the Committee of Inspection, and shall be in the nature of a commission or percentage of which one part shall be payable on the amount realized, after deducting the sums (if any) paid to secured creditors (other than debenture holders) out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If the Registrar of Companies is of opinion that the remuneration of a Liquidator as fixed by the Committee of Inspection is unnecessarily large, the Registrar of Companies may apply to the court, and thereupon the court shall fix the amount of the remuneration of the Liquidator.

(3) If there is no Committee of Inspection the remuneration of the Liquidator shall be fixed by the court.

(4) This rule shall only apply to a Liquidator appointed in a winding-up by the court.

Limit of remuneration.

120. Except as provided by the Ordinance or the rules, a Liquidator shall not under any circumstances whatever, make any arrangement for, or accept from any proctor, auctioneer, or any other person connected with the company of which he is Liquidator, or who is employed in or in connection with the winding-up of the company, any gift, remuneration, or pecuniary or other consideration or benefit whatever beyond the remuneration to which under the Ordinance and the rules he is entitled as Liquidator, nor shall he make any arrangement for giving up, or give up any part of such remuneration to any such proctor, auctioneer, or other person.

Dealings with assets.

121. Neither the Liquidator, nor any member of the Committee of Inspection of a company shall, while acting as Liquidator or member of such Committee, except by leave of the court, either directly or indirectly, by himself or any employer, partner, clerk, agent, or servant, become purchaser of any part of the company's assets.

Restriction on purchase of goods by Liquidator.

122. Where the Liquidator carries on the business of the company, he shall not, without the express sanction of the court, purchase goods for the carrying on of such business from any person whose connection with him is of such a nature as would result in his obtaining any portion of the profit (if any) arising out of the transaction.

123. No member of a Committee of Inspection shall except under and with the sanction of the court, directly or indirectly, by himself, or any employer, partner, clerk, agent or servant, be entitled to derive any profit from any transaction arising out of the winding-up or to receive out of the assets any payment for services rendered by him in connection with the administration of the assets, or for any goods supplied by him to the Liquidator for or on account of the company. In a winding-up by the court if it appears to the Registrar of Companies or in a voluntary winding-up if it appears to the Committee of Inspection or to any meeting of creditors or contributories that any profit or payment has been made contrary to the provisions of this rule, they may disallow such payment or recover such profit, as the case may be, on the audit of the Liquidator's accounts or otherwise.

Committee of Inspection not to make profit.

124. In any case in which the sanction of the court is obtained under the two last preceding rules, the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the company's assets.

Costs of obtaining sanction of court.

125. Where the sanction of the court to a payment to a member of a Committee of Inspection for services rendered by him in connection with the administration of the company's assets is obtained, the order of the court shall specify the nature of the services, and such sanction shall only be given where the service performed is of a special nature. Except by the express sanction of the court no remuneration shall, under any circumstances, be paid to a member of a Committee for services rendered by him in the discharge of the duties attaching to his office as a member of such Committee.

Sanction of payments to Committee.

126. (1) Where a Liquidator is appointed by the court, and has notified his appointment to the Registrar of Companies, and given security to the Registrar of Companies, the Official Receiver shall forthwith put the Liquidator into possession of all property of the company of which the Official Receiver may have custody :

Discharge of costs before assets handed to Liquidator.

Provided that such Liquidator shall have, before the assets are handed over to him by the Official Receiver, discharged any balance due to the Official Receiver on account of fees, costs, and charges properly incurred by him, and on account of any advances properly made by him in respect of the company, together with interest on such advances at the rate of six per centum per annum ; and the Liquidator shall pay all fees, costs, and charges of the Official Receiver which may not have been discharged by the Liquidator before being put into possession of the property of the company, and whether incurred before or after he has been put into such possession. (2) The Official Receiver shall be deemed to have a lien upon the company's assets until such balance shall have been paid and the other liabilities shall have been discharged.

(3) It shall be the duty of the Official Receiver, if so requested by the Liquidator, to communicate to the Liquidator all such information respecting the estate and affairs of the company as may be necessary or conducive to the due discharge of the duties of the Liquidator.

(4) This and the next following rule shall only apply in a winding-up by the court.

127. A Liquidator who desires to resign his office shall summon separate meetings of the creditors and contributories of the company to decide whether or not the resignation shall be accepted. If the creditors and contributories by ordinary resolutions both agree to accept the resignation of the Liquidator, he shall file in the court

Resignation of Liquidator.

a memorandum of his resignation ; and shall send notice thereof to the Official Receiver, and the resignation shall thereupon take effect. In any other case the Liquidator shall report to the court the result of the meetings and shall send a report to the Official Receiver and thereupon the court may, upon the application of the Liquidator or the Official Receiver, determine whether or not the resignation of the Liquidator shall be accepted, and may give such directions and make such orders as in the opinion of the court shall be necessary.

Office of Liquidator vacated by his insolvency.

128. If a Liquidator is adjudged insolvent he shall thereby vacate his office, and for the purposes of the application of the Ordinance and the rules shall be deemed to have been removed.

*Payments into and out of a Bank.*

Payments out of Companies Liquidation Account how made.

129. All payments out of the Companies Liquidation Account shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the company, and shall be countersigned by the Deputy Director or by an Assistant Director and signed by the Director.

Payments out of special bank account how made. Forms 72 and 73.

130. (1) Where the Liquidator in a winding-up by the court is authorised to have a special bank account, he shall forthwith pay all monies received by him into that account to the credit of the Liquidator of the company. All payments out shall be made by cheque payable to order, and every cheque shall have marked or written on the face of it the name of the company, and shall be signed by the Liquidator, and shall be countersigned by at least one member of the Committee of Inspection, and by such other person, if any, as the Committee of Inspection may appoint.

(2) Where application is made to the court to authorise the Liquidator in a winding-up by the court to make his payments into and out of a special bank account, the court may grant such authorisation for such time and on such terms as it deems fit, and may at any time order the account to be closed if it is of opinion that the account is no longer required for the purposes mentioned in the application.

*Books.*

Record Book.

131. In a winding-up by the court the Official Receiver, until a Liquidator is appointed by the court, and thereafter the Liquidator, shall keep a book to be called the " Record Book " in which he shall record all minutes, all proceedings had and resolutions passed at any meeting of creditors or contributories, or of the Committee of Inspection, and all such matters as may be necessary to give a correct view of his administration of the company's affairs, but he shall not be bound to insert in the Record Book any document of a confidential nature (such as the opinion of counsel on any matter affecting the interest of the creditors or contributories), nor need he exhibit such document to any person other than a member of the Committee of Inspection, the Official Receiver, or the Registrar of Companies.

Cash Book.

132. (1) In a winding-up by the court the Official Receiver, until a Liquidator is appointed by the court, and thereafter the Liquidator, shall keep a book to be called the " Cash Book " (which shall be in such form as the Registrar of Companies may from time to time direct) in which he shall (subject to the provisions of the rules as to trading accounts) enter from day to day the receipts and payments made by him.

(2) In a winding-up by the court a Liquidator other than the Official Receiver shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the Committee of Inspection (if any) when required, and not less than once every three months.

(3) In a creditors voluntary winding-up the Liquidator shall keep such books as the Committee of Inspection or if there is no such Committee as the creditors shall direct and all books kept by the Liquidator shall be submitted to the Committee of Inspection or if there is no such Committee to the creditors with any other books, documents, papers and accounts in his possession relating to his office as Liquidator or to the Company as and when the Committee of Inspection or if there is no such Committee the creditors direct.

*Investment of Funds.*

133. (1) Where in a winding-up by the court or in a creditors voluntary winding-up the Committee of Inspection are of opinion that any part of the cash balance standing to the credit of the account of the company should be invested, they shall sign a certificate and request, and the Liquidator shall transmit such certificate and request to the Director.

Investment of assets in securities and realisation of securities. Forms 74 and 75.

(2) Where the Committee of Inspection in any such winding-up are of opinion that it is advisable to sell any of the securities in which the moneys of the company's assets are invested they shall sign a certificate and request to that effect, and the Liquidator shall transmit such certificate and request to the Director.

(3) Where there is no Committee of Inspection in any such winding-up as is mentioned in paragraphs (1) and (2) of this rule and in every member's voluntary winding-up whether under the supervision of the court or not, if a case has in the opinion of the Liquidator arisen under section 281 of the Ordinance for an investment of funds of the company or a sale of securities in which the company's funds have been invested, the Liquidator shall sign and transmit to the Director a certificate of the facts on which his opinion is founded, and a request to the Director to make the investment or sale mentioned in the certificate, and the Director may thereupon, if he thinks fit, invest or sell the whole or any part of the said funds and securities, as provided in the said section, and the said certificate and request shall be a sufficient authority to the Director for the said investment or sale.

*Accounts and Audit in a Winding-up by the Court.*

134. The Committee of Inspection shall not less than once every three months audit the Liquidator's Cash Book and certify therein under their hands the day on which the said book was audited.

Audit of Cash Book. Form 76.

135. (1) The Liquidator shall, at the expiration of six months from the date of the winding-up order, and at the expiration of every succeeding six months thereafter until his release, transmit to the Registrar of Companies a copy of the Cash Book for such period in duplicate, together with the necessary vouchers and copies of the certificate of audit by the Committee of Inspection. He shall also forward with the first accounts, a summary of the company's Statement of Affairs, showing thereon the amounts realised, and explaining the cause of the non-realisation of such assets as may be unrealised. The Liquidator shall also at the end of every six months forward to the Registrar of Companies with his accounts, a report upon the position of the liquidation of the company in such form as the Registrar of Companies may direct.

Audit of Liquidator's accounts.

(2) When the assets of the company have been fully realised and distributed, the Liquidator shall forthwith send in his accounts to the Registrar of Companies, although the six months may not have expired.

Form 77.

(3) The accounts sent in by the Liquidator shall be verified by him by affidavit.

Liquidator carrying on business.

136. (1) Where the Liquidator carries on the business of the company, he shall keep a distinct account of the trading, and shall incorporate in the Cash Book the total weekly amounts of the receipts and payments on such trading account.

Forms 78 and 79.

(2) The trading account shall from time to time, and not less than once in every month, be verified by affidavit, and the Liquidator shall thereupon submit such account to the Committee of Inspection (if any), or such member thereof as may be appointed by the Committee for that purpose, who shall examine and certify the same.

Copy of accounts to be filed.

137. When the Liquidator's account has been audited, the Registrar of Companies shall certify the fact upon the account, and thereupon the duplicate copy, bearing a like certificate, shall be filed in the court.

Summary of accounts.

138. (1) The Liquidator shall transmit to the Registrar of Companies with his accounts a summary of such accounts in such form as the Registrar of Companies may from time to time direct, and on the approval of such summary by the Registrar of Companies shall forthwith obtain, prepare and transmit to the Registrar of Companies so many printed copies thereof, duly stamped for transmission by post, and addressed to the creditors and contributories, as may be required for transmitting such summary to each creditor and contributory.

(2) The cost of printing and posting such copies shall be a charge upon the assets of the company.

Affidavit of no receipts.

139. Where a Liquidator has not since the date of his appointment or since the last audit of his accounts, as the case may be, received or paid any sum of money on account of the assets of the company, he shall, at the time when he is required to transmit his accounts to the Registrar of Companies forward to the Registrar of Companies an affidavit of no receipts or payments.

Proceedings on resignation, &c., of Liquidator.

140. Upon a Liquidator resigning or being released or removed from his office, he shall deliver over to the Official Receiver, or as the case may be, to the new Liquidator, all books kept by him, and all other books, documents, papers and accounts in his possession relating to the office of Liquidator. The release of a Liquidator shall not take effect unless and until he has delivered over to the Official Receiver, or as the case may be to the new Liquidator all books, papers, documents, and accounts which he is by this rule required to deliver on his release.

Expenses of sales.

141. Where property forming part of a company's assets is sold by the Liquidator through an auctioneer or other agent, the gross proceeds of the sale shall be paid over by such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent, on the production of the necessary certificate of the taxing officer. Every Liquidator by whom such auctioneer or agent is employed, shall, unless the court otherwise orders, be accountable for the proceeds of every such sale.



*Taxation of Costs.*

142. Every proctor, manager, accountant, auctioneer, broker or other person employed by an Official Receiver or Liquidator in a winding-up by the court shall on request by the Official Receiver or Liquidator (to be made a sufficient time before the declaration of a dividend) deliver his bill of costs or charges to the Official Receiver or Liquidator for the purpose of taxation; and if he fails to do so within the time stated in the request, or such extended time as the court may allow, the Liquidator shall declare and distribute the dividend without regard to such person's claim and subject to any order of the court the claim shall be forfeited. The request by the Official Receiver or Liquidator shall be in Form 80.
143. Where a bill of costs or charges in any winding-up has been lodged with the taxing officer, he shall give notice of an appointment to tax the same, in a winding-up by the court to the Official Receiver, and in every winding-up to the Liquidator, and to the person to or by whom the bill or charges is or are to be paid (as the case may be).
144. The bill or charges, if incurred in a winding-up by the court prior to the appointment of a Liquidator, shall be lodged with the Official Receiver, and if incurred after the appointment of a Liquidator, shall be lodged with the Liquidator. The Official Receiver or the Liquidator, as the case may be, shall lodge the bill or charges with the proper taxing officer.
145. Every person whose bill or charges in a winding-up by the court is or are to be taxed shall, on application either of the Official Receiver or the Liquidator, furnish a copy of his bill or charges so to be taxed, on payment at the rate of twenty-five cents per folio, which payment shall be charged on the assets of the company. The Official Receiver shall call the attention of the Liquidator to any items which, in his opinion, ought to be disallowed or reduced, and may attend or be represented on the taxation.
146. Upon the taxation of any bill of costs, charges, or expenses being completed, the taxing officer shall issue to the person presenting such bill for taxation his allowance or certificate of taxation. The bill of costs, charges, and expenses, together with the allowance or certificate, shall be filed in the court.
147. Where the bill or charges of any proctor, manager, accountant, auctioneer, broker, or other person employed by the Official Receiver or Liquidator is or are payable out of the assets of the company, a certificate in writing, signed by the Official Receiver or Liquidator, as the case may be, shall on the taxation be produced to the taxing officer setting forth whether any, and if so what, special terms of remuneration have been agreed to, and in the case of the bill of costs of a proctor, a copy of the resolution or other authority sanctioning the appointment of a proctor to assist the Liquidator in the performance of his duties and the instructions given to such proctor by the Liquidator.
148. In any case in which pursuant to section 258 of the Ordinance the Fiscal is required to deliver goods or money to a Liquidator such Fiscal shall without delay bring in his bill of fees for taxation and they shall be taxed by the taxing officer and unless such bill of fees is brought in for taxation within one month from the date when the Fiscal makes such delivery the Liquidator may decline to pay the same.
149. If a Liquidator shall in writing require any fees which a Fiscal has deducted under section 258 (2) of the Ordinance to be taxed the Fiscal shall within seven days from the date of the request

Taxation of costs payable by or to Official Receiver or Liquidator or by company.

Form 80.

Notice of appointment.

When bill or charges to be lodged with Official Receiver.

Copy of the bill to be furnished.

Certificate of taxation. Form 81.

Certificate of employment.

Fiscal's fees

Taxation of Fiscal's fees after deduction.

bring in such fees for taxation and they shall be taxed by the taxing officer and any amount disallowed on such taxation shall forthwith be paid over by the Fiscal to the Liquidator.

Appeal from  
taxation.

150. (1) If any person is dissatisfied with the taxation of the taxing officer, the matter in dispute shall be referred to the court for its decision, and the decision of the court in review of taxation of costs shall (except when it is the decision of the Supreme Court) be liable to an appeal to the Supreme Court.

(2) The costs of and incidental to the review shall be paid out of the assets of the company or otherwise as the court may direct.

*Cost and Expenses payable out of the Assets of the Company.*

Liquidator's  
charges.

151. (1) Where a Liquidator or Special Manager in a winding-up by the court receives remuneration for his services as such, no payment shall be allowed on his accounts in respect of the performance by any other person of the ordinary duties which are required by the Ordinance or the rules to be performed by him.

(2) Where a Liquidator is a proctor he may contract that the remuneration for his services as Liquidator shall include all professional services.

Costs payable  
out of the  
assets.

152. (1) The assets of a company in a winding-up by the court, remaining after payment of the fees and expenses properly incurred in preserving, realising or getting in the assets, including where the company has previously commenced to be wound up voluntarily, such remuneration, costs, and expenses as the court may allow to a Liquidator appointed in such voluntary winding-up shall, subject to any order of the court, be liable to the following payments, which shall be made in the following order of priority, namely:—

*First.*—the taxed costs of the petition, including the taxed costs of any person appearing on the petition whose costs are allowed by the court ;

*Next.*—the remuneration of the Special Manager (if any) ;

*Next.*—the costs and expenses of any person who makes or concurs in making, the company's Statement of Affairs ;

*Next.*—the taxed charges of any shorthand writer appointed to take an examination :

Provided that where the shorthand writer is appointed at the instance of the Official Receiver the cost of the shorthand notes shall be deemed to be an expense incurred by the Official Receiver in getting in and realising the assets of the company ;

*Next.*—the necessary disbursements of any Liquidator appointed in the winding-up by the court, other than expenses properly incurred in preserving, realising or getting in the assets heretofore provided for ;

*Next.*—the costs of any person properly employed by any such Liquidator ;

*Next.*—the remuneration of any such Liquidator ;

*Next.*—the actual out-of-pocket expenses necessarily incurred by the Committee of Inspection, subject to the approval of the court.

(2) No payments in respect of bills or charges of proctors, managers, accountants, auctioneers, brokers, or other persons, other than payments for costs and expenses incurred and sanctioned under rule 27, and payments of bills which have been taxed and

allowed under orders made for the taxation thereof, shall be allowed out of the assets of the company without proof that the same have been considered and allowed by the taxing officer. The taxing officer shall before passing the bills or charges of a proctor satisfy himself that the appointment of a proctor to assist the Liquidator in the performance of his duties has been duly sanctioned :

Provided that the Official Receiver when acting as Liquidator may without taxation pay and allow the costs and charges of any person other than a proctor employed by him where such costs and charges are within the scale usually allowed by the court and do not exceed the sum of twenty rupees ;

Provided that the Registrar of Companies may require such costs or charges to be taxed by the taxing officer.

(3) Nothing contained in this rule shall apply to or affect costs which, in the course of legal proceedings by or against a company which is being wound up by the court, are ordered by the court in which such proceedings are pending to be paid by the company or the Liquidator, or the rights of the person to whom such costs are payable.

*Statements by Liquidator to the Registrar of Companies.*

153. The winding-up of a company shall, for the purposes of section 272 of the Ordinance, be deemed to be concluded—

Conclusion of winding-up.

(1) in the case of a company wound up by order of the court, at the date on which the order dissolving the company has been reported by the Liquidator to the Registrar of Companies, or at the date of the order of the court releasing the Liquidator pursuant to section 190 of the Ordinance ;

(2) in the case of a company wound up voluntarily, or under the supervision of the court, at the date of the dissolution of the company, unless at such date any funds or assets of the company remain unclaimed or undistributed in the hands or under the control of the Liquidator, or any person who has acted as Liquidator, in which case the winding-up shall not be deemed to be concluded until such funds or assets have either been distributed or paid into the Companies Liquidation Account.

154. In a voluntary winding-up or a winding-up under the supervision of the court the statements with respect to the proceedings in and position of a liquidation of a company, the winding-up of which is not concluded within a year after its commencement, shall be sent to the Registrar of Companies twice in every year as follows :—

Times for sending Liquidator's statements, and provisions applicable thereto. Forms 82, 83, 84, 85 and 86.

(1) The first statement commencing at the date when a Liquidator was first appointed and brought down to the end of twelve months from the commencement of the winding-up, shall be sent within 30 days from the expiration of such twelve months, or within such extended period as the Registrar of Companies may sanction, and the subsequent statements shall be sent at intervals of half a year, each statement being brought down to the end of the half year for which it is sent. In cases in which the assets of the company have been fully realised and distributed before the expiration of a half-yearly interval a final statement shall be sent forthwith.

- (2) Subject to the next succeeding rule, Form 82, and where applicable Forms 84, 85, and 86, shall be used, and the directions specified in the Form shall (unless the Registrar of Companies otherwise directs) be observed in reference to every statement.
- (3) Every statement shall be sent in duplicate, and shall be verified by an affidavit in Form 83.

Affidavit of  
no receipts  
or payments.  
Forms 82  
and 83.

155. Where in a voluntary winding-up or a winding-up under the supervision of the court a Liquidator has not during any period for which a statement has to be sent received or paid any money on account of the company he shall at the period when he is required to transmit his statement, send to the Registrar of Companies the prescribed statement in Form 82, in duplicate, containing the particulars therein required with respect to the proceedings in and position of the liquidation, and with such statement shall also send an affidavit of no receipts or payments in Form 83.

*Unclaimed Funds and Undistributed Assets in the Hands of a Liquidator.*

Payment of  
undistributed  
and unclaimed  
money into  
Companies  
Liquidation  
Account.

156. (1) All money in the hands or under the control of a Liquidator of a Company representing unclaimed dividends, which for six months from the date when the dividend become payable have remained in the hands or under the control of the Liquidator, shall forthwith, on the expiration of the six months, be paid into the Companies Liquidation Account.

(2) In a voluntary winding-up or a winding-up under the supervision of the court all other money in the hands or under the control of a Liquidator of a company, representing unclaimed or undistributed assets, which under sub-section (1) of section 273 of the Ordinance, the Liquidator is to pay into the Companies Liquidation Account, shall be ascertained as on the date to which the statement of receipts and payments sent in to the Registrar of Companies is brought down, and the amount to be paid to the Companies Liquidation Account shall be the minimum balance of such money which the Liquidator has had in his hands or under his control during the six months immediately preceding the date to which the statement is brought down, less such part (if any) thereof as the Director may authorise him to retain for the immediate purposes of the liquidation. Such amount shall be paid into the Companies Liquidation Account within fourteen days from the date to which the statement of account is brought down.

(3) Notwithstanding anything in this rule, any monies representing unclaimed or undistributed assets or dividends in the hands of the Liquidator at the date of the dissolution of the company shall forthwith be paid by him into the Companies Liquidation Account.

(4) A Liquidator whose duty it is to pay into the Companies Liquidation Account money representing unclaimed or undistributed assets of the company shall apply to the Director in such manner as he may direct for a paying-in order, which paying-in order shall be an authority to the Bank to receive the payment.

(5) In a voluntary winding-up or a winding-up under the supervision of the court, money invested or deposited at interest by a Liquidator shall be deemed to be money under his control, and when such money forms part of the minimum balance payable into the Companies Liquidation Account pursuant to paragraph (2)

of this rule, the Liquidator shall realise the investment or withdraw the deposit, and shall pay the proceeds into the Companies Liquidation Account :

Provided that where the money is invested in Government securities, such securities may, with the permission of the Deputy Financial Secretary, be transferred to the control of the Deputy Financial Secretary instead of being forthwith realised and the proceeds thereof paid into the Companies Liquidation Account. In the latter case, if and when the money represented by the securities is required wholly or in part for the purposes of the Liquidation, the Deputy Financial Secretary may realise the securities wholly or in part and pay the proceeds of realisation into the Companies Liquidation Account and deal with the same in the same way as other monies paid into the said Account may be dealt with.

157. In a voluntary winding-up or a winding-up under the supervision of the court, every person who has acted as Liquidator of any company, whether the liquidation has been concluded or not, shall furnish to the Director particulars of any money in his hands or under his control representing unclaimed or undistributed assets of the company and such other particulars as the Director may require for the purpose of ascertaining or getting in any money payable into the Companies Liquidation Account. The Director may require such particulars to be verified by affidavit.

Liquidator to furnish information to the Director. Form 87.

158. (1) In a voluntary winding-up or a winding-up under the supervision of the court, the Director may at any time order any person referred to in rule 157 to submit to him an account verified by affidavit of the sums received and paid by such person as Liquidator of the company and may direct an audit of the account by an auditor to be named by the Director.

The Director may call for verified accounts.

(2) The Director shall communicate to such person the name of the auditor and such person shall thereupon produce to that auditor all such books, papers and documents as the auditor may require for the purpose of carrying out a proper audit of the account.

(3) If such person fails or omits to produce such books, papers and documents as the auditor may require for the purposes of the audit, the Director may report such failure or omission to the court. The court may make such order thereon as it deems fit.

(4) For the purposes of section 273 of the Ordinance, and the rules, the court has and may exercise all the powers conferred by Ordinance No. 7 of 1853, with respect to the discovery and realisation of the property of an insolvent, and the provisions of that Ordinance with respect thereto shall, with any necessary modification, apply to proceedings under section 273 of the Ordinance.

159. An application to the court by the Director for the purpose of ascertaining and getting in money payable into the Companies Liquidation Account pursuant to section 273 of the Ordinance, shall be made by motion.

Application to the court for enforcing an account, and getting in money.

160. An application by a person claiming to be entitled to any money paid into the Companies Liquidation Account in pursuance of section 273 of the Ordinance, shall be made in such form and manner as the Director may from time to time direct, and shall, unless the Director otherwise directs, be accompanied by the certificate of the Liquidator that the person claiming is entitled and such further evidence as the Director may direct.

Application for payment out by person entitled.

Application  
by Liquidator  
for payment  
out.

161. A Liquidator who requires to make payments out of money paid into the Companies Liquidation Account in pursuance of section 273 of the Ordinance, either by way of distribution or in respect of the cost and expenses of the proceedings, shall apply in such form and manner as the Director may direct, and the Director may thereupon either make an order for payment to the Liquidator of the sum required by him for the purposes aforesaid, or may direct cheques to be issued to the Liquidator for transmission to the persons to whom the payments are to be made.

*Release of Liquidator in a Winding-up by the Court.*

Proceedings  
for release  
of Liquidator.  
Forms 88, 89  
and 90.

162. (1) A Liquidator in a winding-up by the court before making application to the court for his release, shall give notice of his intention so to do to all the creditors who have proved their debts, and to all the contributories, and shall send with the notice a summary of all receipts and payments in the winding-up.

Form 93 (9).

(2) When the court has granted to a Liquidator his release, a notice of the order granting the release shall be gazetted. The Liquidator shall provide the cost of the advertisement of the notice in the *Government Gazette*, which he may charge against the company's assets.

Disposal of  
books and  
papers.

163. (1) The Director may order that the books and papers of a company which has been wound up shall not be destroyed for such period (not exceeding five years from the dissolution of the company) as he thinks proper.

(2) Any creditor or contributory may make representations to the Director with regard to the destruction of such books and papers and may appeal to the court from any order made by him under this rule.

(3) Subject to any order of the court, the Director may by a further order vary or rescind any order made by him under this rule.

(4) A resolution for the destruction of the books and papers of such a company within the said period of five years or any shorter period fixed by an order of the Director in force at the date of such resolution shall not take effect until the expiration of such period of five years or of such shorter period unless the Director shall otherwise direct.

(5) At least one week's notice shall be given to the Director of any application to the court for an order for the destruction of the books and papers of a company before the expiration of such period of five years or shorter period.

*Official Receivers.*

Duties where  
no assets.

164. Where a company against which a winding-up order has been made has no available assets, the Official Receiver shall not be required to incur any expense in relation to the winding-up without the express directions of the court.

Accounting  
by Official  
Receiver.

165. (1) Where a Liquidator is appointed by the court in a winding-up by the court, the Official Receiver shall account to the Liquidator.

(2) If the Liquidator is dissatisfied with the account or any part thereof, he may report the matter to the court.

(3) The provisions of the rules as to Liquidators and their accounts shall not apply to the Official Receiver when he is Liquidator, but he shall account in such manner as the court may from time to time direct.

166. Where there is no Committee of Inspection in a winding-up by the court any functions of the Committee of Inspection which devolve on the court may, subject to the directions of the court, be exercised by the Official Receiver.

Official Receiver to act where no Committee of Inspection.

167. (1) An appeal to the court—

(a) from any decision of the Director made under section 273 (4) of the Ordinance, or

(b) from any act or decision of the Official Receiver acting otherwise than as Liquidator of a company,

Appeals from Director or Official Receiver.

shall be brought within twenty-one days from the time when the decision or act appealed against is done, pronounced, or made.

(2) Every appeal to the court shall be made by filing in the court a written petition of appeal setting out the grounds of such appeal and shall be signed by the appellant or his proctor.

168. An application by the Registrar of Companies to the court to examine on oath the Liquidator or any other person pursuant to section 189, of the Ordinance or to confer on the Director or any person designated by him for the purpose with respect to the company concerned the powers of investigating the affairs of the company mentioned in subsection (3) of section 265 of the Ordinance, shall be by summary procedure under Chapter XXIV of the Civil Procedure Code, and shall be supported by a report to the court stating the circumstances in which the application is made.

Applications under section 189 and section 265 (3) of the Ordinance.

*Books to be kept, and returns made, by Officers of Courts.*

169. (1) The Secretary of the court shall keep books in Forms 91 and 92 and the particulars given under the different heads in such books shall be entered forthwith after each proceeding has been concluded.

Books to be kept by Secretary of court. Forms 91 and 92.

(2) The Secretary of the court shall make and transmit to the Registrar of Companies such extracts from the books kept under paragraph (1), and shall furnish the Registrar of Companies with such information and returns, as he may from time to time require.

*Gazetting in a Winding-up by the Court.*

170. (1) All notices subsequent to the making by the court of a winding-up order in pursuance of the Ordinance or the rules requiring publication in the *Government Gazette* shall be gazetted by the Director.

Gazetting notices. Form 93.

(2) Where any winding-up order is amended, and also in any case in which any matter which has been gazetted has been amended or altered, or in which a matter has been wrongly or inaccurately gazetted, the Director shall re-gazette such order or matter with the necessary amendments and alterations in the prescribed form, at the expense of the company's assets, or otherwise as the court may direct.

171. (1) Whenever the *Government Gazette* contains any advertisement relating to any winding-up proceedings the Official Receiver or Liquidator as the case may be shall file in the court a memorandum referring to and giving the date of the advertisement.

Filing memorandum of Gazette Notices. Form 94.

(2) In the case of an advertisement in a daily English newspaper, the Official Receiver or Liquidator as the case may be shall keep a copy of the paper, and a memorandum referring to and giving the date of the advertisement shall be filed in the court.

(3) For this purpose one copy of each daily newspaper in which any advertisement relating to any winding-up proceeding in the court is inserted, shall be left with or sent to the Official Receiver or Liquidator as the case may be by the person who inserts the advertisement.

*Miscellaneous.*

Application of Existing procedure.

172. In all proceedings in or before the court or over which the court has jurisdiction under the Ordinance and rules, where no other provision is made by the Ordinance or rules, the practice and procedure shall unless the court otherwise in any special case directs, be in accordance, as far as practicable, with the existing practice and procedure of the court in civil proceedings.

Fees.

173. The fees specified in the Second Schedule shall be paid in respect of the matters therein mentioned.

Payment of expenses of person summoned or noticed to attend.

174. The party applying for a summons or notice to attend shall, before the summons or notice is granted, and within a period to be fixed by the court, pay into court, or give security for payment of, such a sum of money as appears to the court to be sufficient to defray the travelling and other expenses of the person summoned or noticed to attend, in passing to and from the court in which he is required to attend, and for one day's attendance :

Provided that in the case of a witness residing within four miles of the court at which his attendance is required, no such payment shall be made nor security given ;

And provided further that the making of any such payment and the giving of any such security shall in no case be a condition precedent to the issue of a summons or notice to attend, but in every case (except the case of a witness residing within four miles from the court) where summons or notice issues without such payment having been made or security given, the person summoned or noticed to attend shall be informed on the face of the summons or notice that such is the case and that it is not obligatory on him to attend.

Interpretation.

175. In these rules, unless the context otherwise requires—

“ the company ” means a company which is being wound up, or against which proceedings to have it wound up have been commenced ;

“ the court ” means the District Court having jurisdiction to wind up the company ;

“ the Director ” means the Director of Commerce and Industries and includes the Deputy Director of Commerce and Industries and any Assistant Director of Commerce and Industries ;

“ the Ordinance ” means the Companies Ordinance, No. 51 of 1938 ;

“ proceedings ” means the proceedings in the winding-up of a company under the Ordinance ;

“ the rules ” means these rules and includes the forms set out in the First Schedule hereto ;

“ taxing officer ” means the officer who is empowered by section 214 of the Civil Procedure Code to tax bills of costs.



*FIRST SCHEDULE.*  
TABLE OF FORMS.

Form.

1. Petition.
2. Petition by unpaid Creditor on Simple Contract.
3. Advertisement of petition.
4. Affidavit of Service of Petition on Members, Officers, or Servants.
5. Affidavit of Service of Petition on Liquidator.
6. Affidavit Verifying Petition.
7. Affidavit Verifying Petition of a Limited Company.
8. Order appointing a Provisional Liquidator after Presentation of Petition, and before Order to Wind up.
9. Notice of Intention to appear on Petition.
10. List of Parties attending the Hearing of a Petition.
11. Notification to Official Receiver of Winding up Order.
12. Notification to Official Receiver of Order pronounced for appointment of Provisional Liquidator prior to Winding up Order being made.
13. Order for Winding up by the Court.
14. Notice of Order to Wind up (For Newspaper).
15. Order for Winding up, subject to Supervision.
16. Affidavit by Special Manager verifying Account.
17. Statement of Affairs.
18. Report of Result of Meeting of Creditors or Contributories.
19. Order Appointing Liquidator.
20. Advertisement of Appointment of Liquidator.
21. Certificate that Liquidator or Special Manager has given Security.
22. Order Directing a Public Examination.
23. Notice to attend Public Examination.
24. Warrant against Person who fails to attend Examination.
25. Disclaimer of Lease.
26. Notice of Disclaimer of Lease.
27. Notice by Liquidator requiring Payment of Money or Delivery of Books, &c., to Liquidator.
28. Provisional List of Contributories to be made out by Liquidator.
29. Notice to Contributories of Appointment to settle List of Contributories.
30. Affidavit of Postage of Notices of Appointment to settle List of Contributories.
31. Certificate of Liquidator of Final Settlement of the List of Contributories.
32. Notice to Contributory of Final Settlement of List of Contributories and that his name is included.
33. Affidavit of Service of Notice to Contributory.
34. Order on Application to vary List of Contributories.
35. Supplemental List of Contributories.
36. Notice to each Member of Committee of Inspection of Meeting for Sanction to proposed Call.
37. Advertisement of Meeting of Committee of Inspection to sanction proposed Call.
38. Resolution of Committee of Inspection sanctioning Call.
39. Application for Leave to make a Call.
40. Affidavit of Liquidator in support of Proposal for Call.

From.

41. Advertisement of Application for leave to make a Call.
42. Order giving Leave to make a Call.
43. Document making a Call.
44. Notice of Call sanctioned by Committee of Inspection to be sent to Contributory.
45. Notice to be served with the Order sanctioning a Call.
46. Affidavit in support of Application for Order for Payment of Call.
47. Order for Payment of Call due from a Contributory.
48. Affidavit of Service of Order for Payment of Call.
49. Proof of Debt. General Form.
50. Proof of Debt of Workmen.
51. Notice of Rejection of Proof of Debt.
52. List of Proofs to be Filed under Rule 75.
53. Notice to Creditors of Intention to declare Dividend.
54. Notice to Persons claiming to be Creditors of Intention to Declare Final Dividend.
55. Notice of Dividend.
56. Certified List of Proofs under Rule 80 of the Companies Winding-up Rules, 1939, and Application for issue of Cheques for Dividend on Companies Liquidation Account.
57. Certified List of Proofs filed under Rule 80 of the Companies Winding-up Rules, Special Bank Case.
58. Authority to Liquidator to Pay Dividends to another Person.
59. Notice of Return to Contributories.
60. Schedule or List of Contributories holding Paid-up Shares to whom a Return is to be Paid.
61. Notice to Creditors of First Meeting.
62. Notice to Contributories of First Meeting.
63. Notice to Directors and Officers of Company to attend First Meeting of Creditors or Contributories.
64. List of Creditors to be used at every Meeting.
65. Notice of Meeting (General Form).
66. Affidavit of Postage of Notices of Meeting.
67. Certificates of Postage of Notices (General).
68. Authority to Deputy to act as Chairman of Meeting and use Proxies.
69. Memorandum of Adjournment of Meeting.
70. General Proxy.
71. Special Proxy.
72. Application to Court to authorise a special Bank Account.
73. Order of Court for special Bank Account.
74. Certificate and Request by Committee of Inspection as to Investment of Funds.
75. Request by Committee of Inspection to Director of Commerce and Industries to Sell Securities.
76. Certificate by Committee of Inspection as to Audit of Liquidator's Accounts.
77. Affidavit verifying Liquidator's Account under Section 188.
78. Liquidator's Trading Account under Section 188.
79. Affidavit verifying Liquidator's Trading Account under Section 188.
80. Request to deliver Bill for Taxation.
81. Certificate of Taxation.

Form.

82. Statement of Receipts and Payments and General Directions as to Statements.
83. Affidavit verifying Statement of Liquidator's Account under Section 272.
84. Liquidator's Trading Account under Section 272.
85. List of Dividends or Composition.
86. List of Amounts Paid or Payable to Contributories.
87. Affidavit verifying Account of Unclaimed and Undistributed Funds.
88. Notice to Creditors and Contributories of intention to apply for Release.
89. Application by Liquidator to the Court for Release.
90. Statement to accompany Notice of Application for Release.
91. Register of Winding-up Orders to be kept in the Courts.
92. Register of Petitions to be kept in the Courts.
93. Notices for Government Gazette.
94. Memorandum of Advertisement or Gazetting.
95. Notice of appointment of Liquidator pursuant to Section 241.
96. Certificate of Receipt.

Form 1.

(Rule 6.)

Petition.

In the District Court of \_\_\_\_\_.

In the matter of the \_\_\_\_\_ Company, Limited,  
and

In the matter of the Companies Ordinance, No. 51 of 1938.

This \_\_\_\_\_ day of \_\_\_\_\_.

The humble petition of (a) \_\_\_\_\_ showeth as follows :—

1. The \_\_\_\_\_ Company, Limited (hereinafter called the company) was in the month of \_\_\_\_\_, incorporated under the \_\_\_\_\_.
2. The registered office of the company is at (b) \_\_\_\_\_.
3. The nominal capital of the Company is Rs. \_\_\_\_\_, divided into shares of Rs. \_\_\_\_\_ each. The amount of the capital paid up or credited as paid up is Rs. \_\_\_\_\_.
4. The objects for which the company was established are as follows :—

To \_\_\_\_\_

and other objects set forth in the memorandum of association thereof.

*Here set out in paragraphs the facts on which the petitioner relies, including a statement of assets where necessary, and conclude as follows :—*

Your petitioner therefore humbly prays as follows :—

- (1) That the \_\_\_\_\_ Company, Limited, may be wound up by the \_\_\_\_\_ Court under the provisions of the Companies Ordinance.

(a) Insert full name, title, &c, of petitioner

(b) State the full address of the registered office so as sufficiently to show the district in which it is situate.

(c) Add words in brackets ( ) if supervision order is asked for.

(e) This note will be unnecessary if the company is petitioner.

(c) (That the voluntary winding up of the \_\_\_\_\_ Company, Limited, may be continued, but subject to the supervision of the Court).

(2) Or that such other order may be made in the premises as shall be just.

Note.—(e) It is intended to serve this petition on \_\_\_\_\_.

**Form 2.**

(Rule 6.)

**Petition by unpaid Creditor on Simple Contract.**

(Title.)

Paragraphs 1, 2, 3, and 4 as in No. 1.

5. The company is indebted to your petitioner in the sum of Rs. \_\_\_\_\_ for (a)

6. Your petitioner has made application to the company for payment of his debt, but the company has failed and neglected to pay the same or any part thereof.

7. The company is [insolvent and] unable to pay its debts.

8. (Statements of assets where necessary).

9. In the circumstances it is just and equitable that the company should be wound up.

Your petitioner, therefore, &c. [as in No. 1.]

(a) State consideration for the debt, with particulars so as to establish that the debt claimed is due.

**Form 3.**

(Rule 7.)

**Advertisement of Petition.**

(Title.)

Notice is hereby given that a petition for the winding up of the above-named company by (a) the District Court of \_\_\_\_\_ or, as the case may be was, on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, presented to the said Court by (b) \_\_\_\_\_. And that the said petition is directed to be heard before the Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19—; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel or proctor for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the prescribed charge for the same.

Signed (c) \_\_\_\_\_ Name  
\_\_\_\_\_ Address

Note.—Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named \_\_\_\_\_ (insert name of petitioner or his proctor) notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their proctor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the above-named not later than \_\_\_\_\_ (d) o'clock in the afternoon of the \_\_\_\_\_ of \_\_\_\_\_, 19—.

(a) If the winding-up is to be subject to supervision insert instead of "by" the words "subject to the supervision of".

(b) Insert name and address of petitioner

(c) To be signed by the proctor of the petitioner or by the petitioner if he has no proctor.

(d) If the day appointed for the hearing of the petition is a Monday then 1 P.M., on the Saturday, previous to such Monday; if the day appointed for the hearing is on any other day then 6 P.M., on the day immediately preceding the day so appointed

Form 4.

(Rule 8.)

Affidavit of Service of Petition on Members,  
Officers, or Servants.

(Title.)

In the matter of a petition dated \_\_\_\_\_ I, \_\_\_\_\_, of \_\_\_\_\_,  
make oath and say :—

1. [*In the case of service of petition on a company by leaving it with a member, officer, or servant at the registered office, or if no registered office at the principal or last known principal place of business of the company.*]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19—, serve the above-named company with the above-mentioned petition by delivering to and leaving with [*name and description*] a member (or officer) (or servant) of the said company a copy of the above-mentioned petition, at [*office or place of business as aforesaid*], before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

2. [*In the case of no member, officer, or servant of the company being found at the registered office or place of business.*]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19—, having failed to find any member, officer, or servant of the above-named company at [*here state registered office or place of business*], leave there a copy of the above-mentioned petition, before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon [*add with whom such copy was left, or where, e.g., affixed to door of offices, or placed in letter box, or otherwise.*]

3. [*In the case of directions by the Court as to the member, officer, or servant of the company to be served.*]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19—, serve [*name or names and description*] with a copy of the above-mentioned petition, by delivering the same together with a true copy of the order for substituted service dated \_\_\_\_\_, 19—, personally to the said \_\_\_\_\_, at [*place*] before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

Sworn, &c. \_\_\_\_\_.

Form 5.

(Rule 8.)

Affidavit of Service of Petition on Liquidator.

(Title.)

In the matter of a petition dated \_\_\_\_\_, winding up the above company [by] or [under the supervision of] the Court [*as the case may be*] I, \_\_\_\_\_, of \_\_\_\_\_, make oath and :—

That I did, on \_\_\_\_\_ day, the \_\_\_\_\_ day of 19—, serve [*name and description*] the liquidator of the a \_\_\_\_\_ named company, with a copy of the above-mentioned petition, by delivering the same personally to the said \_\_\_\_\_ at [*place*] before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

Sworn at, &c. \_\_\_\_\_.

**Form 6.**

(Rule 9.)

**Affidavit Verifying Petition.**

(Title.)

I, A. B., of &c., make oath and say that such of the statements in the petition, a copy of which is annexed hereto marked with the letter A, as relate to (a) ——— my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

(a) If the petition is by a firm insert "the acts and deeds of my said firm".

Sworn, &c. ———.

**Form 7.**

(Rule 9.)

**Affidavit Verifying Petition of a Limited Company.**

(Title.)

I, A. B., of &c., make oath and say as follows :—

1. I am [a director], [the secretary], of ——— Company, Limited, the petitioner in the above matter, and am duly authorised by the said petitioner to make this affidavit on its behalf.

2. Such of the statements in the petition, a copy of which is annexed hereto marked with the letter A as relate to the acts and deeds of the said petitioner are true and such of the statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, &c. ———.

**Form 8.**

(Rules 11 and 19.)

**Order appointing a Provisional Liquidator after Presentation of Petition, and before Order to Wind-up.**

The ——— day of ———, 19—.

(Title.)

Upon the application, &c., and upon reading, &c., the Court doth hereby appoint the Official Receiver attached to the Court [or as may be] to the Provisional Liquidator of the above-named Company. And the Court doth hereby limit and restrict the powers of the said Provisional Liquidator to the following acts, that is to say [*describe the acts which the Provisional Liquidator is to be authorised to do and the property of which he is to take possession*].

*Note.*—It will be the duty of such of the persons as are liable to make out or to concur in making out a Statement of Affairs as the Official Receiver may require to attend on the Official Receiver at such time and place as he may appoint and to give him all information he may require.

**Form 9.**

(Rule 13.)

**Notice of Intention to appear on Petition.**

(Title.)

Take notice that A. B. of (a) ——— a creditor for (or contributory holding (b) ——— shares in) the above company intends to appear on the hearing of the petition advertised to be heard on the ——— day of ———, 19—, and to support (or oppose) such petition.

(Signed) (c) ———.

Address : ———.

To ———.

(a) State full name, or if firm the name of the firm and address.

(b) State number and class of shares held.

(c) To be signed by the person or his proctor.

**Form 10.**

(Rule 14.)

**List of Parties attending the hearing of a Petition.**

(Title.)

The following are the names of those who have given notice of their intention to attend the hearing of the petition herein, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Name.	Address.	Name and Address of Proctor of party who has given notice.	Creditors. Amount of debt.	Contributories. Number of Shares.	Opposing.	Supporting.

**Form 11.**

(Rule 17.)

**Notification to Official Receiver of Winding-up Order.**

(Title.)

To the Official Receiver of the Court.

\_\_\_\_\_ (Address).

Order pronounced this day by \_\_\_\_\_ District Judge of \_\_\_\_\_ for winding up the undermentioned company under the Companies Ordinance, No. 51 of 1938.

Name of Company.	Registered Office of Company.	Petitioner's Proctor.	Date of Presentation of Petition

**Form 12.**

(Rule 17.)

**Notification to Official Receiver of Order pronounced for appointment of Provisional Liquidator prior to winding-up Order being made.**

(Title.)

To the Official Receiver of the Court.  
\_\_\_\_\_ (Address.)

Order pronounced this day by \_\_\_\_\_ District Judge of \_\_\_\_\_ for the appointment of (a) \_\_\_\_\_ as Provisional Liquidator prior to any Winding up Order being made.

(a) Insert "an Official Receiver" or if some other person has been appointed the name, address and description of such person.

Name of Company.	Registered Office of Company.	Petitioner's Proctor.	Date of Presentation of Petition.

**Form 13.**

(Rule 19.)

**Order for Winding-up by the Court.**

\_\_\_\_\_ day of \_\_\_\_\_, 19--.

(Title.)

Upon the petition of the above-named company [or A. B., of &c., a creditor (or contributory) of the above-named company], on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, preferred unto the Court, and upon hearing \_\_\_\_\_ for the petitioner, and \_\_\_\_\_ for \_\_\_\_\_, and upon reading the said petition, an affidavit of (the said petitioner) filed, &c., verifying the said petition, an affidavit of L. M., filed the \_\_\_\_\_ day of \_\_\_\_\_ 19—, the *Government Gazette* of the \_\_\_\_\_ day of \_\_\_\_\_ 19—, the newspaper of the \_\_\_\_\_ day of \_\_\_\_\_ [enter any other papers], each containing an advertisement of the said petition [enter any other evidence], this Court doth order that the said Company be wound up by this Court under the provisions of the Companies Ordinance, No. 51 of 1938, and that the Official Receiver attached to this Court (a) be constituted Provisional Liquidator of the affairs of the Company.

(a) Or as may be see section 174 of the Ordinance.

And it is ordered that the costs of \_\_\_\_\_ of the said petition be taxed and paid out of the assets of the said Company.

*Note.*—It will be the duty of such of the persons as are liable to make out or to concur in making out a statement of affairs as the Official Receiver may require to attend on the Official Receiver at such time and place as the Official Receiver may appoint and to give him all information he may require.



**Form 14.**

(Rule 20.)

Notice of Order to Wind-up (For Newspaper).

The Companies Ordinance, No. 51 of 1938.

In the matter of \_\_\_\_\_, Limited.

Winding-up Order made \_\_\_\_\_, 19—.

Date and place of first meetings :—

Creditors \_\_\_\_\_, 19—, at \_\_\_\_\_

Contributories \_\_\_\_\_, 19—, at \_\_\_\_\_

\_\_\_\_\_  
Official Receiver and Provisional Liquidator.

**Form 15.**

(Rule 20.)

Order for Winding-up, subject to Supervision.

\_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Title.)

Upon the petition, &c., this Court doth order that the voluntary winding-up of the said \_\_\_\_\_ Company, Limited, be continued, but subject to the supervision of this Court; and any of the proceedings under the said voluntary winding-up may be adopted as the Court shall think fit; and it is ordered that the Liquidator appointed in the voluntary winding-up of the said company, or other the Liquidator for the time being, do on the \_\_\_\_\_ day of \_\_\_\_\_ next, and thenceforth every three months file with the Secretary of the court a report in writing as to the position of, and the progress made with, the winding-up of the said company, and with the realization of the assets thereof, and as to any other matters connected with the winding-up as the court may from time to time direct. And it is ordered that no bills of costs, charges, or expenses, or special remuneration of any proctor employed by the Liquidator of the said company, or any remuneration, charges, or expenses of such Liquidator, or of any manager, accountant, auctioneer, broker, or other person, be paid out of the assets of the said company, unless such costs, charges, expenses, or remuneration, shall have been taxed or allowed by the Secretary of the Court. And it is ordered that all such costs, charges, expenses, and remuneration, be taxed and ascertained accordingly. And it is ordered that the costs of the petitioner and of \_\_\_\_\_ [here insert any directions as to allowance of cost of petitioners and of person appearing.] And the creditors, contributories, and Liquidator of the said company, and all other persons interested, are to be at liberty to apply generally as there may be occasion.

**Form 16.**

(Rule 22.)

Affidavit by Special Manager verifying Account.

(Title.)

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say as follows :—

1. The account hereunto annexed, marked with the letter A, and purporting to be my account as special manager of the estate or business of the above-named company, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained, according to the best of my knowledge and belief.

Sworn, &c. \_\_\_\_\_

**Form 17.**

(Rule 23.)

**Statement of Affairs.**

(Title.)

Statement of Affairs on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the date of the Winding-up Order (or such other date as the Official Receiver has for special reasons directed).

**I.—AS REGARDS CREDITORS.**

Gross Liabilities.	Liabilities.	Expected to rank.	Assets.	Estimated to produce.
Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.
	Debts and liabilities, viz.:		(a) Property as per List "H", viz.:	
	(a) Unsecured Creditors as per List (State number) "A"		(a) Cash at bankers ..	..
	(b) Creditors fully secured (not including debenture holders), as per List "B"		(b) Cash in hand ..	..
	Estimated value of securities		(c) Stock in trade ..	..
	Estimated surplus ..		(Estimated cost, Rs. c.)	
	Carried to List "C"		(d) Machinery ..	..
	Balance to contra (d)		(e) Trade fixtures, fittings, utensils, &c. ..	..
	(c) Creditors partly secured, as per List "C"		(f) Investments in shares, &c. ..	..
	Less estimated value of securities		(g) Loans on mortgage ..	..
	Estimated to rank for dividend ..		(h) Other property, viz.:	..
			(b) Book debts (----- debtors), as per List "I", viz.:	
			Good ..	..
			Doubtful ..	Rs. c.
			Bad ..	..
			Estimated to produce ..	..

Rs. c.

(d) Liabilities on bills discounted other than company's own acceptances for value as per List "D", ..  
 Of which it is expected will rank for dividend ..  
 (e) Other liabilities, as per List "E", ..  
 Of which it is expected will rank for dividend ..

Rs. c.

(f) ————Preferential creditors for rates, taxes, wages, &c., as per List "F" deducted contra ..  
 (g) Loans on debenture bonds, as per List "G" deducted contra (—— holders) Rs. ..

Rs.

Estimated surplus (if any) after meeting liabilities of company, subject to cost of liquidation. ..

Rs.

Rs. c.

(c) Bills of exchange, or other similar securities on hand, as per List "J" Estimated to produce ..  
 (d) Surplus from securities in the hands of creditors fully secured (per contra) (b) ..  
 (e) Unpaid calls (——— debtors), as per list "K", ..  
 Estimated to produce ..

Estimated total assets ..  
 Deduct preferential creditors as per contra (f) ..

Estimated amount available to meet claims of debenture holders ..  
 Deduct loans on debenture bonds secured on the assets of the company as per contra (g) ..

Estimated amount available to meet unsecured creditors, subject to cost of liquidation ..  
 Estimated deficiency of assets to meet liabilities of the company, subject to cost of liquidation. ..

Rs.

---

The nominal amount of unpaid capital liable to be called up is Rs. ———— which is [available to meet above deficiency] or [charged to debenture holders], or as the case may be.

**Form 17. — contd.**  
**Statement of Affairs.**  
**II.—AS REGARDS CONTRIBUTORIES.**

	Rs.	c.	Rs.	c.
Capital issued and allotted, viz :—				
Founders Shares of Rs. _____ per share (_____ Shareholders)				
(a) Issued as fully paid. Amount called up at Rs. _____ per share, as per List "L",				
Ordinary Shares of Rs. _____ per share (_____ Shareholders).				
(a) Issued as fully paid. Amount called up at Rs. _____ per share, as per List "M",				
Preference Shares of Rs. _____ per share (_____ Shareholders).				
(a) Issued as fully paid. Amount called up at Rs. _____ per share, as per List "N",				
(b) _____ Amount, if any, paid in advance of call.				Rs.
Less unpaid calls estimated to be irrecoverable				
Add deficiency to meet liabilities as above				Rs.
Estimated Surplus as above (if any) subject to cost of Liquidation				Rs.
Total deficiency as explained in Statement "O"				Rs.

(a) Where capital is issued as partly paid up the form should be altered accordingly.

(b) Add particulars of any other capital.

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say that the foregoing Statement and the Several Lists hereunto annexed marked \_\_\_\_\_ are, to the best of my knowledge and belief, a full, true, and complete statement of the affairs of the above-named Company, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the date of the winding-up order (c).

Note.—The Justice of the Peace or the Commissioner is particularly requested, before swearing the Affidavit, to ascertain that the full name, address, and description of the Deponent are stated, and to initial all crossings-out or other alterations on the printed form. A deficiency in any of the above respects will entail its refusal by the Court, and will necessitate its being re-sworn.

(c) Where the Official Receiver has directed any date other than the date of the Winding-up order substitute such other date.

(Signature)

Before me :

Justice of the Peace.

Commissioner for Oaths.

## LIST " A ".

## Unsecured Creditors.

The names to be arranged in alphabetical order and numbered consecutively, creditors for Rs. 100 and upwards being placed first.

*Notes.*—1. When there is a contra account against the creditor, less than the amount of his claim against the Company, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading " Amount of Debt." thus :—

	Rs.	c.
Total amount of claim	::	
Less : Contra account	::	

No such set-off should be included in List " I ".

2. The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

3. The names of any creditors who are also contributories, or alleged to be contributories, of the company must be shown separately, and described as such at the end of the List.

No	Name.	Address and Occupation.	Amount of Debt.		Date when contracted.		Consideration.
					Month.	Year.	
			Rs.	c.			

Signature : \_\_\_\_\_  
Dated \_\_\_\_\_, 19\_\_.

## LIST " B ".

Creditors fully secured (not including Debenture Holders).

No.	Name of Creditor.	Address and Occupation.	Amount of Debt.		Date when contracted.		Consideration.	Particulars of Security.	Date when given.	Estimated Value of Security.		Estimated Surplus from Security.	
					Month.	Year.				Rs.	c.	Rs.	c.
			Rs.	c.						Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_  
Dated \_\_\_\_\_, 19\_\_.

LIST " C ".

Creditors partly Secured.

(State whether also Contributories of the Company.)

No.	Name of Creditor.	Address and Occupation.	Amount of Debt.		Date when contracted.		Consideration.	Particulars of Security.	Month and Year when given.	Estimated value of Security.		Balance of Debt Unsecured.	
			Rs.	c.	Month.	Year.				Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19\_\_.

LIST " D ".

Liabilities of Company on Bills discounted other than their own Acceptances for Value.

No	Acceptor's Name, Address, and Occupation.	Whether liable as Drawer or Indorser.	Date when due.	Amount.		Holder's Name, Address, and Occupation (if known).	Amount expected to rank for Dividend.	
				Rs.	c		Rs	c

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19\_\_.

## LIST " E "—OTHER LIABILITIES.

Full Particulars of all Liabilities not otherwise  
Scheduled to be given here.

No.	Name of Creditor or Claimant.	Address and Occupation.	Amount of Liability or Claim.		Date when Liability incurred.		Nature of Liability.	Consideration.	Amount expected to rank against Assets for dividend.	
					Month.	Year.			Rs.	c.
			Rs.	c.					Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## LIST " F ".

Preferential Creditors for Rates, Taxes, Salaries,  
Wages and otherwise.

No.	Name of Creditor.	Address and Occupation.	Nature of Claim.	Period during which Claim accrued due.	Date when due.	Amount of Claim.		Amount payable in full.		Difference ranking for Dividend.	
						Rs.	c.	Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## List " G ".

## List of Debenture Holders.

The names to be arranged in alphabetical order and numbered consecutively. *Separate lists* must be furnished of holders of each issue of Debentures, should more than one issue have been made.

No.	Name of Holder.	Address.	Amounts.		Description of Assets over which security extends.
			Rs.	c.	

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## List " H ".

## Property.

Full particulars of every description of property not included in any other lists are to be set forth in this list.

Full Statement and Nature of Property	Estimated Cost.		Estimated to produce.	
	Rs.	c.	Rs.	c.
(a) Cash at Bankers . . . . .				
(b) Cash in hand . . . . .				
(c) Stock in Trade, at . . . . .				
(d) Machinery, at . . . . .				
(e) Trade fixtures, fittings, office furniture, utensils, &c. . . . .				
(f)*Investments in Stocks or Shares, &c. . . . .				
(g)*Loans for which Mortgage or other security held . . . . .				
(h) Other property, viz. :— . . . . .				

\* State particulars.

Signature : \_\_\_\_\_

Dated \_\_\_\_\_, 19—.



## LIST " I ".

## Debts due to the Company.

The names to be arranged in alphabetical order, and numbered consecutively.

*Note.*—If any debtor to the company is also a creditor, but for a less amount than his indebtedness, the gross amount due to the company and the amount of the Contra account should be shown on the 3rd column, and the balance only be inserted under the heading " Amount of Debt ", thus :—

Rs. c.

Due to Company ..

Less : Contra account

No such claim should be included in sheet " A ".

No.	Name.	Residence and Occupation.	Amount of Debt.						Folio of Ledger or other book where particulars to be found.	When Contracted.		Estimated to produce.	Particulars of any Securities held for debt.
			Good.		Doubtful.		Bad.			Month.	Year.		
			Rs.	c.	Rs.	c.	Rs.	c.					

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## LIST " J ".

## Bills of Exchange, Promissory Notes, &amp;c., on hand available as Assets.

No.	Name of Acceptor of Bill or Note.	Address, &c.	Amount of Bill or Note.		Date when due.	Estimated to produce.		Particulars of any Property held as security for payment of Bill or Note.
			Rs.	c.		Rs.	c.	

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## LIST " K ".

## UNPAID CALLS.

Consecutive No.	No. in Share Register.	Name of Shareholder.	Address and Occupation	No. of Shares held.	Amount of Call per Share unpaid		Total amount due.		Estimated to realise.	
					Rs.	c.	Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

## LIST " L ".

## List of Founder's Shares.

Consecutive No.	Register No.	Name of Shareholder.	Address.	Nominal Amount of Share.	No. of Shares held.	Amount per Share called up.		Total Amount called up.	
						Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19—.

LIST " M ".

List of Ordinary Shares.

Consecutive No.	Register No.	Name of Shareholder.	Address	Nominal Amount of Share.	No. of Shares held.	Amount per Share called up.		Total Amount called up.	
						Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19\_\_.

LIST " N ".

List of Preference Shares.

Consecutive No.	Register No.	Name of Shareholder.	Address	Nominal Amount of Shares	No. of Shares held.	Amount per Share called up.		Total Amount called up.	
						Rs.	c.	Rs.	c.

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19\_\_.

## LIST "O" (i).

## Deficiency Account.

## (i) Deficiency Account where Winding-up Order (1) made within Three Years of Formation of Company.

Rs.		Rs.		Rs.	
c.		c.		c.	
I. Gross profit (if any) arising from carrying on business from date of formation of company to date of Winding-up Order (1) (as per Trading Account annexed).		I. Expenditure in carrying on business from date of formation of company to date of Winding-up Order,--		Amount Discharged.	
II. Receipts, if any, during same period from under-mentioned sources :--		II. General Expenditure --		Due at Date of Winding-up Order. (1)	
Interests on Loans .. .. .		Salaries .. .. .		Rs.	
Interests on Deposits .. .. .		Wages not charged in Trading Account .. .. .		c.	
Transfer fees .. .. .		Rent .. .. .			
Amount paid on Shares issued and subsequently forfeited (as per List annexed) .. .. .		Rates and Taxes .. .. .			
III. Other receipts, if any, during same period not included under any of the above headings viz. .. .. .		Law costs .. .. .			
IV. Deficiency as per Statement of Affairs--Part II .. .. .		Commission .. .. .			
		Interest on Loans .. .. .			
		Interest on Debentures .. .. .			
		Miscellaneous expenditure (as per details annexed) .. .. .			
		III. Directors' fees from date of formation of company to date of Winding-up Order (1) .. .. .			
		IV. Dividends declared during same period .. .. .			
		V. Losses and depreciation written off in Company's books (2) :--			
		Bad Debts .. .. .			
		Losses on Investments .. .. .			
		Depreciation on Property .. .. .			
		Preliminary Expenses .. .. .			
		VI. Losses and depreciation not written off in Company's books, now written off by the Directors (2) :--			
		Bad Debts .. .. .			
		Losses on Investments .. .. .			
		Depreciation on Property .. .. .			
		Preliminary Expenses .. .. .			
		VII. Other Losses and Expenses .. .. .			
Total amount to be accounted for (3) .. .. .		Total amount accounted for .. .. .			
Rs.		Rs.			

Notes.--(1) Where the Official Receiver has so directed substitute any other date.

(2) Where Particulars are numerous they should be inserted in a separate Schedule.

(3) These figures should agree.

Signature : \_\_\_\_\_  
Dated : \_\_\_\_\_ 19--

## Deficiency Account.

(ii) Deficiency Account where Winding-up Order (1) made more than Three Years after Formation of Company.

Rs	Rs
<p>I. Excess of Assets over Capital and Liabilities on the (2) _____ day of _____, 19____ (if any), as per company's Balance Sheet. (This and any previous Balance Sheets to be annexed or handed to O. R.)</p> <p>II. Gross profit (if any) arising from carrying on business from the (2) _____ day of _____, 19____ to date of Winding-up Order (1) as per Trading Account annexed</p> <p>III. Receipts (if any) during same period from under-mentioned sources :-  Interest on loans .. ..  Interest on deposits .. ..  Transfer fees .. ..  Amounts paid on shares issued and subsequently forfeited (as per list annexed) .. ..</p> <p>IV. Other receipts (if any) during same period not included under any of the above headings .. ..</p> <p>V. Deficiency as per Statement of Affairs (Part II.) .. ..</p>	<p>I. Excess of Capital and Liabilities over assets on the (2) _____ day of _____, 19____ (if any), as per company's Balance Sheet. (This and any previous Balance Sheets to be annexed or handed to O R )</p> <p>II. Expenses of carrying on business from the (2) _____ day of _____, 19____ to date of Winding-up Order (1), viz. :-  General Expenditure :-  Salaries .. ..  Wages not charged in Trading Account .. ..  Rent .. ..  Rates and Taxes .. ..  Law Costs .. ..  Commission .. ..  Interest on loans .. ..  Interest on Debentures .. ..  Miscellaneous expenditure (as per details annexed) .. ..</p> <p>III. Directors' fees from the (2) _____ day of _____, 19____, to date of Winding-up Order (1) .. ..</p> <p>IV. Dividends declared during same period .. ..</p> <p>V. Losses and depreciation from the _____ day of _____, 19____ (2) written off in company's books, viz, (3) :-  Bad debts .. ..  Losses on Investments .. ..  Depreciation of property .. ..  Preliminary Expenses .. ..</p> <p>VI. Losses and depreciation not written off in company's books, now written off by Directors (3) :-  Bad Debts .. ..  Losses on Investments .. ..  Depreciation of Property .. ..  Preliminary Expenses .. ..</p> <p>VII. Other Losses and Expenses (3) .. ..</p> <p>Total amount accounted for (4) .. ..</p>
Rs	Rs

Notes.—(1) Where the Official Receiver so directed substitute any other date.  
(2) Three years before date of Winding-up Order or such other date as the Official Receiver has directed.  
(3) Where particulars are numerous they should be inserted in a separate Schedule  
(4) These figures should agree

Signature : \_\_\_\_\_  
Dated \_\_\_\_\_, 19\_\_\_\_.

List "P".

In Substitution for such of the Lists named "A" to "O" as will have to be returned Blank.

List.	Particulars as per Front Sheet.	Remarks.
A	Unsecured Creditors .. .. .	Where no particulars are entered on any one or more of the Lists named "A" to "O" the word "Nil" should be inserted in this column opposite the particular List or Lists left blank.
B	Creditors fully secured (not including debenture holders) .. .. .	
C	Creditors partly secured .. .. .	
D	Liabilities on Bills discounted other than the Company's own acceptances for value .. .. .	
E	Other liabilities .. .. .	
F	Preferential Creditors for rates, taxes, wages, &c. .. .. .	
G	Loans on Debenture Bonds .. .. .	
H	Property .. .. .	
I	Book Debts .. .. .	
J	Bills of Exchange or other similar securities on hand .. .. .	
K	Unpaid Calls .. .. .	
L	Founders' Shares .. .. .	
M	Ordinary Shares .. .. .	
N	Preference Shares .. .. .	
O	Deficiency Account .. .. .	

Signature : \_\_\_\_\_.

Dated \_\_\_\_\_, 19\_\_.

**Form 18.**

(Rule 29.)

**Report of Result of Meeting of Creditors or  
Contributories.**

In the matter, &c. ———.

I, A. B., the Official Receiver of the court [or as the case may be] Chairman of a meeting of the creditors [or contributories] of the above-named company, summoned by advertisement in the ——— newspaper of the ———, 19—, and in the *Government Gazette* of the ———, 19—, and by notice dated ———, 19—, and held on the ——— day of ———, 19—, at ———, do hereby report to the court the result of such meeting as follows :—

The said meeting was attended, either personally or by proxy, by creditors whose proofs of debt against the said company were admitted for voting purposes, amounting in the whole to the value of Rs. ——— [or by ——— contributories, holding in the whole ——— shares in the said company, and entitled respectively by the regulations of the company to ——— votes.]

The question submitted to the said meeting was, whether the creditors [or contributories] of the said company wished that an application should be made to the court for appointing (1) a Liquidator in the place of the Official Receiver and (2) a Committee of Inspection [or other the proposal submitted to the meeting.]

The said meeting was unanimously of opinion that the said proposal should [or should not] be adopted; [or the result of the voting upon such question was as follows :] (a).

Dated this ——— day of ———, 19—.

(Signed) H. T.  
Chairman.

**Form 19.**

(Rule 29.)

**Order Appointing Liquidator.**

(Title.)

——— the ——— day of ———, 19—.

Upon the application of the Official Receiver and Provisional Liquidator of the above-named company, dated ——— and upon hearing the applicant in person and upon reading the order to wind up the said company dated ———, 19—, and the reports of the Official Receiver of the results of the meetings of creditors and contributories made to the court and respectively dated the ——— and the affidavit of ——— as to the fitness of the Liquidator hereinafter named filed ———.

It is ordered that ——— of ——— be appointed Liquidator of the above-named company.

(a) And it is ordered that the following persons be appointed a Committee of Inspection to act with the said Liquidator, namely :—

• And it is ordered that the said Liquidator do within 7 days from the date of this order give security to the satisfaction of the Registrar of Companies as provided by the Companies Winding-up Rules, 1939.

And notice of this order is to be gazetted and advertised in the ———.

(a) To be struck out if no Committee of Inspection appointed.

**Form 20.**

(Rule 29.)

**Advertisement of Appointment of Liquidator.**

In the matter of \_\_\_\_\_, Limited.

By order of the District Court of \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, Mr. \_\_\_\_\_ of \_\_\_\_\_ has been appointed Liquidator of the above-named company with *or* without a committee of inspection.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

**Form 21.**

(Rule 30.)

**Certificate that Liquidator or Special Manager  
has given Security.**

(Title.)

This is to certify that *A. B.*, of \_\_\_\_\_ who was on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, appointed Liquidator [*or* special manager] of the above-named company, has duly given security to my satisfaction.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) *J. S.*  
Registrar of Companies.

**Form 22.**

(Rule 33.)

**Order Directing a Public Examination.**

(Title.)

Upon reading the reports of the Official Receiver in the above matter dated respectively, the \_\_\_\_\_ day of \_\_\_\_\_, 19—, the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and \_\_\_\_\_.

It is ordered that the several persons whose names and addresses are set forth in the schedule hereto do attend before the Court on a day and at a place to be named for the purpose, and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company, and as to their conduct and dealings as directors or officers of the company.

*The Schedule referred to.*

Name.	Address.	Connection with the Company.



**Form 23.**

(Rule 34.)

**Notice to attend Public Examination.**

(Title.)

Whereas by an order of this court, made on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, it was ordered that you, the under-mentioned \_\_\_\_\_ should attend before the District Court of \_\_\_\_\_ on a day and at a place to be named for the purpose, and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company, and as to your conduct and dealings as (a) \_\_\_\_\_.

(a) Insert director or officer [or as the case may be.]

And whereas the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock, in the \_\_\_\_\_ noon, has been appointed as the time and place for holding the said examination.

Notice is hereby given that you are required to attend at the said time and place, and at any adjournments of the examination which may be ordered, and to bring with you and produce all books, papers, and writings and other documents in your custody or power in any way relating to the above-named company.

And take notice that if you fail, without lawful excuse, to attend at such time and place, and at the adjournments of the said public examination which may be ordered, you will be liable to be dealt with in the manner provided by section 137 of the Civil Procedure Code.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

To \_\_\_\_\_.

Official Receiver.

**Form 24.**

(Rule 36.)

**Warrant against Person who fails to attend Examination.**

(Title.)

To the Fiscal of \_\_\_\_\_

Whereas by Order of the Court dated \_\_\_\_\_, 19—, (a) \_\_\_\_\_ was ordered to attend before the court on a day and at a place to be named for the purpose of being publicly examined.

(a) Name of person required to attend.

And whereas by evidence taken upon oath, it hath been made to appear to the satisfaction of the court that the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock in the noon before (b) \_\_\_\_\_ was appointed as the time and place for holding the said examination, and that notice of the said order and of the said time and place so appointed was duly served upon the said (a).

(b) Name or title of officer before whom examination is directed to be held.

[And whereas the said (a) \_\_\_\_\_ did without good cause fail to attend on the said \_\_\_\_\_ day of \_\_\_\_\_, 19—, for the purpose of being examined, according to the requirements of the said order of this court made on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, directing him so to attend] [or, and that the said (a) \_\_\_\_\_ has absconded (or, and that there is reason to believe that the said (a) \_\_\_\_\_ is about to abscond) with a view to avoiding examination under the Companies Ordinance, No. 51 of 1938.]

You are therefore to seize and arrest the said \_\_\_\_\_ and bring him before this court forthwith, in order that he may undergo the penalties legally awarded against him for such contempt and disobedience, and further perform and abide by such order as the court shall make in this behalf; and have you there this warrant.

District Judge.

**Form 25.**

(Rule 40.)

**Disclaimer of Lease.**

(Title.)

Pursuant to an order of the court dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, I, \_\_\_\_\_, the Liquidator of the above-named company, hereby disclaim all interest in the lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, whereby the premises (a) \_\_\_\_\_ were leased to \_\_\_\_\_ at a rent of Rs. \_\_\_\_\_ per annum for a term of \_\_\_\_\_.

(a) Insert description of the property disclaimed.

Notice of this disclaimer has been given to \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Liquidator.

**Form 26.**

(Rule 40.)

**Notice of Disclaimer of Lease.**

(Title.)

Take notice that, pursuant to an order of the court, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, I, \_\_\_\_\_ the Liquidator of the above-named company, by writing under my hand bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19—, disclaimed all interest in the lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, whereby the premises (a) \_\_\_\_\_ were leased to \_\_\_\_\_ at a rent of Rs. \_\_\_\_\_ per annum for a term of \_\_\_\_\_.

(a) Insert description of the property disclaimed.

The above-mentioned disclaimer has been filed in the District Court of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Liquidator.

To \_\_\_\_\_  
(Address) \_\_\_\_\_

**Form 27.**

(Rule 44.)

**Notice by Liquidator requiring Payment of Money or Delivery of Books, &c., to Liquidator.**

(Title.)

Take notice that I, the undersigned (a) \_\_\_\_\_, have been appointed Liquidator of the above-named company and that you the under-mentioned (b) \_\_\_\_\_, are required within \_\_\_\_\_ days after service hereof, to pay to me [or deliver, convey, surrender, or transfer to or into my hands] \_\_\_\_\_ as Liquidator of the said company at my office, situate at (c) \_\_\_\_\_, &c., the sum of Rs. \_\_\_\_\_, being the amount of debt appearing to be due from you on your account which the said company [or any money, property, books or papers, [or specifically describe the property] now being in your hands, and to which the said company is entitled [or otherwise as the case may be.]

(a) Name of Liquidator.

(b) Name of person to whom notice is addressed.

(c) Address of Liquidator's office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed)

Liquidator.

To (b) \_\_\_\_\_  
(Address) \_\_\_\_\_



**Form 29.**  
(Rule 46.)

**Notice to Contributories of Appointment to settle List of Contributories.**

(Title.)

(a) Insert place of appointment.

Take notice that I, \_\_\_\_\_ the Liquidator of the above-named company, have appointed the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, at (a) \_\_\_\_\_ to settle the list of the contributories of the above-named company, made out by me, pursuant to the Companies Ordinance, No. 51 of 1938, and the rules thereunder, and that you are included in such list. The character and the number of shares [or extent of interest] in and for which you are included and the amount called up and the amount paid up in respect of such shares [or interest] is stated below ; if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled, including you therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

To Mr. A. B. [and to Mr. C. D., his proctor].

Liquidator.

No. on List.	Name.	Address.	Description.	In what Character included.	Number of Shares [or extent of Interest.]	Amount called up at date of commencement of winding up.	Amount paid up at date of commencement of winding up.

Note.—Contributories are under no obligation to attend the appointment referred to in the above Notice if they are satisfied that the particulars contained in the notice are correct.

A shareholder's name cannot be omitted from the List of Contributories on account of his inability to pay calls ; this question will be dealt with when application is made for payment of the calls.

A change of address may be notified by giving notice by post BEFORE the date fixed for the appointment.

**Form 30.**  
(Rule 46.)

**Affidavit of Postage of Notices of Appointment to settle List of Contributories.**

(Title.)

(a) State the description of the deponent.

I, \_\_\_\_\_ a (a) \_\_\_\_\_ make oath and say as follows :—

(b) "Number of shares" or "extent of interest".

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, send to each contributory mentioned in the list of contributories made out by the [Official Receiver and] Liquidator on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and now in the record of proceedings of the above-named company, at the address appearing in such list, a notice of the time and place of the appointment to settle the list of contributories in the form hereunto annexed, marked "A" except that in the tabular form at the foot of such copies respectively I inserted the number, name, address, description, in what character included, (b) \_\_\_\_\_, the amount called up, and the amount paid up, in respect of the shares [or interest] of the person on whom such copy of the said notice was served.

2. That I sent the said notices by putting the same prepaid into the post office at \_\_\_\_\_ before the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the said day.

Sworn, &c. \_\_\_\_\_

**Form 31.**

(Rule 47.)

**Certificate of Liquidator of Final Settlement of  
the List of Contributories.**

(Title.)

Pursuant to the Companies Ordinance, No. 51 of 1938, and to the rules made thereunder, I, the undersigned, being the Liquidator of the above-named company, hereby certify that the result of the settlement of the list of contributories of the above-named company, so far as the said list has been settled, up to the date of this certificate, is as follows:—

1. The several persons whose names are set forth in the second column of the First Schedule hereto have been included in the said list of contributories as contributories of the said company in respect of the (a) \_\_\_\_\_ set opposite the names of such contributories respectively in the said Schedule.

(a) "Number of shares" or "extent of interest".

I have, in the first part of the said Schedule, distinguished such of the said several persons included in the said list as are contributories in their own right.

I have, in the second part of the said Schedule, distinguished such of the said several persons included in the said list as are contributories as being representatives of or being liable to the debts of others.

2. The several persons whose names are set forth in the second column of the Second Schedule hereto, were included in the provisional list of contributories, and have been excluded from the said list of contributories.

3. I have, in the sixth column of the first part of the First Schedule and in the seventh column of the second part of the First Schedule and in the same column of the Second Schedule, set forth opposite the name of each of the several persons respectively the date when such person was included in or excluded from the said list of contributories.

4. I have, in the seventh and eighth columns of the first part of the First Schedule hereto and in the eighth and ninth columns of the second part of the said Schedule set forth opposite the names of each of the said persons respectively the amount called up at the date of the commencement of the winding-up and the amount paid up at such date in respect of their shares [or interest].

5. Before settling the said list, I was satisfied by the affidavit of \_\_\_\_\_, clerk to \_\_\_\_\_, duly filed with the proceedings herein, that notice was duly sent by post to each of the persons mentioned in the said list, informing him that he was included in such list in the character and for the (a) \_\_\_\_\_ stated therein, and of the amount called up and the amount paid up in respect of such shares [or interest] and of the day appointed for finally settling the said list.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

The **FIRST SCHEDULE** above referred to.  
**First Part.—Contributories in their own Right.**

1	2	3	4	5	6	7	8
Serial No. in List.	Name.	Address.	Description.	Number of Shares [or extent of interest.]	Date when included in the List.	Amount called up at date of commencement of winding-up.	Amount paid up at date of commencement of winding-up.

In the matter of \_\_\_\_\_, Limited.

Second Part.—Contributories as being Representatives of,  
or liable to the Debts of, others.

1	2	3	4	5	6	7	8	9
Serial No. in List.	Name.	Address.	Description.	In what Character included.	Number of Shares [or extent of interest.]	Date when included in the List.	Amount called up at date of commencement of winding-up.	Amount paid up at date of commencement of winding-up.

In the matter of \_\_\_\_\_, Limited.

The SECOND SCHEDULE above referred to.

Serial No. in List.	Name.	Address.	Description.	In what Character proposed to be included.	No. of shares [or extent of Interest]	Date when excluded from the List.

Form 32.

(Rule 48.)

Notice to Contributory of Final Settlement of List of  
Contributories and that his Name is included.

(Title.)

Take notice that I, \_\_\_\_\_, the Liquidator of the above-named company, have, by certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 —, under my hand, finally settled the list of contributories of the said company, and that you are included in such list. The character and the number of shares [or extent of interest] in and for which you are included and the amount called up and the amount paid up in respect of such shares [or interest] is stated below.

Any application by you to vary the said list of contributories, or that your name may be excluded therefrom, must be made by you to the Court within 21 days from the service on you of this notice, or the same will not be entertained.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 19 —.

To Mr. \_\_\_\_\_  
[or to Mr. \_\_\_\_\_  
his proctor.]



(Signed) \_\_\_\_\_  
Liquidator.

No. on List.	Name.	Address.	Description.	In what Character included.	Number of Shares [or extent of Interest.]	Amount called up at date of commencement of winding-up.	Amount paid up at date of commencement of winding-up.

**Form 33.**

(Rule 48.)

**Affidavit of Service of Notice to Contributory.**

(Title.)

I, \_\_\_\_\_ (a) \_\_\_\_\_ of \_\_\_\_\_, make oath and say as follows:—

(a) State full description of the deponent.

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 —, in the manner hereinafter mentioned, serve a true copy of the notice annexed hereto marked " A ", upon each of the respective persons whose names, addresses, and descriptions appear in the second, third, and fourth columns of the First Schedule to the list of contributories of the said company made out by the [Official Receiver and] Liquidator of the company on the \_\_\_\_\_ day of \_\_\_\_\_, 19 —, and now in the record of proceedings of the said company. In the tabular form at the foot of such copies respectively I inserted the number on list, name, address, description, in what character included, and (b) \_\_\_\_\_ and the amount paid up and the amount called up in respect of the shares [or interest] of the person on whom such copy of the said notice was served, in the same words and figures as the same particulars are set forth in the said Schedule.

(b) "Number of shares" or "extent of interest".

2. I served the said respective copies of the said notice, by putting such copies respectively, duly addressed to such persons respectively, according to their respective names and addresses appearing in the said Schedule, and by placing the same prepaid in the Post Office at \_\_\_\_\_ before the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of the said \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Sworn, &c. \_\_\_\_\_

**Form 34.**

(Rule 49.)

**Order on Application to vary List of Contributories.**

(Title.)

Upon the application of W. N., dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, for an order that the list of contributories of the company and the Liquidator's certificate finally settling the same be varied by excluding the name of the applicant therefrom [*or, as the case may be*], and upon hearing, &c., and upon reading, &c., It is Ordered, That the list of contributories of the company and the Liquidator's certificate finally settling the same be varied by excluding the name of the said W. N. from the said list of contributories, *or* by including the name of the said W. N. as a contributory in the said list for \_\_\_\_\_ shares, [*or, as the case may be*] [*or the court does not think fit to make any order on the said application, except that the said W. N. do pay to A. B., the Liquidator of the said company, his costs of this application, such costs to be taxed.*]

**Form 35.**

(Rule 50.)

**Supplemental List of Contributories.**

(Title.)

1. The following is a list of persons who, since making out the list of contributories herein, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, I have ascertained are, or have been, holders of shares in [*or members of*] the above-named company, and to the best of my judgment are contributories of the said company.

2. The said supplemental list contains the names of such persons together with their respective addresses and the number of shares [*or extent of interest*] and the amount called up at the commencement of the winding-up and the amount paid up at such date in respect of the shares [*or interest*] to be attributed to each.

3. In the first part of the said list such of the said persons as are contributories in their own right are distinguished.

4. In the second part of the said list such of the said persons as are contributories as being representatives of, or being liable to the debts of others, are distinguished.

*[The supplemental list is to be made out in the same form as the original list.]*

**Form 36.**

(Rule 51.)

**Notice to each Member of Committee of Inspection.  
of Meeting for Sanction to proposed Call.**

(Title.)

Take notice that a meeting of the Committee of Inspection of the above company will be held at \_\_\_\_\_ on the (a) \_\_\_\_\_ day of \_\_\_\_\_, 19 —, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, for the purpose of considering and obtaining the sanction of the committee to a call of Rs. \_\_\_\_\_ per share proposed to be made by the Liquidator on the contributories.

Annexed hereto is a statement showing the necessity for the proposed call and the amount required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signed)

Liquidator.

(a) To be a date not less than seven days from the date when the notice will in course of post reach the person to whom it is addressed.



STATEMENT.

1. The amount due in respect of proofs admitted against the company, and the estimated amount of the costs, charges, and expenses of the winding-up, form in the aggregate the sum of Rs. \_\_\_\_\_ or thereabouts.

2. The assets of the company are estimated to realise the sum of Rs. \_\_\_\_\_. There are no other assets, except the amounts due from certain of the contributories to the company, and in my opinion it will not be possible to realise in respect of the said amounts more than Rs. \_\_\_\_\_.

3. The list of contributories has been duly settled and \_\_\_\_\_ persons have been settled on the list in respect of the total number of \_\_\_\_\_ shares.

4. For the purpose of satisfying the several debts and liabilities of the company, and of paying the costs, charges, and expenses of the winding-up, I estimate that a sum of Rs. \_\_\_\_\_ will be required in addition to the amount of the company's assets hereinbefore mentioned.

5. In order to provide the said sum of Rs. \_\_\_\_\_ it is necessary to make a call on the contributories, and having regard to the probability that some of them will partly or wholly fail to pay the amount of the call, I estimate that for the purpose of realising the amount required it is necessary that a call of Rs. \_\_\_\_\_ per share should be made.

(Annex tabular statement showing amounts of debts, costs, &c., and of assets.)

Form 37.

(Rule 51.)

Advertisement of Meeting of Committee of Inspection to Sanction proposed Call.

(Title.)

Notice is hereby given that the undersigned Liquidator of the above-named company proposes that a call should be made "on all the contributories of the said company," or, as the case may be, of Rs. \_\_\_\_\_ per share and that he has summoned a meeting of the Committee of Inspection of the company, to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to obtain their sanction to the proposed call.

Each contributory may attend the meeting, and be heard or make any communication in writing to the Liquidator or the members of the Committee of Inspection in reference to the intended call.

A statement showing the necessity of the proposed call and the purpose for which it is intended may be obtained on application to the Liquidator at his office at (a) \_\_\_\_\_.

(a) Insert address.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Liquidator.

Form 38.

(Rules 51 and 54.)

Resolution of Committee of Inspection sanctioning Call.

Resolved, that a call of Rs. \_\_\_\_\_ per share be made by the Liquidator on all the contributories of the company [or, as the case may be.]

(Signed)

Members of the Committee of Inspection.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**Form 39.**

(Rule 52.)

**Application for Leave to make a Call.**

(Title.)

I move that the several persons whose names and addresses are set forth in the second column of the schedule hereto, being contributories of the above-named company, as shown in the third column of the said schedule, be ordered to attend at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on the hearing of an application on the part of the [Official Receiver and] Liquidator of the company for an order that he may be at liberty to make a call to the amount of \_\_\_\_\_ per share on all the contributories [*or, as the case may be*] of the said company.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Proctor.

**SCHEDULE.**

Number on List.	Name and Address.	In what Character included.

**Form 40.**

(Rule 52.)

**Affidavit of Liquidator in support of Proposal for Call.**

(Title.)

I, \_\_\_\_\_ of, &c., the Liquidator of the above-named company, make oath and say as follows :—

1. I have in the schedule attached hereto marked with the letter A, set forth a statement showing the amount due in respect of the debts proved and admitted against the said company, and the estimated amount of the costs, charges, and expenses of and incidental to the winding-up the affairs, thereof, and which several amounts form in the aggregate the sum of Rs. \_\_\_\_\_ or thereabouts.

2. I have also in the said schedule set forth a statement of the assets in hand belonging to the said company, amounting to the sum of Rs. \_\_\_\_\_ and no more. There are no other assets belonging to the said company, except the amounts due from certain of the contributories of the said company, and, to the best of my information and belief, it will be impossible to realise in respect of the said amounts more than the sum of Rs. \_\_\_\_\_ or thereabouts.

3. \_\_\_\_\_ persons have been settled by me on the list of contributories of the said company in respect of the total number of \_\_\_\_\_ shares.

4. For the purpose of satisfying the several debts and liabilities of the said company and of paying the costs, charges, and expenses of and incidental to the winding-up the affairs thereof, I believe the

sum of Rs. \_\_\_\_\_ will be required in addition to the amount of the assets of the said company mentioned in the said schedule A, and the said sum of Rs. \_\_\_\_\_ .

5. In order to provide the said sum of Rs. \_\_\_\_\_, it is necessary to make a call upon the several persons who have been settled on the list of contributories as before mentioned, and, having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that, for the purpose of realising the amount required as before mentioned, it is necessary that a call of Rs. \_\_\_\_\_ per share should be made.

Sworn, &c. \_\_\_\_\_.

**Form 41.**

(Rule 52.)

**Advertisement of Application for Leave to make a Call.**

In the matter of \_\_\_\_\_.

Notice is hereby given that the District Court of \_\_\_\_\_ (a) has appointed the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at (b) \_\_\_\_\_, to hear an application for leave to make a call on all the contributories of the said company [or, as the case may be] and that the Liquidator of the said company proposes that such call shall be for Rs. \_\_\_\_\_ per share. All persons interested are entitled to attend at such day, hour, and place, to offer objections to such call.

(a) Name of Court.

(b) State place of appointment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 —.

Liquidator.

**Form 42.**

(Rule 52.)

**Order giving Leave to make a Call.**

The \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Title.)

Upon the application dated \_\_\_\_\_, of the [Official Receiver and] Liquidator of the above-named company, and upon reading the order to wind up the above-named company the list of contributories of the said company and the Liquidator's certificate of the final settlement of the same filed \_\_\_\_\_, 19—, the affidavit of the said [Official Receiver and] Liquidator, filed the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and the exhibit marked "A" therein referred to, and an affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

**Form 43.**

(Rule 53.)

**Document making a Call.**

(Title.)

I, \_\_\_\_\_ the [Official Receiver and] Liquidator of the above-named company, in pursuance of (a) \_\_\_\_\_ made (or passed) this \_\_\_\_\_ day of \_\_\_\_\_, 19—, hereby make a call of \_\_\_\_\_ per share on all the contributories of the company, which sum is to be paid at my office (b) \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(a) An order of court, or resolution of the Committee of Inspection.

(b) Insert address.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

**Form 44.**

(Rule 54.)

**Notice of Call sanctioned by Committee of Inspection  
to be sent to Contributory.**

(Title.)

Take notice that the Committee of Inspection in the winding-up of this company have sanctioned a call of \_\_\_\_\_ per share on all the contributories of the company.

The amount due from you in respect of the call is the sum of Rs. \_\_\_\_\_. This sum should be paid by you direct to me at my office (a) \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(a) State address.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

To Mr. \_\_\_\_\_

Liquidator.

**Form 45.**

(Rule 54.)

**Notice to be served with the Order sanctioning a Call.**

(Title.)

The amount due from you, A. B., in respect of the call made pursuant to leave given by the above [or within] order is the sum of Rs. \_\_\_\_\_, which sum is to be paid by you to me as the Liquidator of the said company at my office, No. \_\_\_\_\_ Street, \_\_\_\_\_, in \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

To Mr. A. B. \_\_\_\_\_

Liquidator.

**Form 46.**

(Rule 55.)

**Affidavit in support of Application for Order for  
Payment of Call.**

(Title.)

I, \_\_\_\_\_ of, &c., the Liquidator of the above-named company, make oath and say as follows :—

1. None of the contributories of the said company, whose names are set forth in the Schedule hereto annexed, marked A, have paid or caused to be paid the sums set opposite their respective names in the said Schedule, which sums are the amounts now due from them respectively under the call of \_\_\_\_\_ per share, duly made under the Companies Ordinance, No. 51 of 1938, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

2. The respective amounts or sums set opposite the names of such contributories respectively in such schedule are the true amounts due and owing by such contributories respectively in respect of the said call.

A.

The Schedule above referred to.

No. on List.	Name.	Address.	Description.	In what Character included.	Amount due.	
					Rs.	c.

Sworn, &c. \_\_\_\_\_.

Form 47.

(Rule 55).

Order for Payment of Call due from a Contributory.

The \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Title.)

Upon the application of the Liquidator of the above-named company and upon reading an affidavit of \_\_\_\_\_ filed the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and an affidavit of the Liquidator, filed the \_\_\_\_\_ day of \_\_\_\_\_, 19—, it is ordered that C. D., of, &c. [or E. F., of, &c., the legal representative of L. M., late of, &c., deceased], one of the contributories of the said company [or, if against several contributories, the several persons named in the second column of the schedule to this order, being respectively contributories of the said company], do, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19—, or subsequently within four days after service of this order, pay to A. B., the Liquidator of the said company at his office, No. \_\_\_\_\_ Street \_\_\_\_\_, in \_\_\_\_\_, the sum of Rs. \_\_\_\_\_, [if against a legal representative add, out of the assets of the said L. M., deceased, in his hands as such legal representative as aforesaid, to be administered in due course of administration, if the said E. F., has in his hands so much to be administered, or, if against several contributories, the several sums of money set opposite to the respective names in the sixth column of the said schedule hereto], such sum [or sums] being the amount [or amounts] due from the said C. D. [or L. M.], [or the said several persons respectively], in respect of the call of Rs. \_\_\_\_\_ per share duly made, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

And it is ordered that the said several persons do within the like period and at the place aforesaid pay to the said A. B., as such Liquidator as aforesaid, the several sums set opposite their respective names in the seventh column of the said schedule, such sum being the proportion of the applicants' costs of the said application payable by such several persons respectively.

[Add appropriate paragraphs as to amounts payable by married women and Legal Representatives (if any). ]

No. on List.	Name.	Address.	Description.	In what Character included.	Amount due.		Proportion of Costs.	Total Amount payable exclusive of Interest.
					Rs.	c.		

Note.—The copy for service of the above order must be endorsed as follows :—

“ If you, the under-mentioned A. B., neglect to obey this order by the time mentioned therein you will be liable to process of execution for the purpose of compelling you to obey the same.”

**Form 48.**  
(Rule 55.)

**Affidavit of Service of Order for Payment of Call.**

(Title.)

I, J. B., of, &c., make oath and say as follows :—

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, personally serve G. F., of \_\_\_\_\_, in \_\_\_\_\_, &c., with an order made in this matter by this court, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—, whereby it was ordered [set out the order] by delivering to and leaving with, the said G. F., at \_\_\_\_\_, in \_\_\_\_\_, a true copy of the said order, and at the same time producing and showing unto him, the said G. F., the said original order.

2. There was indorsed on the said copy when so served the following words, that is to say, "If you, the under-mentioned G. F., neglect to obey this order by the time mentioned therein, you will be liable to process of execution for the purpose of compelling you to obey the same."

Sworn, &c. \_\_\_\_\_.

**Form 49.**  
(Rule 59.)

**Proof of Debt. General Form.**

(Title.)

I (a) \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_, make oath and say :

(b) That I am in the employ of the under-mentioned creditor, and that I am duly authorized by \_\_\_\_\_ to make this affidavit, and that it is within my own knowledge that the debt hereinafter deposed to was incurred and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(c) That I am duly authorized, under the seal of the company hereinafter named, to make the proof of debt on its behalf.

1. That the above-mentioned company was, at the date of the (\*) order for winding-up the same, viz., the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and still is justly and truly indebted to (d) \_\_\_\_\_ in the sum of Rs. \_\_\_\_\_ and \_\_\_\_\_ cents for (e) \_\_\_\_\_ as shown by the account endorsed hereon, or by the following account, viz. :—

for which sum or any part thereof I say that I have not, nor hath (f) \_\_\_\_\_ or any person by (g) \_\_\_\_\_ order to my knowledge or belief for (g) \_\_\_\_\_ use had or received any manner of satisfaction or security whatsoever, save and except the following (h) :—

	Date	Drawer	Acceptor.	Amount		Due date.
				Rs.	c	
Admitted to vote for Rs. _____						
the _____ day of _____,						
19—.						
Official Receiver or Liquidator ..						
Admitted to rank for dividend for						
Rs. _____ this _____ day						
of _____, 19—.						
Official Receiver or Liquidator ..						

Sworn at \_\_\_\_\_ in \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Before me :

Deponent's Signature.

Note.—The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Official Received before the time named in the notice convening the meeting.

(\*) Where before the presentation of the petition for the winding up of a company by the court, a resolution has been passed by the company for voluntary winding up, the date of the commencement of the winding up must be substituted for the date of the winding-up order (see section 169 of the Companies Ordinance, No. 51 of 1938).

(a) Fill in full name, address, and occupation of deponent. If proof made by creditor, strike out clauses (b) and (c). If made by person authorized by creditor, strike out (c). If by person authorized by company, strike out (b). (d) Insert "me and to C. D and E F., my co-partners in trade (if any)," or, if by authorized person insert name, address, and description of principal.

(e) State Consideration [as goods sold and delivered by me (and my said partner) to the company between the dates of (or moneys advanced by me in respect of the under-mentioned bill of exchange) or, as the case may be] (f) "my said partners or any of them" or "the above-named creditor" [as the case may be]. (g) "My," or "our," or "their," or "his," [as the case may be] (h) [Here state the particulars of all securities held, and where the securities are on the property of the company assess the value of the same, and if any bills or other negotiable securities be held specify them in the Schedule.]

N.B.—Bills of Exchange or other negotiable securities must be produced before the proof can be admitted.

Particulars of Account referred to on the other side.

(Credit should be given for Contra Accounts).

Date.	Consideration.	Amount.		Remarks. The vouchers (if any) by which the account can be substantiated should be set out here.
		Rs.	c.	

Deponents Signature.

Form 50.

(Rule 65.)

Proof of Debt of Workmen.

(Title.)

I (a) \_\_\_\_\_ of \_\_\_\_\_ (b) \_\_\_\_\_ make oath and say :

1. That the above-named company was on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and still is justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule endorsed hereon in the sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in the employ of the company in respect of services rendered by them respectively to the company during such periods as are set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

(a) Fill in full name, address, and occupation of deponent.

(b) On behalf of the workmen and other employed by the above-named company.

Sworn at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19—.  
 Before me : } Deponent's Signature.

Schedule referred to on the other side.

1. No.	2. Full Name of Workman.	3. Address.	4. Description.	5. Period over which wages due.	6. Amount due.	
					Rs.	c.

Signature of Deponent \_\_\_\_\_ and

**Form 51.**

(Rule 69.)

**Notice of Rejection of Proof of Debt.**

(*Title.*)

(a) If proof wholly rejected strike out words in italics.

Take notice that, as [Official Receiver and] Liquidator of the above-named company, I have this day rejected your claim against the company (a) [*to the extent of Rs. ————*] on the following grounds :—

And further take notice that subject to the power of the court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of ———— days from this date.

Dated this ———— day of ————, 19—.

*Siganture* : ————.

*Address* : ————.

[Official Receiver and] Liquidator.

To ————.

**Form 52.**

(Rule 75.)

**List of Proofs to be filed under Rule 75.**

(*Title.*)

I hereby certify that the following is a correct list of all proofs tendered to me in the above matter during the past month.

Dated this ———— day of ————, 19—.

Liquidator.

Name of Creditor.	Proofs tendered.				
	Amount of Proof.		Whether admitted, rejected, or standing over for further consideration.	If admitted, Amount.	
	Rs.	c.		Rs.	c.



**Form 53.**

(Rule 80.)

**Notice to Creditors of Intention to declare Dividend.**

(Title.)

A (a) \_\_\_\_\_ dividend is intended to be declared in the above matter. You are mentioned as a creditor in the Statement of Affairs, but you have not yet proved your debt.

(a) Insert here "first" or "second" or "final," or as the case may be.

If you do not prove your debt by the \_\_\_\_\_ day of \_\_\_\_\_, 19—, you will be excluded from this dividend.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_ Liquidator.  
\_\_\_\_\_ Address.

To X. Y.

**Form 54.**

(Rule 80.)

**Notice to Persons claiming to be Creditors of Intention to Declare Final Dividend.**

(Title.)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the court on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19—, or such later day as the court may fix, your claim will be expunged and I shall proceed to make a final dividend without regard to such claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_ Liquidator.  
\_\_\_\_\_ Address.

To X. Y.

**Form 55.**

(Rule 80.)

**Notice of Dividend.**

[Please bring this Dividend Notice with you.]

Dividend Payment Orders\* are cancelled at the expiration of three months from the date of issue, but will be reissued free of charge on application within six months from the date of issue.

\* In cases in which the payments are made by cheque substitute "cheques" or "cheque".

A fee of 50 cents when the dividend does not exceed Rs. 10 and Re. 1.25 when the dividend exceeds Rs. 10 is chargeable on the re-issue of each Dividend Payment Order\* after six months from the date of issue.

(Title.)

Dividend of \_\_\_\_\_  
[Address] \_\_\_\_\_  
[Date] \_\_\_\_\_

Notice is hereby given that a \_\_\_\_\_ dividend of \_\_\_\_\_ has been declared in this matter, and that the same may be received at my office, as above, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19—, or on any subsequent \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_.

Upon applying for payment *this notice must be produced entire*, together with any Bills of Exchange, Promissory Notes or other negotiable securities held by you. *If you desire the dividend to be made payable to some other person you should sign and lodge with the Liquidator an authority in the prescribed Form 58.* Otherwise if you do not attend personally you must fill up and sign the subjoined Forms of *Receipt* and *Authority to deliver*, when a Dividend Payment Order\* in your favour will be delivered in accordance with the *authority*.

(Signed) \_\_\_\_\_,  
Liquidator.

To \_\_\_\_\_.

*Note.*—The receipt or authority should, in the case of a firm, be signed in the firm's name, or in the case of a limited company by an officer of the company, so described.

*Receipt.*

No. \_\_\_\_\_, 19—.

Received of \_\_\_\_\_ in this matter the sum of \_\_\_\_\_ rupees \_\_\_\_\_ and \_\_\_\_\_ cents, being the amount payable to me/us in respect of the dividend of \_\_\_\_\_ on my/our claim against this company.

\_\_\_\_\_  
Payee's Signature.

Rs. \_\_\_\_\_  
=====

*Authority for Delivery. (a)*

SIR,—Please deliver (b) to "me/us by post," at "my/our risk" or to the Bearer, Mr. \_\_\_\_\_ the order \* for the dividend payable to me/us in this matter.

Payee's Signature : \_\_\_\_\_

To the [Official Receiver and] Liquidator.

Date : \_\_\_\_\_, 19—.

(a) *Note.*—This is an authority only to deliver the Payment Order NOT to make it payable to another person.

(b) Strike out words inapplicable. If not to be sent by post strike out words in italics and insert the name of the person who is to receive the order.

**Form 56.**

(Rule 80.)

Certified List of Proofs under Rule 80 of the Companies Winding-up Rules, 1939, and Application for issue of Cheques for Dividend on Companies Liquidation Account.

Companies Liquidation Account.

Ledger Folio \_\_\_\_\_

Re \_\_\_\_\_ Court \_\_\_\_\_ No. \_\_\_\_\_ of 19—.

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted are correctly stated.

(Signature) \_\_\_\_\_

Liquidator.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

I certify that by my books the sum of Rs. \_\_\_\_\_ stands to the credit of the above company with the Companies Liquidation Account at the \_\_\_\_\_ Bank, and that the sum of Rs. \_\_\_\_\_ is required to meet the under-mentioned dividends, on proofs which have been duly made and admitted to rank for dividend upon the company, and I have to request that orders for payment may be issued to me,

The dividend is payable on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and notice of declaration thereof was forwarded to the Director of Commerce and Industries for insertion in the *Government Gazette*, on the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Liquidator.

Date : \_\_\_\_\_ 19—.

( Address to which Cheques and Payment Orders should be sent.

To the Director of Commerce and Industries.

No.	Surname.	Christian Name.	Amount of Proof.		Amount of Dividend.	
			Rs.	c.	Rs.	c.

**Form 57.**

(Rule 80.)

**Certified List of proofs filed under Rule 80 of the Companies Winding-up Rules, 1939, Special Bank Case.**

(Title.)

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted are correctly stated.

(Signature)

Liquidator.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

I hereby certify that a dividend of \_\_\_\_\_ has been declared, and that the creditors whose names are set forth below are entitled to the amount set opposite their respective names.

Liquidator.

To the Director of Commerce and Industries.

Surname.	Christian Name.	Amount of Proof.		Amount of Dividend.	
		Rs.	c.	Rs.	c.

**Form 58.**

(Rule 80.)

**Authority to Liquidator to Pay Dividends to another Person**

(Title.)

To the [Official Receiver and] Liquidator.

Sir,

I/We hereby authorize and request you to pay to M \_\_\_\_\_ of \_\_\_\_\_ (a specimen of whose signature is given below), all dividends as they are declared in the above-named matter, and which may become due and payable to me/us in respect of the proof of debt for the sum of Rs. \_\_\_\_\_ against the above-named company, made [by Mr. \_\_\_\_\_ ] on my/our behalf.

And I/We further request that the cheque or cheques drawn in respect of such dividends may be made payable to the order of the said M \_\_\_\_\_ whose receipt shall be sufficient authority to you for the issue of such cheque or cheques in his name.

It is understood that this authority is to remain in force until revoked by me/us in writing.

Signatures :

Witness to the Signature of \_\_\_\_\_

Witness to the Signature of \_\_\_\_\_

Date : \_\_\_\_\_

Specimen of Signature of person appointed as above.

Witness to the Signature of \_\_\_\_\_

Witness to the Signature of person appointed as above \_\_\_\_\_

**Form 59.**

(Rule 81.)

**Notice of Return to Contributories.**

[Please bring this Notice with you.]

Payment Orders\* are cancelled at the expiration of three months from date of issue, but will be reissued free of charge on application within six months from month of issue.

A fee of 50 cents when the return does not exceed Rs. 10 and Re. 1.25 when the return exceeds Rs. 10 is chargeable on the reissue of each Payment Order\* after six months from the date of issue.

(Title.)

Return of \_\_\_\_\_

\_\_\_\_\_ [Address]

\_\_\_\_\_ [Date]

Notice is hereby given that a \_\_\_\_\_ return of \_\_\_\_\_ has been declared in this matter, and that the same may be received at my office, as above, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, or on any subsequent day except Saturday, between the hours of \_\_\_\_\_.

Upon applying for payment *this notice must be produced entire*, together with the share certificate. If you do not attend personally you must forward the share certificate and fill up and sign the

\* In cases in which the payments are made by cheque substitute "cheques" or "cheque."

sub-joined Forms of *Receipt and Authority to deliver*, when a Payment Order\* in your favour will be delivered in accordance with the *Authority*.

(Signed) \_\_\_\_\_,  
Liquidator.

*Note.*—The receipt should be signed by the contributory personally, or in the case of joint contributories by each, and in the case of a limited company by an officer of the company, so described.

No. \_\_\_\_\_, *Receipt.*  
Received of the \_\_\_\_\_ in this matter the sum of \_\_\_\_\_ rupees \_\_\_\_\_ and \_\_\_\_\_ cents, being the amount payable to \_\_\_\_\_ in respect of the \_\_\_\_\_ return of \_\_\_\_\_ per share held by \_\_\_\_\_ in this company.

Contributory's signature.

Rs. \_\_\_\_\_

*Authority for Delivery. (a)*

SIR,—Please deliver (b) to me/us by post, at my/our risk or to the bearer Mr. \_\_\_\_\_ the order\* for the return payable to me/us in this matter.

Contributory's Signature.

To the [Official Receiver and] Liquidator.

Date : \_\_\_\_\_, 19—.

(a) *Note* —This is an authority only to deliver the Payment Order, not to make it payable to another person.

(b) Strike out words inapplicable. If not to be sent by post strike out the words in italics and insert the name of the person who is to receive the order.

**Form 60.**

(Rule 81.)

**Schedule or List of Contributories holding Paid-up Shares to whom a Return is to be Paid (a).**

In the matter of \_\_\_\_\_ No. \_\_\_\_\_ of 19—.

Number in settled List.	Name of Contributory as in settled List.	Address.	Number of Shares held as per settled List.	Total amount called up.	Total amount paid up.	Arrears of Calls at date of Return.	Previous returns of capital appropriated by Liquidator for Arrears of Calls.	Amount of Return payable at per share.	Net return payable.	Date and particulars of transfer of interest or other variation in List.

(a) Where the Articles provide that the amount divisible among members or any class of the members shall be divisible in proportion to the amount paid up or which ought to have been paid up at the date of winding up, or contain any other provision which will necessitate further information before a return can be made, columns should be added showing the amount called up and the amount paid up at such date in respect of shares then held by such members or class of members or such other facts as may be requisite.

**Form 61.**

(Rule 85.)

**Notice to Creditors of First Meeting.**

(Title.)

(Under the order for winding up the above-named company, dated \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19—.)

Notice is hereby given that the first meeting of creditors in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

To entitle you to vote thereat your proof must be lodged with me not later than \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me at \_\_\_\_\_ not later than \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Official Receiver : \_\_\_\_\_  
Address : \_\_\_\_\_.

(The statement of the Company's affairs (a) \_\_\_\_\_ ).

*Note.*

At the first meetings of the creditors and contributories they may amongst other things—

1. By resolution determine whether or not an application is to be made to the court to appoint a Liquidator in place of the Official Receiver.

2. By resolution determine whether or not an application shall be made to the court for the appointment of a Committee of Inspection to act with the Liquidator, and who are to be the members of the Committee if appointed.

*Note.*—If a Liquidator is not appointed by the court the Official Receiver will be the Liquidator.

**Form 62.**

(Rule 85.)

**Notice to Contributories of First Meeting.**

(Title.)

Notice is hereby given that the first meeting of the contributories in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me at \_\_\_\_\_ not later than \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Official Receiver.

(The ompany's statement of affairs (a) \_\_\_\_\_.)

*Note.*

At the first meetings of creditors and contributories they may amongst other things :—

1. By resolution determine whether or not an application shall be made to the court to appoint a Liquidator in place of the Official Receiver.

2. By resolution determine whether or not an application shall be made to the court for the appointment of a Committee of Inspection to act with the Liquidator, and who are to be the members of the Committee if appointed.

*Note.*—If a Liquidator is not appointed by the court the Official Receiver will be the Liquidator.

(a) Here insert "has not been lodged" or "has been lodged, and summary is enclosed."

(a) Here insert "has not been lodged," or "has been lodged, and summary is enclosed."

**Form 63.**

(Rule 86.)

**Notice to Directors and Officers of Company to attend First Meeting of Creditors or Contributories.**

(Title.)

Take notice that the first meeting of creditors or contributories will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at \_\_\_\_\_ o'clock at (a) \_\_\_\_\_ and that you are required to attend thereat and give such information as the meeting may require.

(a) Here insert place where meeting will be held

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

To (b) \_\_\_\_\_.

(b) Insert name of person required to attend.

Official Receiver.

Rule 86.—The Official Receiver shall also give to each of the directors and other officers of the company who in his opinion ought to attend the first meetings of creditors and contributories seven days' notice of the time and place appointed for each meeting. The notice may be sent by prepaid post letter or delivered in any other manner as may be convenient. It shall be the duty of every director or officer who receives notice of such meeting to attend if so required by the Official Receiver, and if any such director or officer fails to attend the Official Receiver shall report such failure to the Court.

Notice of first meeting to officers of company Form 63.

**Form 64.**

(Rule 106.)

**List of Creditors (a) to be used at every Meeting.**

(Title.)

Meeting held at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Con-secutive Number.	Names of creditors (a) present or represented.	Amount of Proof (b)			
		In person.		Proxies.	
		Rs	c.	Rs.	c.
1					
2					
3					
4					
5					
6					
7					
7	Total number of creditors (a) present or represented.				

(a) "Or contributories."  
(b) In case of contributories insert "number of shares" and "number of votes according to the regulations of the company."

**Form 65.**

(Rule 90.)

Notice of Meeting (General Form).

(Title.)

Take notice that a meeting of creditors [*or contributories*] in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

*Agenda.*

(a) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) (b) \_\_\_\_\_.

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with \_\_\_\_\_ not later than \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_.

(a) Here insert purpose for which meeting called.

(b) "Liquidator" or "Official Receiver," or as the case may be See Rule 90.

**Form 66.**

(Rule 91.)

Affidavit of Postage of Notices of Meeting.

(Title.)

I, \_\_\_\_\_ a(a) \_\_\_\_\_, make oath and say as follows :—

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, send to each creditor mentioned in the company's Statement of Affairs [*or to each contributory mentioned in the register of members of the company*] a notice of the time and place of the (b) \_\_\_\_\_ in the form hereunto annexed marked "A."

2. That the notices for creditors were addressed to the said creditors respectively according to their respective names and addresses appearing in the Statement of Affairs of the company or the last known addresses of such creditors.

3. That the notices for contributories were addressed to the contributories respectively according to their respective names and registered or last known addresses appearing in the register of the company.

4. That I sent the said notices by putting the same prepaid into the post office at \_\_\_\_\_ before the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_, noon on the said day.

Sworn, &c. \_\_\_\_\_

(a) State the description of the deponent.

(b) Insert here "general" or "ad-journed general" or "first meeting of creditors [*or contributories as the case may be* ]

**Form 67.**

(Rule 91.)

Certificates of Postage of Notices (General).

(Title.)

I, \_\_\_\_\_ hereby certify :—

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, send to (a) \_\_\_\_\_, a notice of the time and the place of the first meeting, or (b) \_\_\_\_\_ in the form hereunto annexed marked "A".

Paragraphs 2, 3, and 4 as in last preceding form.

Dated \_\_\_\_\_.

Signature.

(a) Each creditor mentioned in the Statement of Affairs, or each contributory mentioned in the Register of Members of the company, or as the case may be.

(b) "A general meeting" or "ad-journed general meeting," or as the case may be.



( 89 )

**Form 68.**

(Rule 94.)

**Authority to Deputy to act as Chairman of Meeting  
and use Proxies.**

(Title.)

I, \_\_\_\_\_ the Official Receiver of \_\_\_\_\_ do hereby nominate Mr. \_\_\_\_\_ of \_\_\_\_\_ to be Chairman of the meeting of creditors [or contributories] in the above matter, appointed to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I depute him to attend such meeting and use, on my behalf, any proxy or proxies held by me in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Official Receiver.

**Form 69.**

(Rule 98.)

**Memorandum of Adjournment of Meeting.**

(Title.)

Before \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock.

Memorandum.—The (a) \_\_\_\_\_ Meeting of (b) \_\_\_\_\_ in the above matter was held at the time and place above mentioned; but it appearing that (c) \_\_\_\_\_ the meeting was adjourned until the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, then to be held at the same place.

(a) "First," or  
as the case may be.  
(b) Insert "cre-  
ditors" or "con-  
tributories," as the  
case may be.  
(c) Here state  
reason for adjourn-  
ment.

Chairman.

**Form 70.**

(Rule 108.)

**General Proxy.**

(Title.)

I/We, \_\_\_\_\_ of \_\_\_\_\_, a creditor [or contributory], hereby appoint (1) \_\_\_\_\_ to be my/our general proxy to vote at the Meeting of Creditors [or Contributories] to be held in the above matter on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, or at any adjournment thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed (2) \_\_\_\_\_.

Notes.

(1) The person appointed general proxy may be the Official Receiver, the Liquidator, or such other person as the creditor [or contributory] may approve, and the proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.

(2) If a firm, sign the firm's trading title, and add " by A. B., a partner in the said firm ". If the appointed is a corporation, then the Form of Proxy must be under its Common Seal or under the hand of some officer duly authorized in that behalf, and the fact that the officer is so authorized must be stated thus :—

For the \_\_\_\_\_ Company.

J. S. (duly authorized under the seal of the Company.)

*Certificate to be signed by person other than Creditor [or Contributory] filling up the above Proxy.*

(a) Here state whether clerk or manager in the regular employment of the creditor or contributory.

I, \_\_\_\_\_ of \_\_\_\_\_, being a (a) \_\_\_\_\_ hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named \_\_\_\_\_ and in his presence, before he attached his signature [or mark] thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Signature.

*In a voluntary winding-up the Liquidator or if there is no Liquidator the Chairman of a meeting may but the Official Receiver may not be appointed proxy. The proxy form will be altered accordingly.*

Form 71.

(Rule 108.)

Special Proxy.

(Title.)

I/We, \_\_\_\_\_ of \_\_\_\_\_, a creditor [or contributory], hereby appoint (1) \_\_\_\_\_ as my/our proxy at the meeting of creditors [or contributories] to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19—, or at any adjournment thereof, to vote (a) \_\_\_\_\_ the resolution No. \_\_\_\_\_ in the notice convening.

(a) Here insert the word "for" or the word "against" as the case may require, and specify the particular resolution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) (2)

Notes.

(1) The person appointed proxy may be the Official Receiver, the Liquidator, or such other person as the creditor [or contributory] may approve, and the proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used. A creditor [or contributory] may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters :—

- (a) For or against the appointment or continuance in office of any specified as Liquidator or as member of the Committee of Inspection ;
- (b) On all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment thereof.

(2) If a firm, sign the firm's trading title, and add " by A. B., partner in the said firm ". If the appointor is a corporation, the form of

proxy must be under its common seal or under the hand of some officer duly authorized in that behalf, and the fact that he is so authorized must be so stated.

*Certificate to be signed by person other than Creditor or Contributory filling up the above Proxy.*

I, \_\_\_\_\_ of \_\_\_\_\_, being a (b) \_\_\_\_\_ hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named \_\_\_\_\_ and in his presence before he attached his signature (or mark) thereto.

(b) Here state whether clerk or manager in the regular employment of the creditor or contributory.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signature).

*In a voluntary winding-up the Liquidator or if there is no Liquidator the Chairman of a meeting may but the Official Receiver may not be appointed proxy. The proxy form will be altered accordingly.*

**Form 72.**

(Rule 130.)

**Application to Court to authorize a special Bank Account.**

(Title.)

We, the Committee of Inspection, being of opinion that Mr. \_\_\_\_\_ of \_\_\_\_\_, the Liquidator in the above matter, should have a special bank account for the purpose of (a) hereby apply to the court to authorize him to make his payments into and out of the \_\_\_\_\_ bank.

(a) Here insert grounds of application.

All cheques to be countersigned by \_\_\_\_\_, a member of the Committee of Inspection, and by \_\_\_\_\_ for \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Committee of Inspection.

**Form 73.**

(Rule 130.)

**Order of Court for special Bank Account.**

(Title.)

You are hereby authorized to make your payments in the above matter into, and out of, the \_\_\_\_\_ bank.

[Here insert any special terms.]

All cheques to be countersigned by \_\_\_\_\_, a member of the Committee of Inspection, and by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

To

District Judge.

**Form 74.**

(Rule 133.)

**Certificate and Request by Committee of Inspection  
as to Investment of Funds.**

*(Title.)*

We, the Committee of Inspection in the above matter, hereby certify that in our opinion the cash balance standing to the credit of the above-named company is in excess of the amount which is required for the time being to answer demands in respect of such company's estate, and request that the Director of Commerce and Industries will invest the sum of Rs. \_\_\_\_\_ in Government securities, to be placed to the credit of the said account for the benefit of the said company.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Committee of Inspection.

**Form 75.**

(Rule 133.)

**Request by Committee of Inspection to Director of  
Commerce and Industries to Sell Securities.**

*(Title.)*

We, the Committee of Inspection in the above matter, hereby certify that a sum of Rs. \_\_\_\_\_, forming part of the assets of the above-named company, has been invested in Government Securities, and that the sum of Rs. \_\_\_\_\_ is now required to answer demands in respect of the said company. And we request that so much of the said securities as may be necessary for the purpose of answering such demands may be realized by the Director of Commerce and Industries, and that the amount realized may be placed to the credit of the said company.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 —.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Committee of Inspection.

**Form 76.**

(Rule 134.)

**Certificate by Committee of Inspection as to  
Audit of Liquidator's Accounts.**

*(Title.)*

We, the undersigned, members of the Committee of Inspection in the winding up of the above-named company, hereby certify that we have examined the foregoing account with the vouchers, and that to the best of our knowledge and belief the said account contains a full, true, and complete account of the Liquidator's receipts and payments.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19—.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Committee of Inspection.

Form 77.

(Rule 135.)

Affidavit verifying Liquidator's Account under Section 188.

(Title.)

I, G. H., of \_\_\_\_\_, the Liquidator of the above-named company, make oath and say :—

That \* the account hereunto annexed marked B contains a full and true account of my receipts and payments in the winding up of the above-named company from the \_\_\_\_\_ day of \_\_\_\_\_ 19 —, to the \_\_\_\_\_ day of \_\_\_\_\_ 19 —, inclusive \*and that I have not, nor has any other person by my order or for my use, during such period received any moneys on account of the said company \*other than and except the items mentioned and specified in the said account.

Sworn, at, &c. {

\* Note.—If no receipts or payments, strike out the words in italics.

Form 78.

(Rule 136.)

Liquidator's Trading Account under section 188.

(Title.)

G. H., the Liquidator of the above-named company in account with the estate.

Receipts.				Payments.			
Dr.						Cr.	
Date.		Rs.	c.	Date.		Rs.	c.

Liquidator.  
(Date) \_\_\_\_\_.

We have examined this account with the vouchers and find the same correct, and we are of opinion the expenditure has been proper.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 —.

Committee of Inspection.  
[or member of the Committee of Inspection.]

( 94 )

**Form 79.**

(Rule 136.)

**Affidavit verifying Liquidator's Trading Account  
under Section 188.**

(Title.)

I, \_\_\_\_\_, the Liquidator of the above-named company, make oath and say that the account hereto annexed is a full, true, and complete account of all money received and paid by me or by any person on my behalf in respect of the carrying on of the trade or business of the company, and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

Liquidator.

Sworn, &c.

**Form 80.**

(Rule 142.)

**Request to deliver Bill for Taxation.**

(Title.)

\* (a) Here state nature of employment.

I hereby request that you will, within \_\_\_\_\_ days of this date, or such further time as the court may allow, deliver to me for taxation by the proper officer your bill of costs [or charges] as (a) \_\_\_\_\_ failing which, I shall, in pursuance of the Companies Ordinance, No. 51 of 1938, and the rules proceed to declare and distribute a dividend without regard to any claim which you may have against the assets of the company, and your claim against the assets of the company will be liable to be forfeited.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 —.

**Form 81.**

(Rule 146.)

**Certificate of Taxation.**

(Title.)

I hereby certify that I have taxed the bill of costs [or charges] [or expenses] of Mr. C. D. [here state capacity in which employed or engaged] [where necessary add "pursuant to an order of the court dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 —"], and have allowed the same at the sum of \_\_\_\_\_ rupees and \_\_\_\_\_ cents [where necessary add "which sum is to be paid to the said C. D. by \_\_\_\_\_ as directed by the said order"].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 —.

Rs. \_\_\_\_\_

Taxing Officer.

Form 82.

(Rules 154, 155 and 158.)

[Re

(No registration fee payable.)

This is the Exhibit marked B referred to in the affidavit of \_\_\_\_\_; sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Justice of the Peace  
Commissioner for Oaths.]

No. of Company.

Statement of Receipts and Payments and General Directions as to Statements.

(Name of Company.)

(1) Every statement must contain a detailed account of all the Liquidator's realizations and disbursements in respect of the company. The statement of realizations should contain a record of all receipts derived from assets existing at the date of the winding-up resolution and subsequently realized, including balance in bank, book debts and calls collected, property sold, &c., and the account of disbursements should contain all payments for costs and charges, or to creditors, or contributories. Where property has been realized, the gross proceeds of sale must be entered under realizations, and the necessary payments incidental to sales must be entered as disbursements. These accounts should not contain payments into the Companies Liquidation Account (except unclaimed dividends—see para 4) or payments into or out of bank, or temporary investments by the Liquidator, or the proceeds of such investments when realized, which should be shown separately :—

Form and contents of statement.

- (a) by means of the bank pass book ;
- (b) by a separate detailed statement of moneys invested by the Liquidator, and investments realized.

Interest allowed or charged by the bank, bank commission, &c., and profit or loss upon the realization of temporary investments, should, however, be inserted in the accounts of realizations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward from one account to another without any intermediate balance, so that the gross totals shall represent the total amounts received and paid by the Liquidator respectively.

(2) When the Liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be sent out in the statement.

Trading Account.

(3) When dividends or instalments of compositions are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend, or instalment of composition, or return to contributories, actually paid, must be entered in the statement of disbursements as one sum ; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor, and of surplus assets payable to each contributory, distinguishing in each list the dividends or instalments of composition and shares of surplus assets actually paid and those remaining unclaimed.

Dividends, &c.

(4) When unclaimed dividends, instalments of composition or returns of surplus assets are paid into the Companies Liquidation Account, the total amount so paid in should be entered in the statement of disbursements as one sum.

(5) Credit should not be taken in the statement of disbursements for any amount in respect of liquidator's remuneration unless it has been duly allowed by resolution of the Committee of Inspection or of the creditors or of the company in general meeting, or by order of the court as the case may require.

### Liquidator's Statement of Account.

*Pursuance to Section 272 of the Companies Ordinance,  
No. 51 of 1938.*

Name of Company : \_\_\_\_\_.

Nature of proceedings (*whether a members' or creditors' voluntary winding-up or a winding-up under the supervision of the court*)

Date of commencement of winding-up : \_\_\_\_\_.

Date to which statement is brought down : \_\_\_\_\_.

Name and address of liquidator : \_\_\_\_\_.

This statement is required in duplicate.

### Liquidator's Statement of Account pursuance to Section 272 of the Companies Ordinance, No. 51 of 1938.

Realizations.				Disbursements.					
Date.	Of whom received.	Nature of Assets Realized.	Amount.		Date.	To whom paid.	Nature of Disbursements.	Amount.	
		Brought forward	Rs.	c.			Brought forward	Rs.	c.
		Carried forward					Carried forward		

*Note.*—No balance should be shown on this Account, but only the total Realizations and Disbursements; which should be carried forward to the next Account.



*Analysis of Balance.*

	Rs. c.
Total Realizations .. .. .	..
„ Disbursements .. .. .	..
Balance ..	_____
 The balance is made up as follows :—	
1. Cash in hands of Liquidator .. .. .	..
	Rs. c.
2. Total payments into Bank, including balance at date of commencement of winding-up ( <i>as per Bank Book</i> ) .. .. .	..
Total withdrawals from Bank .. .. .	..
Balance at Bank .. .. .	..
3. Amount in Companies Liquidation Account .. .. .	..
	Rs. c.
*4. Amounts invested by Liquidator .. .. .	..
Less Amounts realised from same .. .. .	..
Balance .. .. .	..
Total Balance as shown above .. .. .	_____

*Note.*—Full details of Stocks purchased for investment and realization thereof should be given in a separate statement.

\* The investment or deposit of money by the Liquidator does not withdraw it from the operation of Section 273 of the Companies Ordinance, No. 51 of 1938, and any such investments representing money held for six months or upwards must be realized and paid into the Companies Liquidation Account, except in the case of investments in Government Securities, the transfer of which to the control of the Deputy Financial Secretary will be accepted as a sufficient compliance with the terms of the section.

*Note.*—The Liquidator should also state—

- |   |   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
|---|---|----|---|----|----|---|---|----|----|--|---------------------------|--|--|--|---------------------------|--|--|--|-----------------------------|--|--|
| (1) The amount of the estimated assets and liabilities at the date of the commencement of the winding-up. | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: middle;">{</td> <td style="width: 50%; vertical-align: top;">Assets (after deducting amounts charged to secured creditors and debenture holders) .. .. .</td> <td style="width: 15%; vertical-align: top;">..</td> <td style="width: 10%; vertical-align: top;">..</td> </tr> <tr> <td style="width: 15%; vertical-align: middle;">{</td> <td style="width: 50%; vertical-align: top;">Liabilities {</td> <td style="width: 15%; vertical-align: top;">..</td> <td style="width: 10%; vertical-align: top;">..</td> </tr> <tr> <td></td> <td style="width: 50%; vertical-align: top;">  Secured creditors .. .. .</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="width: 50%; vertical-align: top;">  Debenture holders .. .. .</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="width: 50%; vertical-align: top;">  Unsecured creditors .. .. .</td> <td></td> <td></td> </tr> </table> | {  | Assets (after deducting amounts charged to secured creditors and debenture holders) .. .. . | .. | .. | { | Liabilities {                                     | .. | .. |  | Secured creditors .. .. . |  |  |  | Debenture holders .. .. . |  |  |  | Unsecured creditors .. .. . |  |  |
| {   | Assets (after deducting amounts charged to secured creditors and debenture holders) .. .. .   | .. | ..  |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| {   | Liabilities {   | .. | ..  |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
|   | Secured creditors .. .. .   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
|   | Debenture holders .. .. .   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
|   | Unsecured creditors .. .. .   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| (2) The total amount of the capital paid up at the date of the commencement of the winding-up             | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: middle;">{</td> <td style="width: 50%; vertical-align: top;">Paid up in cash .. .. .</td> <td style="width: 15%; vertical-align: top;">..</td> <td style="width: 10%; vertical-align: top;">..</td> </tr> <tr> <td style="width: 15%; vertical-align: middle;">{</td> <td style="width: 50%; vertical-align: top;">Issued as paid up otherwise than for cash .. .. .</td> <td></td> <td></td> </tr> </table>  | {  | Paid up in cash .. .. .   | .. | .. | { | Issued as paid up otherwise than for cash .. .. . |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| {   | Paid up in cash .. .. .   | .. | ..  |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| {   | Issued as paid up otherwise than for cash .. .. .   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| (3) The general description and estimated value of outstanding assets (if any)                            |   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| (4) The causes which delay the termination of the winding-up  |   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |
| (5) The period within which the winding-up may probably be completed                                      |   |    |   |    |    |   |   |    |    |  |                           |  |  |  |                           |  |  |  |                             |  |  |

**Form 83.**

(Rules 154, 155, and 158.)

No. of Company : —————.

**Affidavit verifying statement of Liquidator's Account  
under Section 272.**(No registration  
fee charged.)————— (*Name of Company*).

I, ————, of ————, the Liquidator of the above-named company, make oath and say :—That *\*the account hereunto annexed marked B, contains a full and true account of my receipts and payments in the winding-up of the above-named company, from the ———— day of ————, 19—, to the ———— day of ————, 19—, inclusive, \*and that I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said company, \*other than and except the items mentioned and specified in the said account.*

I further say that the particulars given in the annexed Form 82 marked B, with respect to the proceedings in and position of the liquidation, are true to the best of my knowledge and belief.

Sworn at ————.

*\* Note.*—If no receipts or payments strike out the words in italics.

The affidavit is not required in duplicate, but it must in every case be accompanied by a statement in Form 82 in duplicate.

**Form 84.**

(Rule 154.)

**Liquidator's Trading Account under Section 272.**————— (*Name of Company*.)

————— the Liquidator of the above-named company in account with ————.

This Account is required in duplicate in addition to Form 82.

<i>Dr.</i>	Receipts.		Payments.	<i>Cr.</i>	
Date.	Rs.	c.	Date.	Rs.	c.
	Total ..		Total ..		

Date :

Liquidator.

Insert here the  
name of the com-  
pany.

Insert here the  
name of the liqui-  
dator.



**Form 87.**

(Rule 157.)

**Affidavit verifying Account of Unclaimed and Undistributed Funds.**

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say that the particulars entered in the statement hereunto annexed, marked A, are correct, and truly set forth all moneys in my hands or under my control, representing unclaimed or undistributed assets of the above company, and that the amount due by me to the Companies Liquidation Account in respect of unclaimed dividends and undistributed funds is Rs. \_\_\_\_\_.

Signature : \_\_\_\_\_.

Sworn, &c. : \_\_\_\_\_.

**Form 88.**

(Rule 162.)

**Notice to Creditors and Contributories of intention to apply for Release.**

(Title.)

Take notice that I, the undersigned Liquidator of the above-named company, intend to apply to the District Court of \_\_\_\_\_ for my release, and further take notice that any objection you may have to the granting of my release must be notified to the said court within twenty-one days of the date hereof.

A summary of all receipts and payments in the winding-up is hereto annexed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Liquidator.

To \_\_\_\_\_.

*Note*—Section 190 (3) of the Companies Ordinance, No. 51 of 1938, enacts that “An order of the court releasing the Liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the Company or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact”.

**Form 89.**

(Rule 162.)

**Application by Liquidator to the Court for Release.**

(Title.)

I, \_\_\_\_\_, the liquidator of the above-named company, do hereby report to the District Court of \_\_\_\_\_ as follows :—

1. That the whole of the property of the company has been realized for the benefit of the creditors and contributories [and a dividend to the amount of \_\_\_\_\_ has been paid as shown by the statement hereunto annexed, and a return of \_\_\_\_\_ per share has been made to the contributories of the Company] ;

[or That so much of the property of the company as can, according to the joint opinion of myself and the Committee of Inspection, hereunto annexed, in writing under our hands, be realized without needlessly protracting the liquidation, has been realized, as shown by the statement hereunto annexed, and a dividend to the amount of \_\_\_\_\_ has been paid, together with a return of \_\_\_\_\_ per share to the contributories of the company ; (a)

2. I therefore request the court to cause a report on my accounts to be prepared, and to grant me a certificate of release.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Liquidator.

(a) Add, if necessary, “That the rights of the contributories between themselves have been adjusted”.

Statement to Accompany Notice of Application for Release.  
(Title.)

Dr.	Receipts.		Payments.	
	Rs.	c.	Rs.	c.
Estimated to produce as per company's statement of affairs.	Rs.	c.	Rs.	c.
To total receipts from date of winding-up order, viz. :—			By fees and stamp duties :—	
(State particulars under the several headings specified in the Statement of Affairs.)			Costs of petition ..	
Receipts per trading account ..			Costs of Proctor to Liquidator ..	
Other receipts ..			Other costs ..	
Total ..			Liquidator's remuneration, viz. :—	
			Assets realized ..	
			Assets distributed in dividend ..	
			Shorthand writer's charges ..	
			Special manager's charges ..	
			Person appointed to assist in preparation of Statement of Affairs ..	
			Auctioneer's charges as taxed ..	
			Other taxed costs ..	
			Costs of possession and maintenance of estate ..	
			Costs of notices in Gazette and local papers ..	
			Incidental outlay ..	
Less :—			Total costs and charges ..	
Payments to redeem securities ..			Creditors, viz. :—	
Costs of execution ..			(a) Preferential ..	
Payments per trading account ..			(a) Unsecured : dividend of ..	
Net realizations ..			The estimate of amount expected to rank for dividend was Rs. ....	
Amounts received from calls on contributories made in the winding-up ..			Amount returned to contributories ..	
			Balance ..	

(a) State number of creditors.

Assets not yet realized, including calls, estimated to produce Rs. ....  
(Add here any special remarks the liquidator thinks desirable.)  
Creditors can obtain any further information by inquiry at the office of the Liquidator.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(Signature of Liquidator) \_\_\_\_\_,  
(Address) \_\_\_\_\_.

**Form 91.**

(Rule 169.)

Register of Winding-up Orders to be kept in the Courts.

Number of Winding-up Order.	Number of Petition.	Date of Petition.	Date of Winding-up Order.	Dates of Public Examination (if any).	Liquidator.

**Form 92.**

(Rule 169.)

Register of Petitions to be kept in the Courts.

No. of Petition.	Name of Company.	Address of Registered Office.	Description of Company.	Date of Petition.	Petitioner.	Date of Winding-up Order.

**Form 93.**

Notice for *Government Gazette.* (Rule 170.)

(1) *Notice of Winding-up Order.*

(Rule 20.)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_, Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Date of Order \_\_\_\_\_, Date of Presentation of Petition \_\_\_\_\_\*

(\*Where it is known that a voluntary winding-up preceded the presentation of the Petition, the date of the resolution for voluntary winding-up should also be given.)

(2) *Notice of First Meetings.*

(Rule 83.)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_, Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Creditors, Date \_\_\_\_\_, Hour \_\_\_\_\_, Place \_\_\_\_\_, Contributories, Date \_\_\_\_\_, Hour \_\_\_\_\_, Place \_\_\_\_\_.

(3) *Notice of Day Appointed for Public Examination.*

(Rule 35.)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_, Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Date fixed for Examination \_\_\_\_\_, Names of Persons to be examined \_\_\_\_\_, Hour \_\_\_\_\_, Place \_\_\_\_\_.

(4) *Notice to Intended Dividend.*

(Rule 80 (1).)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_, Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Last Day for Receiving Proofs \_\_\_\_\_, Name of Liquidator \_\_\_\_\_, Address \_\_\_\_\_.

(5) *Notice of Dividend.*

(Rule 80 (3).)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_,  
Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Dividend \_\_\_\_\_ First  
and Final or otherwise \_\_\_\_\_, When payable \_\_\_\_\_, Where pay-  
able \_\_\_\_\_.

(6) *Notice of Return to Contributors.*

(Rule 81.)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_,  
Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Amount per Share  
\_\_\_\_\_, First and Final or Otherwise \_\_\_\_\_, When payable  
\_\_\_\_\_, Where payable \_\_\_\_\_.

(7) *Notice of Appointment of Liquidator.*

(Rule 29 (5).)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_,  
Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Liquidator's Name  
\_\_\_\_\_, Address \_\_\_\_\_, Date of Appointment \_\_\_\_\_.

(8) *Notice of Removal of Liquidator.*

(Rule 29 (7).)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_,  
Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Liquidator's Name  
\_\_\_\_\_, Liquidator's Address \_\_\_\_\_, Date of Removal \_\_\_\_\_.

(9) *Notice of Release of Liquidator.*

(Rule 162.)

Name of Company \_\_\_\_\_, Address of Registered Office \_\_\_\_\_,  
Court \_\_\_\_\_, Number of Matter \_\_\_\_\_, Liquidator's Name  
\_\_\_\_\_, Liquidator's Address \_\_\_\_\_, Date of Release \_\_\_\_\_.

**Form 94.**

(Rule 171.)

Memorandum of Advertisement or Gazetting.

(Title.)

Name of Paper.	Date of Issue.	Date of Filing.	Nature of Order, &c.

(Signed) \_\_\_\_\_.

**Form 95.**

**The Companies Ordinance, No. 51 of 1938.**

*Notice of Appointment of Liquidator pursuant to section 241.*

**Members' [or Creditors'] Voluntary Winding-up.**

To the Registrar of Companies.

I [or We] \_\_\_\_\_ of \_\_\_\_\_, hereby give notice that I [or We] have been appointed Liquidator(s) of \_\_\_\_\_ Company, Limited, by (a) [resolution of the company] \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—. Signature (b) \_\_\_\_\_.

(a) State how appointed, whether by (resolution of the company) or (the creditors of the company) or how otherwise.

(b) To be signed by each Liquidator if more than one.

**Form 96.**

**Certificate of Receipt.**

*(Pursuant to section 273 (1) of the Companies Ordinance, No. 51 of 1938.)*

No. \_\_\_\_\_.

It is hereby certified that \_\_\_\_\_ (a) did on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, pay into the Companies Liquidation Account at the \_\_\_\_\_ Bank the sum of \_\_\_\_\_ Rupees \_\_\_\_\_ and \_\_\_\_\_ cents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signature) \_\_\_\_\_,  
Director of Commerce and Industries.

(a) Insert name of Liquidator.

**SECOND SCHEDULE.**

(Rule 173.)

Section of Ordinance.	Matters.	Fee. Rs. c.
1. 175 (6) ..	For inspecting Statement of Affairs	.. 0 50
2. 175 (6) ..	For copy of or extract from Statement of Affairs per folio of 72 words	.. 0 25
3. 272 (2) ..	For inspecting statement	.. 0 50
4. 272 (2) ..	For copy of or extract from statement per folio of 72 words	.. 0 25