

THE COMPANIES (COURT) RULES, 1997

[Gazette of Pakistan, Extraordinary, Part II, 26th March, 1997]

S.R.O. 187 (I)/97.---In exercise of the powers conferred by section 438 of the Companies Ordinance, 1984 (XLVII of 1984), and of all powers enabling it in that behalf, and in pursuance of the advice of the Supreme Court of Pakistan to do so, the Federal Government, in consultation with the High Courts, is pleased to make the following rules, namely:---

PART I

GENERAL

1. Short title and commencement. ---(I) These rules may be called the Companies (Court) Rules, 1997.

(2) They shall come into force at once.

2. Definitions. ---(I) In these rules unless there is anything repugnant in the subject or context,--

(a). 'advocate' means, an advocate defined in the Legal Practitioners and Bar Council Act, 1973 (XXXV of 1973);

(b) 'Authority' means the Corporate Law Authority established under the Ordinance;

(c) 'Code' means the Code of Civil Procedure, 1908 (V of 1908);

(d) 'Court' means the Court having jurisdiction under the Ordinance;

(e) 'Judge' means in the High Court the Judge for the time being exercising the jurisdiction of the High Court under, the Ordinance, and in the District Court, the Judge of the Court exercising jurisdiction under the Ordinance;

(f) 'Ordinance' means the Companies Ordinance, 1984 (XLVII of 1984);

(g) 'prescribed' means prescribed by these Rules; and 'prescribed charges' and 'prescribed fees' mean charges or fees specified in these Rules and where these are not so specified, prescribed by the rules of the Court in respect of analogous matter in its other proceedings;

'Registrar' means the Registrar of the High Court and such other officer as may be authorised by the Chief Justice to perform all or any of the duties assigned to the Registrar under these Rules;

5. Petitions generally. ---(I) All applications under the Ordinance, except interlocutory applications, shall be made by petition in the manner herein appearing.

(2) All petitions, applications, written statements, affidavits and other proceedings presented to the Court shall be fairly and legibly written, typewritten, cyclostyled or printed on one side of standard petition paper of foolscap size with an inch and a quarter margin and at least an inch and half blank space left at the top and bottom of each sheet and separate sheets shall be stitched together, and shall be dated, divided into separate paragraphs which shall be numbered consecutively and signed by the petitioner, applicant or other authorised person.

(3) Numbers and dates shall be expressed in figures, and where dates given are not according to the English calendar, the corresponding English dates shall also be given.

6. Language of proceedings. ---Every petition, application, written statement, affidavit or other proceeding shall be in the language of the Court, and except in so far as the Court may otherwise order, no document in a language other than English or Urdu shall be accepted for use in any proceeding unless accompanied by an attested translation in either of these languages in accordance with the rules and practice of the Court and is certified to be a true copy.

7. Practice and procedure of the Court and provisions of the Code to apply. ---(I) Save as provided by the Ordinance or by these Rules, the practice and procedure of the Court and provisions of the Code so far as applicable shall apply to all proceedings under the Ordinance and these rules.

(2) The Judge or the Registrar, as the case may be, may decline to accept any document which is presented otherwise than in accordance with these Rules or the practice and procedure of the Court.

8. Power of Court to enlarge or abridge time. ---The Court may, in any case in which it shall deem fit, extend or abridge the time appointed by these rules or fixed by an order of the Court for doing any act or taking any proceeding, upon such terms and conditions as the interest of justice, may require, and any such extension or abridgement may be ordered although the application for the same is not made.

9. Computation of time.---(1) Where any particular number of days not expressed to be clear days is prescribed, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on Sunday or other day on which the office of the Court is closed, in which case the time shall be reckoned exclusively of that day also and any succeeding day or days on which the office of the Court may continue to be closed.

(2) Where any particular number of days expressed to be clear days is prescribed the same shall be reckoned exclusively of both the first and the last day.

10. Registers to be kept. ---There shall be kept, in every Court, the following registers, relating to proceedings under the Ordinance and these rules:---

(1) register of company petitions, in which shall be entered and numbered serially immediately on receipt in the Court all the petitions, except interlocutory applications, filed under the Ordinance or these rules with particulars as to---

- (i) date of presentation;
- (ii) name of Company;
- (iii) names of parties and their advocates;
- (iv) provision of law under which the petition is made;
- (v) nature of relief sought;
- (vi) date and nature of order made;
- (vii) date of filing of appeal, if any;
- (viii) date of disposal of appeal; and
- (ix) result of judgment in appeal;

(2) register of company applications, in which shall be entered and numbered serially immediately on receipt in the Court all applications other than petitions referred to in clause (1) with particulars as to--

- (i) date of presentation;
- (ii) name of company;
- (iii) number of main proceeding, if any, to which the application relates;
- (iv) names of parties and their advocates;
- (v) provision of law, if any, under which the application is made;
- (vi) nature of relief sought;
- (vii) date and nature of order made;
- (viii) date of filing of appeal, if any;

(ix) date of disposal of appeal; and

(x) result of judgment in appeal;

(3) register of appeals against orders of liquidator in which shall be entered and numbered serially immediately on receipt in the Court all appeals against the orders of liquidator preferred under the Ordinance or these rules with particulars as to--

(i) date of presentation;

(ii) name of company;

(iii) names of appellants and their advocates;

(iv) name of liquidator;

(v) provision of law under which appeal is made;

(vi) date and nature of order against which appeal is made;

(vii) nature of relief sought;

(viii) date of disposal of appeal; and

(iv) result of judgment in appeal;

(4) company liquidation register in which shall be entered company wise, under a separate heading for each company ordered to be wound up and, in chronological order, summary of proceedings in winding up';

(5) company documents register, in which shall be entered under a separate heading for each company any valuable securities such as negotiable instruments and documents of title that may be filed in proceedings before the Court;

(6) appearance book, in which, shall be entered the appearance filed by or on behalf of any creditor, or contributory under sub-rule (2) of rule 196 of these rules; and

(7) Such other registers as may be directed by the Chief Justice, of the High Court.

11. Serial number of proceedings. ---Every petition or application shall bear its distinctive serial number, and interlocutory application shall bear, besides its own serial number, the serial number of the main proceeding, to which it relates. Every order made, process issued or document filed shall bear the serial number of the proceeding to which it relates.

12. Process to be sealed. ---All petitions, applications and affidavits, upon being filed, and all orders, summons warrants or process of any kind (including notices issued by the Court) and certified copies of any proceedings, shall be sealed.

13. Inspection and copies of proceedings. ---Save as otherwise provided in these rules, the rule of the Court for the time being in force relating to such inspection and to the certification and grant of copies, including the fees and charges payable for the same shall apply to proceedings under the Ordinance and these, Rules, as they apply to other proceedings in the Court.

14. Forms.---(1) The forms set out in Appendix-I shall be used in all matters to which the said forms relate with such variations as circumstances of each case may require.

(2) Where the said Appendix contains no form for any particular purpose or proceeding, the forms used in the Court in other analogous matters and proceedings or such other forms as may be approved by the Court for the purpose may be used.

15. Affidavits.---(1) Every affidavit shall be drawn up in the first person, shall state the full name, father's name, and in the case of a married woman or widow, her husband or deceased husband's name, age, occupation and the true place of abode of the deponent, shall be divided into paragraphs to be numbered consecutively, signed by the deponent and sworn to in the manner prescribed by the Code or by the rules and practice of the Court.

(2) Every affidavit and the exhibit annexed to an affidavit shall be marked with the number of the proceeding to which it relates, and shall be initialled and dated by the authority before whom it is sworn.

(3) Except with the leave of the Judge, no affidavit having an interlineation, alteration or erasure shall be filed in the Court unless such interlineation or alteration is initialled by the authority before whom it is sworn, or, in the case of an erasure the words and figures written on the erasure are rewritten in the margin and initialled by such authority.

16. Affidavit verifying petition. ---Every petition shall be supported by a duly verified affidavit made by the petitioner or by one of the petitioners, where there are more than one, and in case the petition is presented by a body corporate, by a director, secretary or other principal officer thereof; such affidavit shall be filed alongwith the petition and shall be in Form No. 1:

Provided that, the Judge or Registrar may, for sufficient reason, grant leave to any other person duly authorised by the petitioner to make and file the affidavit.

17. Enclosures to petition. ---Unless dispensed with by the Judge or the Registrar, every petition and application mentioned in Appendix 11 shall be accompanied by the documents set opposite thereto in column 4 of the said Appendix.

18. Direction on petition. ---Every petition shall be placed for hearing before the Judge and he shall make such orders thereon and give such directions as to the hearing and the advertisement of the petition and the notices to be served and such other matters as may seem to him appropriate.

19. Advertisement of the petition. ---(I) Where any petition is required to be advertised, it shall, unless the Judge otherwise orders, or these rules otherwise provide, be advertised not less than fourteen days before the date fixed for hearing, in one issue of the official Gazette and in one issue each of a daily newspaper in English and Urdu having circulation in the Province in which the registered office of the company is situate and, in the case of a listed company, also in the Province in which the stock exchange on which the company is listed is situate.

(2) Except in the case of a petition to wind up a company, the Judge may, if he thinks fit, dispense with the advertisement required by these Rules.

20. Contents of advertisement. ---(I) Except as otherwise provided in these rules, such advertisement shall be in Form No.2 and shall state the date on which the petition was presented, the name and address of the petitioner and his advocate, the nature of the petition and the date fixed for hearing.

(2) Every advertisement shall, unless otherwise ordered, specify that any person who, intends either to oppose or support the petition at the hearing should send notice of his intention to the petitioner or his advocate so as to reach him not later than two days previous to the day fixed for the hearing and in the case of a petition for winding up, not later than five days previous to the day fixed for the hearing of the petition.

21. Service of petition. ---Every petition shall be served on the respondent, if any, named in the petition and on such other persons as the Ordinance or these rules may require or as the Judge or the Registrar may direct and a copy of the petition and the affidavit shall be served along with the notice of the petition.

22. Notice of petition and time of service. ---Notice of every petition required to be served upon any person shall be in Form No.3 and shall, unless otherwise ordered by the Court, or provided by these rules, be served not less than ten days before the date of hearing;

Provided that such notice when by the Ordinance or under these rules is required to be served on the Corporate Law Authority or the Federal Government, the same shall, unless otherwise ordered by the Court, be served not less than fourteen clear days before the date of hearing.

23. Service on company.---(1) Where a petition is presented against a company, it shall be accompanied by a notice of the petition together with a copy of the petition for service on the company and an envelope addressed to the company at its registered office or its

principal place of business and sufficiently stamped for being sent by registered post for acknowledgement.

(2) The Registrar shall immediately on the admission of the petition send the notice together with the copy of the petition to the company by registered post or through other approved mode.

(3) Every petition and, save as otherwise provided by these Rules or by an order of the Court, every application, shall, unless presented by the company, be served on the company at its registered office, or if there is no registered office, at its principal or last known principal place of business, by leaving a copy thereof with an officer or employee of the company, and in case no such person is, available, in such manner as the Judge or Registrar may direct, or, by sending a copy thereof by prepaid registered post addressed to the company at its registered office, or, if there is no registered office, at its principal or last known principal place of business, or to such person and at such an address as the Judge or Registrar may direct.

(4) Where the company is being wound up, the petition or application shall also be served on the liquidator, if any, appointed for the purpose of winding up the affairs of the company.

24. Petitioner to effect service. ---Save as otherwise provided by these Rules and subject to any directions of the Judge or the Registrar or where the Court has effected service, the petitioner, the applicant or any other person having the conduct of proceedings in the Court shall be responsible for the service of all notices, summons and other process and for the advertisement and publication of notices, required to be effected by these rules or by order of the Court.

25. Affidavit of service---(1) An affidavit or affidavits stating whether the petition has been advertised as specified in rule 20 and whether the notices, if any, have been duly served upon the persons required to be served shall be filed not less than two days before the date fixed for hearing and any such proof of the advertisement or of the service. as may be available, shall be filed alongwith the affidavit.

(2) An affidavit of service on a company or its liquidator shall be in Form No.4 or 5, as the case may be.

26. Procedure on default of compliance as regards advertisement and service of notice.---In default of compliance with the requirements of the rules or the directions of the Judge or Registrar, as regards ' the advertisement and service of the petition, the petition shall, on the date fixed for hearing be placed for orders of the Judge and the Judge may either dismiss the petition or give such further directions as he thinks fit.

27. Mode of service and service when deemed to be effected. ---(I) Save as otherwise provided by these Rules or by an order of the Court, all notices, summons, and other documents required to be served on any person, may be served either personally by

delivering a copy thereof to such person, or upon his advocate where he appears by advocate or, except where personal service is required, by prepaid registered post for acknowledgement due addressed to the last known address of such person.

(2) Where in the case of service by registered post no acknowledgement signed by the addressee or his duly authorised agent is received, orders of the Court shall be obtained as to the sufficiency of service or as to the further steps to be taken for service as the Court may direct:

Provided that, where a notice, summons or other document has to be served on any class of persons such as shareholders, debenture-holders, creditors and the like, the same may be sent by prepaid registered post, or by ordinary post under certificate of posting, as may be provided by these Rules or by an order of the Court, and unless otherwise ordered by the Court, the service shall be deemed to be effected at the time when the said notice, summons or other document ought to be delivered in the ordinary course of post by the post office, and notwithstanding that the same is returned undelivered by the post office.

(3) Where any person has to be served at an address outside Pakistan, the notice or other process to be served on him shall, subject to orders of the Court, be sent to such address by prepaid air-mail registered post for acknowledgement due.

28. Validity of service and of proceedings. ---No service under these Rules shall be deemed invalid by reason of any defect in the name or description of a person in the list of contributories or in the petition, summons, notice or other proceeding, provided that the Court is satisfied that such service is in other respect sufficient; and no proceedings under the Ordinance or these rules shall be invalidated by reason of any formal defect or irregularity, unless the Judge before whom the objection is taken is of the opinion that substantial injustice has been caused by such defect or irregularity and that the injustice cannot be remedied by an order of the Court.

29. Notice to be given by persons intending to appear at the hearing of petition. ---(1) Every person who intends to appear at the hearing of a petition whether to support or oppose the petition, shall send to the Court and serve on the petitioner or his advocate notice of his intention at the address given in the advertisement.

(2) The notice referred to in sub-rule (1) shall be in Form No. 6, containing the address of such person, and be signed by him or his advocate, and save as otherwise provided by these rules shall be served (or, if sent by post, shall be posted in such time as to reach the addressee) not later than two days prior to the day of hearing, and in the case of a petition for winding up, not later than three days prior to the day of hearing and where such person intends to oppose the petition, the grounds of his opposition, or a copy of his affidavit, if any, shall be furnished alongwith the notice.

(3) Any person who fails to comply with the provisions of this rule shall not, except with the leave of the Judge, be allowed to appear at the hearing of the petition.

30. List of persons intending to appear to be filed. ---The petitioner or his advocate shall prepare a list of the names and address of the persons who have given notice of their intention to appear at the hearing of the petition in Form No.7 and shall be filed in the Court before the hearing of the petition.

31. Procedure at hearing of petition.---At the hearing of the petition, the Judge may either dispose of the petition finally, or give such directions as may be deemed necessary for the filing of counter-affidavits and reply affidavits, if any, and for service of notice on any person who, in his opinion, has been omitted to be served or has not been properly served with the notice of the petition and may adjourn the petition to enable the parties to comply with his directions:

Provided that unless otherwise ordered by the Judge, it shall not be necessary to give notice of the adjourned hearing to any person.

32. Order to be drawn up. ---Every order, whether made in the Court or in Chambers, shall be drawn up by the Registrar, unless in any proceeding or class of proceedings the Judge or the Registrar shall direct that the order need not be drawn up. Where a direction is given that no order need be drawn up, the note or memorandum of the order signed or 'initialled by the Judge making the order or by the Registrar shall be sufficient evidence of the order having been made.

(2) The date of every order shall be the date on which it was actually made, notwithstanding that it is drawn up and issued on a later date.

(3) Where costs are awarded to a party in any proceeding and such costs have to be taxed, the order shall direct that the party liable to pay the costs shall pay the same when taxed. and where the costs have been fixed by the Court or ascertained by taxation prior to the drawing up of the order, the order shall direct the payment of the amount of such costs by the party liable to pay the same.

PART II

PROCEEDINGS IN MATTERS OTHER THAN WINDING UP

33. Petition to cancel variation of rights.---(1) Where a petition to cancel a variation of the rights, attaching to any class of shares is made on behalf of the shareholders of that class entitled to apply for cancellation under section 108 by one or more of them, the letter of authority signed by the shareholders so entitled; authorising the petitioner or petitioners to present the petition on their behalf, shall be annexed to the petition, and the names and addresses of all the said shareholders and the number of shares held by each of them shall be set out in the schedule to the petition.

(2) The petition shall set out the particulars of registration and the share capital, the different classes of shares into which the share capital of the company is divided and the rights attached to each class of shares, the provisions of the memorandum or articles

authorising the variation of the rights attached to the various classes of shares, the total number of shares of the class whose rights have been varied, the nature of the variation made, and so far may have been ascertained by the petitioner, the number of shareholders of the class who gave their consent, shares held by them, the number of shareholders who did not consent to the variation or who voted against the resolution, and the numbers of shares held by them and the dates on which the consent was given or the resolution was passed and the reasons for opposing the variation.

34. Petition for rectification of Register of Mortgages etc.---Notice of every petition under section 131 shall be given to the Registrar of Companies and other persons likely to be affected as the Court may direct and certified copy of the order of the Court made thereon shall be filed by the petitioner with the Registrar of Companies, within twenty-one days of the date of the order. ,

35. Applications of Receivers for direction of the Court. ---(I) Notice of every application under sections 140 and 141 shall be given to the Registrar of Companies and other parties likely to be affected as the Court may direct.

(2) A certified copy of the Order of the Court on applications under sub-rule (1) shall be filed with the Registrar of Companies by the receiver within 15 days of the date of the order.

36. Petition for rectification of register of members and debenture holders. ---(1) Notice of all petitions for rectification of the register of members and the register of debenture holders shall be given to the company and in case of transfer of shares to the transferor or the transferee, as the case may be, and to such other persons as the Court may direct.

(2) The final order taken on a petition under sub-rule (1) shall provide that a certified copy thereof shall be filed with the Registrar of the Companies by the petitioner, within fifteen days of the date of order.

37. Form of petition ---An application under section 97 shall be in Form No. 8.

38. Procedure at the hearing.---Upon the hearing of the application if the Court is satisfied that the proposed reduction does not involve either diminution of liability in respect of unpaid share capital or payment to any share, holders of any paid-up share and that no creditor is entitled to object to the reduction, it may confirm the resolution and where the Court is not so satisfied or is of opinion that creditors are entitled to object, the procedure hereinafter prescribed shall be followed.

39. Directions where creditors are entitled to object. ---In case in which the creditors are entitled to object to the proposed reduction, the Court may give such directions as it thinks fit with respect to publication of notices and fixing the date with reference to which the list of creditors entitled to object to the reduction is to be made out and

generally fixing a time for taking all necessary and proper steps for settling the list of creditors. The order on such application may be in Form No. 9.

40. List of creditors. ---The company shall, within the time allowed by the Court, file in the Court a list in Form No. 10 made out by some officer of the company competent to make the same, containing the names and addresses of the creditors of the company as on the date fixed by the Court under the last preceding rule and shall also contain the amounts due to the creditors and in case of debts payable on a contingency and not ascertained, a just estimate of the same. Such list shall be supported by an affidavit in Form No. 11 of an officer of the company competent to make the same.

41. Contents of affidavit. ---The person making such affidavit shall state therein his belief that the list certified by such affidavit is correct and that there was not at the date fixed by the Court under rule 40 any debt or claim which if that date was the commencement of the winding up of the company, would be admissible in proof against the company except the debt set forth in such list and shall state his means of knowledge of the matters deposed to in such affidavit.

42. Inspection of list of creditors. ---Copies of the list containing the names and addresses of the creditors and the total amount due to them including the estimated value of unascertained and contingent debts, but omitting the amount due to them respectively, or (if the Court shall so direct) complete copies of the list of creditors shall be kept at the registered office of the company and at the office of the advocate of the company and any person desirous of inspecting such list may, during the ordinary hours of business, inspect and take extracts thereof on payment of two rupees per page.

43. Notice to creditors. ---(1) The company shall, within seven days after the filing of the list of creditors referred to in rule 40 or such time as the Court may allow, send to each creditor whose name is entered in the said list a notice in Form No. 12 stating the amount of the proposed reduction in capital and the amount or estimated value of the debt for which such creditor is entered in the said list and the time, as fixed by the Court, within which if he claims to be a creditor for a larger amount than that shown in the notice, he must send in his name and address and the particulars of his debt or claim and the name and address of his advocate, if any, to the advocate of the company.

(2) The notice referred to in sub-rule (1), shall be sent by prepaid letter registered for acknowledgement addressed to each creditor at his last known address or place of abode:

Provided that, where any of the creditors of the company are residing out of Pakistan or where their addresses are not known to the company, the Court may direct notice to be given by advertisement in such papers and in such manner as the Court may deem proper.

44. Advertisement of the petition and the list of creditors. ---(1) Notice of the presentation of the petition and of the list of creditors shall, after the filing of the list referred to in rule 40 be advertised in such newspapers in Form No. 13 as the Court or the Registrar may direct.

(2) Every notice referred to in sub-rule (1) shall state the amount of the proposed reduction of capital, the places where the list of creditors may be inspected and the time within which and the person to whom the creditors of the company, who are not entered in the said list and are desirous of being entered therein, must send in their names and addresses and the particulars of their claims and the name and address of their advocate, if any.

45. Affidavit as to result of rules 43 and 44.---(1) The company shall, within the time fixed by Court, file in Court an affidavit in Form No. 14 made by the person to whom the particulars of debts or claims are by the notice specified in rules 43 and 44 required to be sent in, stating the result of such notices respectively and verifying the list containing the names and addresses of the persons who shall have sent in the particulars of the debts or claims in pursuance of such notice respectively and the amounts of such debts and claims and some competent officer or officers of such company shall join in such affidavit and shall in such list distinguish debts and claims which are wholly or partly admitted by the company, and those debts and claims which wholly or partly are disputed by the company.

(2) The affidavit referred to in sub-rule (1) shall further state which of the creditors entered in the said list have been paid or have consented to the proposed reduction.

(3) The company shall also file affidavit in Form No. 15 by the person who sent the notices referred to in rule 43.

46. Procedure when claim is not admitted.---If the company contends that a person is not entitled to be entered in the list of creditors in respect of any debt or claim, whether admitted or not, or if any debt or claim is not admitted by the company, wholly or in part, then in every such case, unless the company is willing to appropriate in such manner as the Court shall direct, the full amount of such debt or claim, the company shall, if the Court so directs, send to the creditor fourteen clear days before the date fixed by the Court a notice in Form No. 16 that he is required to come in and establish his title to be entered on the list, or as the case may be, to come in and prove his debt or claim or any such part thereof as is not admitted by the company on the day fixed by the Court:

Provided that, the Court may refer any inquiry under this rule to the Registrar and the Registrar shall have all the powers of the Court in respect of any matter so referred to him:

Provided further that a reference shall lie to the Court against any order of the Registrar in the manner provided by these Rules.

47. Costs of proof---The costs of proof of a debt or claim or of any inquiry under rule 46 shall be in the discretion of the Court.

48. Certificate by the Court as to creditors. ---The result of the settlement of the list of creditors shall be stated in a certificate which shall be prepared by the advocate of the company and signed by the Judge. Such certificate shall state what debts or claims, if any, have been disallowed, the debts or claims, if any, the amount of which has been fixed by inquiry under section 100 and these rules and the debts and claims, if any, which are admitted by the company, and shall show which of the creditors have consented to the proposed reduction and the total amount due to them, and which of the debts or claims, if any, the company is willing to appropriate; it shall not be necessary to show in the certificate the names of any creditors who are not entitled to be entered in the list or show the several amounts of the debts or claims of the persons who have consented to the proposed reduction.

49. Hearing of petition. ---After expiration of not less than seven clear days from the date of signing of such certificate as is mentioned in the last preceding rule the application shall be set down for hearing in the ordinary course and a notice in Form No. 17 of the date fixed for hearing of the application shall be advertised in such newspapers as the Court or the Registrar may direct.

50. Who may appear and oppose. ---Any creditor included in the certificate whose debtor claim has not, before the hearing of the petition, been discharged or determined or been secured in the manner provided by section 100 and who has not before the hearing consented in writing to the proposed reduction of capital may, if he thinks fit, upon giving 2 clear days notice to the advocate for the company of his intention so to do, appear at the hearing of the petition and oppose it. The cost of the appearance of the creditor shall be in the discretion of the Court.

51. Direction of hearing.---At the hearing of the petition the Court may give such directions as it shall think fit with reference to securing in the manner provided under section 100, the debts or claims of such creditors as do not consent to the proposed reduction and the further hearing of the petition may be adjourned to enable the company to comply with such directions.

52. Directions as to advertisement of order and dispensing with the addition of words 'and reduced'. ---Where the Court makes an order confirming a reduction, such order shall include directions as to the manner and in which English and Urdu newspapers and the time or times when notice of registration of the order and the minute referred to in section 102 shall be published; such order shall in cases where the proposed reduction does not involve either diminution of liability in respect of unpaid share capital or payment to shareholders of paid up share capital, state whether the addition of the words "and reduced" is dispensed with or fix the period for which such words shall be deemed part of the name of the company and in other cases shall fix the period for which the said words shall be deemed part of the name of the company unless an order in that behalf had been obtained previously on an application. This order shall be in Form No. 18.

53. Approval of minutes. ---Within 7 days from the date of order confirming the reduction, the company shall file for approval of the Court or Registrar a draft of the minute and take an appointment for approval of the same. The advocate for the company shall attend when the minute comes before the Court or the Registrar at the appointed time.

54. Publication of reasons, reduction, etc.---If the Court shall, under section 106 think fit to require the company to publish the reasons or causes of the reduction of the capital or any other information in relation thereto the company shall within the time prescribed in the last preceding rule, file a draft of the statement to be published for approval by the Court in the manner provided by that rule. Such statement of the approval shall, as far as possible and subject to the directions of the Court, be published in the same newspapers in which the registration of the order was published under rule 52.

55. Form and Notice. ---An application for an order for calling a meeting under section 284 shall be in the form of an interlocutory application. A notice of such publication shall be served in such manner as the Court or the Registrar may direct.

56. Directions at hearing of application. ---At the hearing of an application under rule 55, the Court may give such directions as it shall think fit in respect of all or any of the following matters namely:---

- (a) fixing the time when and place where the meeting is to be held;
- (b) appointing a chairman of the meeting and fixing a quorum;
- (c) mode of giving notice of meeting by advertisement or by sending notices;
- (d) the determination of the values of the members or creditors, as the case may be;
- (e) such other directions as the Court may consider necessary in the circumstances of the case.

57. Report of result of meeting. ---Within seven days after the holding of a meeting, the Chairman of the meeting shall report the result thereof to the Court. Such report shall be filed and form part of the record of the application referred to in rule 55.

58. General directions for holding of meetings. ---In the absence of or subject to any directions by the Court under rule 56--

- (a) the meeting of the creditors or members of a company, which is in the course of being wound up either by Court or under its supervision at the date of the application referred to in rule 57, shall be held in the manner provided by rules for meetings called by the official liquidator or the liquidator, as the case may be;

(b) the meetings of the creditors of members of a company which is not being wound up at the said date, shall be held in the manner prescribed by the articles of the company;

Provided that any person connected with the company' as director, secretary or member, shall not be a chairman of any creditors meeting of the company;

(c) where the value of the debt or claim of any creditor is not or has not been admitted by the company or its liquidator, as the case may be, the Chairman shall have power to decide the value of the debt or claim.

59. Result of resolution of meeting should be decided by poll.---Notwithstanding anything contained in these rules, the result of a resolution of any meeting held under section 284 shall be decided only by taking a poll.

60. Petition for confirming compromise or arrangement---(1) Where the proposed compromise or arrangement is agreed to, with or without modification, as provided by subsection (2) of section 284, the company or its liquidator, as the case may be shall, within seven days of the filing of the report by the Chairman, present a petition in Form No. 19 to the Court for confirmation of the compromise or arrangement.

(2) Where a compromise or arrangement is proposed for the purposes of or in connection with, a scheme for the reconstruction of any company or companies, or for the amalgamation of any two or more companies, the petition shall be for appropriate orders and directions under section 287.

(3) Where the company fails to present the petition for confirmation of the compromise or arrangement specified in sub-rules (1) and (2), any creditor or contributory may with the leave of the Court, present the petition and the company shall be liable for the costs thereof.

(4) Where no petition for confirmation of the compromise or arrangement is presented, or where the compromise or arrangement has not been approved by the requisite majority under subsection (2) of section 284 and consequently no petition for confirmation could be presented, the report of the Chairman as to the result of the meeting made under the preceding rule shall be placed for consideration before the Judge for orders.

61. Date and notice of hearing.---The Court shall fix a date for the hearing of the petition, and notice of the hearing shall be advertised in the same newspaper in which the notice of the meeting was advertised, or in such other papers as the Court may direct, not less than ten days before the date fixed for the hearing.

62. Order on petition. ---Where the Court sanctions the compromise or arrangement the order shall include such directions, in regard to any matter and such modifications in the compromise or arrangement as the Judge may think fit to make for the Proper working of the compromise or arrangement. The order shall direct that a certified copy of the same shall be filed with the Registrar of Companies within 14 days from the date of the order,

or such other time as may be fixed by the Court. The order shall be in Form No. 20, with such variations as may be necessary.

63. Application for directions under section 287.---(1) Where the compromise or arrangement has been proposed for the purposes of or in connection with a scheme for the reconstruction of any company or companies or the amalgamation of any two or more companies, and the matters involved cannot be dealt with or dealt with adequately on the petition for sanction of the compromise or arrangement an application duly verified by an affidavit shall be made to the Court under section 287, for directions of the Court as to the proceedings to be taken.

(2) Notice of the application referred to in sub-rule (1) shall be given in such manner and to such persons as the Court may direct.

64. Directions at hearing of application. ---Upon the hearing of the application or upon any adjourned hearing thereof the Court may make such order or give such directions as it may think fit, as to the proceedings to be taken for the purpose of the reconstruction or amalgamation, as the case may be, including, where necessary, an inquiry as to the creditors of the transferor company and the securing of the debts and claims of any of the dissenting creditors in such manner as to the Court may seem just.

65. Order under section 287,---An order made under section 287 shall be in Form No. 21 with such variation as the circumstances may require.

66. Compromise or arrangement involving reduction of capital. ---Where a proposed compromise or arrangement involves a reduction of capital of the company, the procedure prescribed by the Ordinance and these Rules relating thereto shall be complied with, before the compromise or arrangement so far as it relates to reduction of capital is sanctioned.

67. Report on working of compromise or arrangement.---At any time after the passing of the order sanctioning the compromise or arrangement, the Court may either of its own motion or on the application of any person interested, make an order directing the company, or, where the company is being wound up, the liquidator to submit to the Court within such time as the Court may fix, a report on the working of the said compromise or arrangement. On consideration of the report, the Court may pass such orders or give such directions as it may think fit.

68. Liberty to apply.---(1) The company, or any creditor or member thereof, or in the case of a company which is being wound up, the liquidator, may, at any time after the passing of the order sanctioning the Compromise or arrangement, apply to the Court for the determination of any question relating to the working of the compromise or arrangement.

(2) The application shall in the first instance be placed before the Court for directions as to the notices and the advertisement, if any, to issue, as the Court may direct.

(3) The Court may, on such application, pass such order and give such directions as it may think fit in regard to the matter, and may make such modifications in the compromise or arrangement as it may consider necessary for the proper working thereof, or pass such other orders as it may think fit in the circumstances of the case.

69. Petition under section 290.---(1) Where a petition, in Form No. 22 or Form No. 23 is presented under section 290 on behalf of members or creditors of a company entitled to apply under that section by any one or more of them, the letter of consent signed by the rest of the members or creditors so entitled authorising the petitioner or petitioners to present the petition on their behalf, shall be annexed to the petition, and the names and addresses of all the members or creditors on whose behalf the petition is presented shall be set out in a schedule to the petition.

(2) A petition under section 290 shall not be withdrawn without leave of the Court.

70. Notice to Registrar.---Save where a petition is presented by or on behalf of the Registrar of Companies under section 290, notice thereof shall be given to the Registrar of Companies of every petition alongwith a copy of the petition not less than fourteen clear days before the date fixed for the hearing of the petition.

71. Order involving reduction of capital or alteration of memorandum. ---Where an order under section 290 or section 291 involves a reduction of capital or alteration of the memorandum of association, the provisions of the Ordinance and these Rules relating to such matters shall apply as the Court may direct.

72. Notice to Registrar of Companies. ---A petition under subsection (6) of section 439 to restore the name of a company to the register of companies shall be served on the Registrar of Companies and on such other persons as the Court may direct, not less than fourteen days before the date fixed for the hearing of the petition.

73. Delivery of order and publication thereof. ---Where the Court makes an order restoring the name of a company to the register of companies, the order shall direct that the petitioner do deliver to the Registrar of Companies a certified copy thereof within 14 days from the date of the order and that on such delivery, the Registrar of Companies do, in his official name, publish the order in the official Gazette.

74. Registrar's costs of petition. ---Unless for any special reasons the Court shall otherwise order, the order shall direct that the petitioners do pay to the Registrar of Companies his costs of and occasioned by, the petition.

PART III

WINDING UP

75. Petition for winding up. ---A petition for winding up a company shall be made in Form No.24, 25 or 26, as the case may be, with such variations as the circumstances may require, and shall be presented in duplicate to the Registrar who shall enter on the petition the date of its presentation.

76. Admission of petition and directions as to advertisement. ---Upon the filing of the petition, it shall be placed before the Judge for admission of the petition and fixing a date for the hearing thereof and for directions as to the advertisements to be published and the persons, if any, upon whom copies of the petition are to be served and the Judge may, if he thinks fit, direct notice to be given to the company before giving directions as to the advertisement of the petition.

77. Copy of petition to be furnished.---Every contributory or creditor of the company shall be entitled to be furnished by the petitioner or by his advocate with a copy of the petition within twenty four hours of his requiring the same on payment of the prescribed charges.

78. Advertisement of petition. ---Subject to any directions of the Court, the petition shall be advertised in the manner specified in rule 19 in Form No. 27.

79. Application for leave to withdraw petition. ---(I) A petition for winding up shall not be withdrawn after presentation without the leave of the Court.

(2) An application for leave to withdraw a petition for winding up which has been advertised in accordance with the provisions of rule 78 shall not be heard at any time before the date fixed in the advertisement for the hearing of the petition.

80. Substitution of creditor or contributory for original petitioner. ---Where a petitioner,---

(a) is not entitled to present a petition; or,

(b) fails to advertise his petition within the time prescribed by these rules or by order of Court or such extended time as the Court may allow; or,

(c) consents to withdraw the petition, or allows it to be dismissed, or the hearing to be adjourned, or fails to appear in support of his petition when it is called on in the Court on the day originally fixed for the hearing thereof, or any day to which the hearing has been adjourned; or

(d) does not apply for an order in 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.

81. Procedure on substitution. ---(1) Where the Judge makes an order substituting a creditor or contributory as petitioner in a winding up petition, he shall adjourn the hearing of the petition to a date to be fixed by him and direct such amendments of the petition as may be necessary, the creditor, or, as the case may be, contributory shall, within seven days from the making of the order, amend the petition accordingly, and file two copies thereof together with an affidavit in duplicate setting out the grounds, on which he supports the petition.

(2) The amended petition shall be treated as the petition for the winding up of the company and shall be deemed to have been presented on the date on which the original petition was presented.

82. Affidavit-in-opposition.---(1) Any affidavit intended to be used in opposition to the petition shall be filed in the Court not less than three days before the date fixed for the hearing of the petition, and a copy of the affidavit shall be served on the petitioner or his advocate forthwith.

(2). Copies of the affidavit shall also be given to any creditor or contributory appearing in support of the petition who may require the same on payment of the prescribed charges.

83. Affidavit in reply.---An affidavit intended to be used in reply to the affidavit filed in opposition to the petition shall be filed in the Court not less than two days before the day fixed for the hearing of the petition, and a copy of the affidavit in reply shall be served on the day of the filing thereof on the person by whom the affidavit in opposition was filed or his advocate.

84. Stay of suit or proceeding pending petition.---An application under section 313 for stay of any suit or proceeding shall be made upon notice to all the parties to the suit or proceeding sought to be stayed.

85. Appointment of Provisional Manager. ---(1) After the admission of a petition for the winding up of a company by the Court, upon the application of a creditor, or a contributory, or of the company, or the Registrar of Companies or the Authority, and upon proof by affidavit of sufficient ground for the appointment of a Provisional Manager, the Court, may, if it thinks fit and upon such terms as in the opinion of the Court shall be just and necessary, appoint a person eligible for appointment as official liquidator as Provisional Manager of the company with or without security, pending final orders on the winding up petition.

(2) Where the company is not the applicant, notice of the application for appointment of Provisional Manager shall be given to the company unless the Court, for special reasons to be recorded in writing, dispenses with such notice.

(3) The order appointing the Provisional Manager shall set out the restrictions and limitations, if any, on his powers imposed by the Court in Form No.28, with such variations as may be necessary.

(4) The order of appointment of Provisional Manager shall state the nature of the property of which the said Provisional Manager is ordered to take possession and the duties to be performed by him or them.

(5) When an order for the appointment of a Provisional Manager prior to the making of an order for winding up has been made, the Registrar shall forthwith send to the person or persons so appointed three copies of the order duly sealed with the seal of the Court.

(6) The Provisional Manager shall cause one of such copies to be served upon the company and send another copy to the Registrar of Companies.

(7) The Provisional Manager so appointed shall from time to time take instructions from the Court as to the manner in which the duties are to be performed by him.

(8) The Provisional Manager so appointed shall, unless otherwise ordered, submit a report to the Court, as to the affairs of the company before the hearing of the petition for winding up.

(9) The costs and charges properly incurred by the Provisional Manager and also his remuneration as fixed by the Court shall be paid out of the assets of the company and in the event of there being no available assets of the company, the Court may direct such charges, etc., to be paid by the petitioner.

(10) If no order for winding up is made upon the petition, the costs and charges incurred by the Provisional Manager shall, unless otherwise ordered by the Court, be paid by the petitioner.

(11) Whether the Provisional Manager has acted as such and thereafter a liquidator is appointed by the Court who has notified his appointment to the Registrar of Companies and given security to the Court; the Provisional Manager shall forthwith put the liquidator into possession of all property of the company of which the Provisional Manager may have custody.

(12) It shall be the duty of the Provisional Manager if so requested by the official 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 official liquidator.

86. Rules applicable to Provisional Manager. ---The rules relating to official liquidators shall apply to Provisional Manager, so far as applicable, subject to such directions as the Court may give in each case.

87. Notice to official liquidator etc. of order. ---Where an order for the winding up of a company has been made, the Registrar shall forthwith draw the order of winding up and send the same to the Provisional Manager, and the official liquidator, if any, under the

seal of the Court in duplicate, together with a copy of the petition and the affidavit, if any, filed in support thereof. An intimation about the winding up-order and appointment of official liquidator shall simultaneously be sent to the Registrar of Companies. In case an official liquidator is not appointed simultaneously with the order of winding up, the Court may appoint a person other than a Provisional Manager, who is eligible for such appointment under section 321 to the office of official liquidator without any previous advertisement or notice, to any party or may fix a time and place for the appointment of an official liquidator.

88. Form of order of winding up, etc.---The order of winding up and appointment of official liquidator shall be on Form Nos. 29 and 30.

89. Order to be served upon the company. ---Except where the company is the petitioner, the Provisional Manager or the official liquidator shall cause a sealed copy, of the order to be served upon the company by prepaid registered post addressed at its registered office, if any, or, if there is no registered office, at its principal or last known principal place of business, or upon such other person, or persons or in such manner as the Court may direct.

90. Official liquidator. ---An order to wind up a company or for the appointment of a Provisional Manager or official liquidator shall contain at the foot thereof a note stating that it will be the duty of such of the persons as are liable to make out or concur in making out the company's statement of affairs under section 328, to attend on the Provisional Manager or official liquidator as the case may be, at such time and place as he may appoint and to give him all information he may require.

91. Directions on making the winding up order. ---At the time of making the winding up order, or at any time thereafter, the Court shall give directions as to the advertisement of the order and the person, if any, on whom the order shall be served and the persons, if any, to whom notice shall be given of the further proceedings in the liquidation, and such further directions, as may be necessary.

92. Advertisement of the order.---Save as otherwise ordered by the Court, every order for the winding up of a company by the Court shall, within fourteen days of the date of making the order, be advertised by the petitioner in the manner prescribed and shall be served by the petitioner upon such person, if any, and in such manner, as the Judge may direct. The advertisement shall be in Form No. 31.

93. Official liquidator to take charge of assets and books and papers of company. ---On a winding up order being made, the official liquidator shall forthwith take into his custody or under his control all the property and effects and the books and papers of the company, and it shall be the duty of all persons having custody of any of the properties books and papers of the company, to deliver possession thereof to the official liquidator.

94. Form of proceedings after winding up order is made.--- After a winding up order is made, every subsequent proceeding in the winding up shall bear the original number of

the winding up petition besides its own distinctive number, but against the name of the company in the cause title, the words, "in official liquidation" shall appear in brackets.

95. Application for stay of winding up proceedings. ---(1) An application under section 319 for stay of proceedings in the winding up shall be made upon notice to the parties to the winding up petition and to such other persons as the Court may direct, and where the application is made by any person other than the official liquidator, notice shall be given to the official liquidator.

(2) Where an order is made for stay of the winding up proceedings, the order shall direct that the applicant shall forthwith file a certified copy thereof with the Registrar of Companies.

96. Joint liquidators. ---Where joint official liquidators are appointed, the rules relating to the official liquidator shall be applicable mutatis mutandis.

97. Security of Provisional Manager and official liquidator. ---Every Provisional Manager and official liquidator shall give security in such sum and in such manner as the Court may determine, Provided that the Court may, if it thinks fit, dispense with such security.

98. Security how furnished. ---When a Provisional Manager or official liquidator has been directed to give security, he shall give such security by entering into a recognizance with two sufficient sureties or a guarantee recognized by the Court or by depositing Government securities or in such other manner as the Court shall determine or such sum as the Court may approve. The recognizance of the Provisional Manager or the official liquidator shall be in Form No. 32 and shall be verified by an affidavit.

99. Failure to furnish security. ---Where the Provisional Manager or official liquidator fails to furnish the required security within the time ordered or within any extension thereof, the Judge may reconsider the order of appointment and make such other appointment and such other order as to costs as he considers fit and proper.

100. Failure to maintain security.---If Provisional Manager or the official liquidator fails to maintain the security ordered to be furnished, the Judge may remove him and make such other appointment and such orders as to costs as he may think fit.

101. Security increased or reduced.---If it shall appear at any time that the security furnished by the liquidator is inadequate or excessive, the Judge may, upon application of the Provisional Manager or official liquidator or of a creditor or contributory or the Registrar of Companies, order that the security be increased or reduced in amount.

102. Application for leave to commence, continue or transfer of suit or proceeding. ---(1) An application under section 316(1) for leave of the Court to commence or continue any suit or proceeding against the company shall be made upon notice to the

Provisional Manager or official liquidator, as the case may be, and the parties to the suit or proceeding sought to be commenced or continued.

(2) An application under subsection (3) of section 316 for the transfer to the Court of any suit or proceeding by or against the company pending in any other Court shall be made on notice to the official liquidator where he is not the applicant and to the parties to the suit or proceeding sought to be transferred.

(3) Where an order is made for the transfer of a suit or proceeding pending in any other Court to the Court, the Registrar of the Court shall transmit without delay a certified copy of the order to the Court in which such suit or proceeding is pending, and that Court shall, on receipt of the order, transmit the records of the suit or proceeding to the Court.-

(4) Upon the making of an order for winding up, all suits and proceedings by or against the company then pending or thereafter instituted in the Court or transferred to the Court, shall be assigned to and placed in the list of the Judge for the time being exercising jurisdiction under the Ordinance.

103. Notice to submit statement.---A notice by the official liquidator or the Provisional Manager requiring any of the person other than those mentioned in subsection (2) of section 328 to submit and verify a statement of affairs of the company shall be in Form No. 33 and shall be served by the official liquidator or the Provisional Manager as soon as may be after the order for winding up or the order appointing the official liquidator as Provisional Manager is made.

104. Application by official liquidator under section 328.---The official liquidator or the Provisional Manager may apply to the Court for an order directing any person who, in his opinion, is liable to furnish a statement of affairs under section 328 and has made default in this regard to prepare and submit such a statement or concur in making the same. Notice of the application shall be served on the person against whom the order is sought. Where the Court makes the order, such order shall be in Form No.34 with such variations as may be necessary:

Provided that any action taken under this rule shall be without prejudice to the criminal liability of the persons concerned.

105. Preparation of statement of affairs.---Any person who under section 328 is required to submit and verify a statement as to the affairs of the company shall be furnished by the official liquidator with the necessary forms and shall be given such instructions and afforded such reasonable facilities for preparing the statement as the official liquidator may in his discretion consider necessary,

106. Form of the statement. ---(1) The statement as to the affairs of the company to be submitted under section 328 shall be in Form No.35 and shall be made out in duplicate, one copy of which shall be verified by affidavit in Form No. 36.

(2) The verified statement and the affidavit of concurrence, if any, shall be submitted to the official liquidator or the Provisional Manager within the time and in the manner required by section 328 and the official liquidator or the Provisional Manager shall cause such verified statement of affairs and the affidavit of concurrence to be filed in the Court and shall retain the duplicate thereof for his records.

107. Extension of time for submitting statement. ---(1) Where any person required to submit a statement of affairs under section 328 requires an extension of time for submitting the same, he shall apply in the first instance to the official liquidator or the Provisional Manager who may, if he thinks fit, give a written certificate extending the time, which certificate shall be filed with the proceedings.

(2) Where the official liquidator or Provisional Manager refuses to grant an extension of time for submitting the statement of affairs, the person required to submit the statement may apply to the Judge for extension of time on notice to the official liquidator or the Provisional Manager, as the case may be.

108. Expenses of preparing the statement. ---(1) Any person required to make or concur in making any statement of affairs of the company, shall submit to the official liquidator or the Provisional Manager, as the case may be for his sanction a statement of the estimated costs and expenses of the preparation and making of the statement, and shall, after the submission of the statement of affairs, submit his bill of actual expenses.

(2) Except by order of the Court, no person shall be paid out of the assets of the company any costs or expenses which have not been sanctioned by the official liquidator or Provisional Manager, nor shall such costs and expenses, be paid until the statement of affairs verified by affidavit has been submitted to the official liquidator or the Provisional Manager and found to be in order by him.

(3) Any person who has made or concurred in making the said statement and affidavit and whose bill of costs and expenses, has not been allowed in full by the official liquidator, or the Provisional Manager may, within fourteen days of the notice of the order disallowing any part of his bill, apply to the Judge upon notice to the official liquidator or the Provisional Manager for sanction of the amount disallowed or any part thereof and the Judge may pass such orders thereon as may seem just.

109. Officers of company to attend and give information. ---The official liquidator or Provisional Manager may from time to time hold personal interviews with any such person as is mentioned in subsection (2) of section 328 for the purpose of investigating the company's affairs, and it shall be the duty of every such person to attend on the official liquidator or the Provisional Manager at such time and place as he may appoint and give him all information that he may require and answer all such questions as may be put to him by the official liquidator or the Provisional Manager who shall maintain minutes of the interviews held by him or memoranda containing the substance of such interviews.

110. Duty of person making or concurring in statement. ---After the statement of affairs of the company has been submitted to the official liquidator or the Provisional Manager, it shall be the duty of every person who has made or concurred in making it, if and when required, to attend on the official liquidator or the Provisional Manager 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 liquidator or Provisional Manager in relation to the statement of affairs.

111. Default in complying with section 328.---Any default on the part of any person in complying with the requirements of section 328 shall be reported to the Court by the official liquidator or the Provisional Manager and the Court may thereupon pass such orders or give directions as it may think fit.

112. Liquidator in voluntary winding up or winding up subject to supervision to submit statement. ---Where before the making of the winding up order the company was being wound up voluntarily or subject to the supervision of the Court, the official liquidator may require any liquidator or liquidators in such winding up to furnish him, not later than fourteen days of his making the requisition, or such other time as he may fix, with a statement as to the manner in which the winding up was conducted. how the assets of the company were dealt with, and the position of the liquidation on the date of the order for winding up by the court; and on the requisition being made, it shall be the duty of the liquidator or liquidators so required to furnish the statement within the specified time and where the liquidator or liquidators fail to furnish the statement as required, the official liquidator may apply to the Court for such directions as may be necessary.

113. Preliminary report by official liquidator.---The preliminary report to be submitted by the official liquidator under subsection (1) of section 329 shall be to Form No. 37 with such variations as may be necessary.

114. Inspection of statement and preliminary report. ---Every creditor or contributory, by himself or by his agent, shall be entitled to inspect the statement of affairs submitted under section 328 or the statement submitted by a liquidator under rule 112 of these rules, and the preliminary report of the official liquidator submitted under section 329, on payment of fee of ten rupees and to obtain copies thereof or extract therefrom on payment of the prescribed charges.

115. Further Report by official liquidator. ---(1) Where the official liquidator makes a further report under subsection (2) of section 329, such report shall state whether in the opinion of the liquidator any fraud has been committed by any person in the promotion. or formation of the company or by any officer in relation to the company since its formation and shall set out the names of the persons by whom the fraud, in his opinion, was committed and the facts on which such opinion is based and shall set out in a narrative form the facts and matters which the liquidator desires to bring to the notice of the Court.

(2) Where the official liquidator makes a further report under subsection (2) of section 329 the Registrar shall fix a date for the consideration thereof by the Judge and notify the date on the notice board of the Court and to the official liquidator.

116. Consideration of report by Court.---The consideration of the Report made by the official liquidator pursuant to subsection (2) of section 329, shall be before the Judge in Chambers, and the official liquidator shall personally attend the consideration thereof and give the Court any further information or explanation with reference to the matters contained therein which it may require and may pass such orders and give such directions as it may think fit including directions under section 352.

117. Summons for directions to be taken out by official liquidator. ---(1) As soon as practicable after the winding up order is made and in any event, not later than seven days after the filing of his preliminary report under subsection (1) of section 329, the official liquidator shall take out a summons for directions with regard to the settlement of the list of contributories and the list of creditors and the matters where the official liquidator had exercised powers vested under subsection (1) of section 333 and any other matters requiring directions of the Court.

(2) Notice of the summons shall be given to the petitioner on whose petition the order for winding up was made.

(3) Upon the hearing of the summons, the Court, after hearing the official liquidator and any other person appearing on notice or otherwise, may give such directions as it shall think fit in regard to the said matters, including the fixing of dates for the settlement of the list of contributories and for the filing of proofs by the creditors of the company in respect of their debts and their claims for priority, if any, under section 405.

(4) Where the preliminary report of the official liquidator is not filed prior to the hearing of the summons and any of the matters in the summons cannot be properly or fully dealt with, without a perusal of such report, the Court may adjourn the hearing of any such matter or matters on the summons until after the submission of the preliminary report.

118. First meeting of creditors and contributories.---The meeting of the creditors and contributories under section 331 for the purpose of determining whether there shall be a Committee of Inspection, and if so, what shall be its composition, shall be convened, held and conducted in the manner hereinafter provided for the holding and conducting of meetings of creditors and contributories.

119. Official liquidator to report result of meetings and apply for directions. ---(I) As soon as possible after the holding of the meetings referred to in rule 118, the official liquidator shall report the result thereof to the Court in Form No. 38.

(2) Where the meeting of the contributories has accepted in its entirety the decision of the creditors meeting as regards the constitution and composition of a Committee of Inspection and the persons who are to be members thereof, a Committee shall, subject to

the provisions of section 332 be constituted in accordance with such decision, and the official liquidator shall set out in his report the names of the members of the Committee so constituted.

(3) Where the meeting of the contributories has not accepted the decision of the creditors' meeting in its entirety, the official liquidator shall, at the time of making his report as aforesaid, apply to the Court for directions as to whether there shall be a Committee of Inspection, and, if so, what shall be its composition, and who shall be the members thereof, and the Court shall thereupon fix a date for the consideration of the resolutions and, determination of the meetings of the creditors and contributories.

(4) Notice of the date so fixed shall be advertised by the official liquidator in such manner as the Court shall direct not less than seven days before the date fixed in Form No. 39.

(5) On the date fixed for hearing of the said application for direction the Court may, after hearing the official liquidator and any creditor or contributory or Registrar of Companies who may appear, appoint a Committee of Inspection, or dispense with the appointment of a Committee of Inspection, or pass such orders or give such directions in the matter, as the Court may think fit.

120. Application for order not to fill vacancy in Committee.---An application by the official liquidator under the proviso to subsection (7) of section 332 for an order that a vacancy occurring in the Committee of Inspection shall not be filled, shall be made upon notice to the remaining members of the Committee of Inspection and such other persons as the Court may direct.

121. Liquidator and members of the Committee dealing with company's assets. ---(1) Neither the liquidator nor any member of the Committee of Inspection shall, while acting as liquidator or member of such Committee in any winding up, either directly or indirectly, by himself or any employer, partner, clerk, agent, servant, or relative, become purchaser of any part of the company's assets, except by leave of the Court.

(2) Any purchase made contrary to the provisions of sub-rule (1) may be set aside by the Court on the application of the liquidator, a creditor, contributory or the Registrar of Companies and the Court may make such order as to cost as it may think fit.

122. Committee of Inspection not to make profit.---(1) No member of the Committee of Inspection shall, except under and with the sanction of the Court, directly or indirectly, by himself, or any employer, partner, clerk, agent, servant or relative, 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.

(2) Where any profit or payment is made contrary to the provisions of sub-rule (1) such payment shall, without prejudice, to any other liability be disallowed, or the profit shall be, recovered on the audit of the liquidator's accounts or otherwise.

123. Cost of obtaining sanction of Court. ---in any case in which sanction of the Court is obtained under the last two preceding rules, the costs 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.

124. Order sanctioning payment to Committee. ---(I) Where the sanction of the Court to a payment to a member of the 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,

(2) Except under express sanction of the Court, no remuneration shall be paid to a member of the Committee for services rendered by him in the discharge of the duties attaching to his office as a member of such Committee.

125. Fixing a date for proving debt. ---Subject to the provisions of the Ordinance and subject to the directions of the Court, the official liquidator in a winding up by the Court shall, and the liquidator in any other winding up may, fix a date which shall be not less than fourteen days from the date of the notice to be given under the next succeeding rule 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 405, or to be excluded from the benefit of any distribution made before such debts or claims are proved, or, as the case may be, from objecting to such distribution.

126. Notice to creditors. ---(I) The liquidator shall give not less than fourteen days notice of the date so fixed by advertisement in one issue each of a daily newspaper in the English and Urdu circulating in the province in which the registered office of the company is situated, as he shall consider suitable in Form No.40

(2) The liquidator shall also give not less than fourteen days' notice of the date fixed, in a winding up by the Court, to every person mentioned in the statement of affairs as a creditor, 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 or is not admitted, or, where there is no statement of affairs, to the creditors as ascertained from the books of the company, and, in any other winding up, to 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, to the last known address or place of abode of such person in Form No. 41 and shall be sent to each creditor by pre-paid letter posted under certificate of posting.

(3) All the rules hereinafter set out as to the admission or rejection of proofs shall apply with the necessary variations to any claim to priority as a preferential creditor.

127. Proof of debt.---(1) In a winding up by the Court, every creditor shall, subject as hereinafter provided, prove his debt, unless the Judge in any particular case directs that any creditors or class of creditors shall be admitted without proof.

(2) Formal proof of the debts mentioned in clause (d) of subsection (1) of section 405 shall not be required, unless the official liquidator shall in any special case otherwise direct in a winding up by the Court.

128. Mode of proof and verification thereof---A debt may be proved by delivering or sending by post to the liquidator, an affidavit verifying the debt made by the creditor or by some person authorised by him stating the authority and means of knowledge of the deponent:

Provided that, a creditor need not attend upon the investigation unless required to do so by the liquidator.

129. Contents of proof---An affidavit in Form No. 42 proving a debt shall contain or refer to a statement of account showing the particulars of the debt substantiated by vouchers, if any, and state whether the creditor is a secured creditor or a preferential creditor, and if so, shall set out the particulars of the security or of the preferential claim.

130. Workmen's wages.---(1) In any case where there are numerous claims for wages or accrued holiday remuneration 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 some other person on behalf of all such creditors in Form No. 43 and annex a schedule setting forth the names of the workmen and others and the amounts severally due to them.

(2) Any proof made in compliance with sub-rule (1) shall have the same effect, as if separate proof has been made by each of the said workmen and other persons.

131. Production of bills of exchange and promissory notes. ---Where a creditor seeks, to prove in respect of a bill of exchange, promissory note or other negotiable instrument or security of alike nature on which the company is liable, such bill of exchange, note instrument or security shall be produced before the liquidator.

132. Value of debts. ---The value of all debts and claims against the company shall, as far as possible, be estimated according to the value thereof at the date of the order of the winding up of the company or where before the presentation of the petition for winding up, a resolution has been passed by the company for voluntary winding up, at the date of the passing of such resolution.

133. Discount. ---A creditor proving his debt shall deduct therefrom all trade discounts, if any.

134. Surcharge. ---On any debt or certain sum payable at a certain time or otherwise, whereon surcharge or compensation in any other form is not reserved or agreed for, and which is overdue at the date of winding up order, or the resolution, as the case may be, the creditor may prove for surcharge at a rate not exceeding ten per cent. per annum up to that date from the time when the debt or sum was payable if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made, giving notice that surcharge will be claimed from the date of demand until the time of payment.

135. Periodical payments. ---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 winding up order or resolution as if the rent or payment accrued due from day to day:

Provided that where the liquidator remains in occupation of the premises demised 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 liquidator's occupation.

136. Proof of debt payable at a future time. ---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 there out a rebate of compensation in any other form at the rate of ten per cent. per annum computed from the date of declaration of the dividend to the time when the debt would have become payable according to the terms on which it was contracted.

137. Examination of proof. ---The liquidator shall, with all convenient speed. examine every proof of debt lodged with him and the grounds of the debt, he may call for the production of the vouchers, if any, referred to in the affidavit of proof or require further evidence in support of the debt and cause the attendance of the creditor for investigation in person and for that purpose he shall fix a day and time at which the creditor is required to attend or to produce further evidence and send a notice to such creditor by prepaid registered post so as to reach him not later than seven days before the date fixed.

138. Official liquidator's right to summon any person in connection with the investigation. ---(1) The official liquidator in a winding up by the Court, may summon any person whom he may deem capable of giving information respecting the debts to be proved in liquidation and may require such person. to produce any documents in his custody or power relating to such debts and may require such person to produce any documents in his custody or power relating to such debts and shall tender with the summons such sum as appears to the official liquidator sufficient to defray the travelling and other expenses of the person summoned for one day's attendance.

(2) Where the person summoned under sub-rule (1) fails without lawful excuse to attend or produce any documents in compliance with the summons or avoids or evades service,

the official liquidator may apply to the Court for the issue of a warrant for the apprehension of such person and production before him of such documents as may be required or for other appropriate orders.

139. Oaths.---For the purpose of his duties in relation to the admission of proof, of debts, the official liquidator may administer oaths and take affidavits.

140. Costs of proof. ---Unless otherwise ordered by the Judge, a creditor shall bear the costs of proving his debt.

141. Acceptance or rejection of proof to be communicated. ---(1) After such investigation as he may think necessary, the liquidator shall in writing admit or reject the proof in whole or in part.

(2) Every decision of the liquidator accepting or rejecting a proof, either wholly or in part, shall be communicated to the creditor concerned by post under certificate of posting where the proof is admitted and by registered post for acknowledgement where the proof is rejected wholly or in part in Form No.44:

Provided that it shall not be necessary to give notice of the admission of a claim to a creditor who has appeared before the liquidator and the acceptance of whose claim has been communicated to him or his agent in writing at the time of acceptance.

(3) Notice of admission of proof shall be given in Form No. 45.

142. Appeal by creditor.---(1) If a creditor is dissatisfied with the decision of the liquidator in respect of his proof, the creditor may, not later than fourteen days from the date of service of the notice upon him of the decision of the liquidator, appeal to the Court against the decision.

(2) The appeal shall be made by the Judge's summons, supported by an affidavit which shall set out the grounds of such appeal, and notice of the appeal shall be given to the liquidator.

(3) The Court shall, while adjudicating an appeal under this rule have all the powers of an appellate Court under the Code.

143. Procedure where creditor appeals.---(1) The liquidator shall, upon receiving notice of the appeal against a decision rejecting a proof wholly or in part, file with the Registrar such proof with the order containing the grounds of rejection.

(2) It shall be open to any creditor or contributory to apply to the Court for leave to intervene in the appeal, and the Court may, if it thinks fit, grant the leave subject to such terms and conditions as may be just.

(3) Where leave under sub-rule (2) is granted, notice of the hearing of the appeal shall be given to the creditor or as the case may be, contributory.

144. Official liquidator not to be personally liable for costs. ---The official liquidator shall in no case be personally ' liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

145. Proof and list of creditors to be filed in Court. ---In a winding up by the Court, the official liquidator shall, within sixty days from the date fixed for the submission of proofs, under rule 125 of these rules or such further time as the Court may allow, file in Court a certificate in Form No. 46 containing a list of the creditors who submitted to him proofs of their claims in pursuance of the advertisement and the notices referred to in rule 126, the amounts of debts for which they claimed to be creditors, distinguishing in such list the proofs admitted wholly, the proofs admitted or rejected in part, and the proofs wholly rejected alongwith the proofs and the memorandum of admission or rejection of the same in whole or in part, as the case may be, endorsed thereon.

146. List of creditors not to be varied---(1) The list as certified by the official liquidator and filed ill the Court shall be the list of the creditors of the company, and shall not be added to or varied except under orders of the Court and in accordance with such orders.

Where an order is made for adding to or varying the list of creditors, the official liquidator shall amend the list in accordance with-such order.

147. Notice of filing the list and inspection of the same.---Upon the filing of the certificate containing the list of creditors as settled by the official liquidator, the Registrar shall notify the filing thereof on the Court notice board, and the certificate and the list of creditors as settled and the proofs relating thereto shall be open to the inspection of every creditor or contributory on payment of a fee of ten rupees.

148. Expunging of proof, ---(I) If after the admission of a proof, the liquidator has reason to think that the proof has been improperly admitted or admitted by a mistake, he may apply to the Court upon notice to the creditor who submitted the proof, to expunge the proof or reduce its amount, as the case may be.

(2) Any creditor or contributory may also apply to the Court to expunge a proof or reduce the amount thereof, if the liquidator declines to move in the matter, and on such application, the Court may pass such orders as it may think just.

149. Procedure on failure to prove the debt within the time fixed. ---If any creditor fails to file proof of his debt with the liquidator within the time specified in the advertisement referred to in rule 126, such creditor may apply to the Court for relief, and the Court may, thereupon, adjudicate, upon the debt or direct the liquidator to do so.

150. Right of creditor who has not proved debt before declaration of dividend. ---Any creditor who, has not proved his debt before the declaration of any dividend or

dividends shall be entitled to be paid out of any money for the time being in the hands of the liquidator available for distribution of dividend, any dividend or dividends, which he may have failed to receive before that money is applied to the payment of any further dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

151. Payment of subsequent surcharge.---In the event of there being a surplus after payment in full of all the claims admitted to proof, creditors whose proofs have been admitted shall be paid surcharge from the date of the winding up order or of the resolution, as the case may be, up to the date of the declaration of the final dividend, at a rate not exceeding ten per cent. per annum, on the admitted amount of the claim, after adjusting against the said amount the dividends declared as on the date of the declaration of each dividend

152. Provisional list of contributories.---(1) Unless the Court dispenses with the settlement of a list in Form No. 47 of contributories, the official liquidator shall prepare and file in the Court not later than twenty-one days after the date of the order on the application for directions referred to in Rule 117, a provisional list of contributories of the company, with their names and addresses, the number of shares or the extent of interest to be attributed to each contributory, the amount called up and the amount paid up in respect of such shares or interest, and distinguishing in such list the several classes of contributories.'

(2) The list shall consist of every person who was a member of the company at the commencement of the winding up or his representative and shall be divided into two parts, the first part. consisting of those who are contributories, in their own right, and the second part of those who are contributories as being representatives of, or, liable for the debts of others.

153. Notice to be given of date of settlement of list.---(1) Upon the filing of the provisional list, the official liquidator shall, subject to any directions of the Judge on the application for directions referred to in rule 117 of these rules, fix a date not later than thirty days from the date of the filing of the provisional list for the settlement of the list before him, and shall give notice thereof to every person included in such list stating in such notice in what character and for what number of shares or extent of interest such person is included in the list, the amount called up and the amount paid up in respect of such shares or interest.

(2) The notice referred to in sub-rule (1), shall be in Form No. 48 and shall be sent by prepaid letter post under certificate of posting to every person included in the list at the address mentioned therein so as to reach him in the ordinary course of post not later than fourteen days before the date fixed for the settlement.

(3) The person who posted the notices shall swear through an affidavit relating to the despatch thereof and the affidavit shall be filed with the proceedings.

154. Settlement of the list.---On the date fixed for the settlement of the list, the official liquidator shall hear any person who objects to being settled. as a contributory or to being settled as a contributory in such character or for such number of shares or extent of interest as are specified in the provisional list, and after such hearing, shall finally settle the list and thereafter it shall be considered as the list of contributories of the company.

155. Certificate of final settlement to be filed in the Court.---Within seven days after the settlement of the list, the official liquidator shall file in the Court a certificate of the list of contributories as finally settled by him in Form No.49.

156. Notice of settlement to contributories.---(1) Upon the filing of the certificate, the official liquidator shall forthwith give notice to every person placed on the list of contributories as finally, settled, stating in what character and for what number of shares or interest he has been placed on the list, 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 within twenty-one days from the date. of service on the contributory of such notice in Form No. 50 and shall be sent to each person settled on the list by prepaid registered post for acknowledgement, at the address specified in the list.

(2) An affidavit of service relating to the despatch of the notices to the contributories under this rule shall be sworn to by the persons. who dispatched the said notices and shall be filed in the Court within fourteen days of the filing by the official liquidator of his certificate of the list of contributories under rule 155 of these rules.

157. Supplemental list of contributories.---The official liquidator may from time to time add to the list of contributories by a supplemental list or lists and any such addition shall be made in the same manner as the settlement of the original list.

158. Variation of the list.---(1) Save as provided in the last preceding rule, the certificate of the list of contributories shall not be varied and no person settled on the list as a contributory shall be removed from the list, or his liability in any way varied. except by order of the Court.

(2) Where the Court makes an order varying the list of contributories, the official liquidator shall amend the list in accordance with such order.

159. Application by official liquidator for rectification of list.---If after the settlement of the list of contributories the official liquidator has reason to think that a contributory who had been included in the provisional list has been improperly or by mistake excluded or omitted from the list of contributories as finally settled or that the character in which or the number of shares or extent of interest for which he has been included in the list as finally settled or any other particular contained. therein requires rectification in any respect he may, upon notice to the contributory concerned, apply to the Court for such

rectification of the list as may be necessary and the Court may, on such application rectify or vary the list as it may think fit.

160. Application by contributory to vary the list. ---(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 specified for that purpose, no application to the Court by any person who objects to his being settled on the list of contributories as finally settled by the official liquidator shall be entertained after the expiration of twenty-one days from the date of service on such person of the notice of the settlement of the list.

(2) An order varying a list of contributories shall be in Form No. 51, and an order rectifying the Register of Members and the list of contributories shall be in Form No.52.

161. Official liquidator not to be personally liable for costs.---The official liquidator 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.

162. List of contributories consisting of past members. ---(I) It shall not be necessary to settle a list of contributories consisting of the past members of a company unless so ordered by the Court.

(2) Where an order is made for settling a list of contributories consisting of the past members of a company, the provisions of these rules shall apply to the settlement of such list in the same manner as they apply to the settlement of the list of contributories consisting of the present members.

163. List of contributories under section 104 (1) (ii).---Where on the application of a creditor made under clause (ii) of subsection (1) of section 104 the Court thinks fit to direct that a list of persons liable to contribute to his debt or claim be settled, such list shall be settled in the same manner as a list of ordinary contributories of a company in a winding up.

164. Court meetings liquidators meetings' and 'Voluntary Liquidation meetings'. ---(I) In addition to the meetings of creditors and contributories which may be directed to be held by the Court under section 422, hereinafter referred to as Court meetings of creditors and contributories, the official liquidator may, in a winding up by the Court, as and when he thinks fit, summon and hold meetings of the creditors and 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 and such meetings shall be summoned, held and conducted in the manner provided by these rules and subject to the control of the Court.

(2) In a creditors' voluntary winding up, the liquidator may himself from time to time summon, hold and conduct meetings of creditors hereinafter called voluntary liquidation

meetings, for the purpose of ascertaining their wishes in all matters relating to the winding up which he is required to convene immediately before such winding up.

165. Application of rules to meetings. ---Except where and so far as the nature of the subject matter or the context may otherwise require the rules as to meetings as hereinafter set out shall apply to the Court meetings, liquidator's meetings of creditors and contributories and voluntary liquidation meetings:

Provided that in the case of Court meetings, the rules shall apply subject to any directions given by the Court.

166. Notice of meeting. ---(1) The liquidator shall summon all meetings of creditors and contributories by giving not less than fourteen days' notice of the time and place appointed for the meeting by advertisement in one daily newspaper in the English language and one daily newspaper in Urdu circulating in the Province in which the registered office of the company is situate as the liquidator may consider suitable, and by sending individually to every creditor, and to every contributor of the company notice of the meeting of contributories by prepaid letter post under certificate of posting so as to reach such person in the ordinary course of post not less than fourteen days before the date fixed for the meeting.

(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, or if there is no statement of affairs, to the address given in the books of the company, or to such other address as may be known to the person summoning the meeting.

(3) The notice to each contributory shall be sent to the address mentioned in the books of the company as the address of such contributory or to such other address as may be known to the person summoning the meeting.

(4) In the case of meetings under section 379, the continuing liquidator, or if there is no continuing liquidator, any creditor may summon the meeting.

(5) The notices shall be in such of the Form Nos. 53 to 57 as may be appropriate, and Form Nos. 56 and 57 may be used in the case of voluntary liquidation meetings.

(6) This rule shall not apply to meetings convened under section 373 or section 382.

167. Place and time of meeting. ---(1) Every meeting shall be held at such place and time as the person convening the same considers most convenient for the majority of the creditors or contributories or both.

(2) Different times or places or both may, if thought fit, be appointed for the meetings of creditors and the meetings of contributories.

168. Notice of first or any other meeting to officers of company. ---(1) In a winding up by the Court, the official liquidator shall also give to each of the officers of the company, who in his opinion ought to attend the first or any other meeting of creditors or contributories, fourteen days, notice of the time and place appointed for such meeting. The notice may either be delivered personally or sent by registered post for acknowledgement as may be convenient. It shall be the duty of every officer who receives notice in Form No. 58 of such meeting, to attend if so required by the liquidator, and if any such officer fails to attend, the liquidator may report such failure to the Court.

(2) The official liquidator, if he thinks fit, may, instead of requiring any of the officers of the company to attend the meeting as aforesaid, require such officer to answer any interrogatories or to furnish in writing any information that he may require for purposes of such meeting, and if such officer fails to answer the interrogatories or furnish such information, he shall report such failure to the Court.

169. Proof of notice. ---(1) An affidavit by the official liquidator that such notices have been duly sent, shall be sufficient evidence of the notices having been sent to the persons to whom the same were addressed.

(2) In the case of the Court meetings, the affidavit shall be filed in the Court and in the case of liquidator's meetings, the affidavit shall be kept on the records of the official liquidator.

170. Costs of calling meetings at the instance of creditor or contributory. ---Where a creditor or contributory desires the liquidator to convene a meeting, the liquidator may require such creditor or contributory to deposit as a condition precedent thereto a sum sufficient for the costs thereof, to be computed as hereinafter provided; and on any application to the Court by a creditor or contributory, to direct the liquidator to convene a meeting, the Judge may, if he thinks fit, require the applicant to deposit a similar sum for such costs. Such sum shall include all disbursements necessary to be made for printing, stationery, postage and hire of room, to be calculated at the rate of ten rupees for each creditor or contributory up to the first twenty-five creditors or contributories and five rupees for each additional creditor or contributory exceeding the first twenty-five creditors or contributories. The sum so deposited shall be repaid to the person depositing the same out of the assets of the company, if the Court shall by order, or if the creditors shall by resolution, so direct.

This rule shall not apply to meetings to be summoned by the official liquidator under section 338 (2) or to a meeting summoned at the instance of a creditor under section 379.

171. Chairman of meeting. ---(1) Where a meeting is summoned by the liquidator, the liquidator, or some person nominated by him in Form No.59, shall be the chairman of the meeting.

(2) At every other meeting of creditors or contributories, not being Court meetings of creditors and contributories, the chairman shall be such person as the meeting by resolution shall appoint:

Provided that, this shall not apply to meetings convened under section 373.

172. Resolution at creditors' meeting.---(1) At a meeting of the 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.

(2) In a winding up by the Court, the value of a creditor shall, for the purposes of first meeting of the creditors or of a meeting held under section 331, be deemed to be, the value as shown in the books of the company, or the amount mentioned in his proof, whichever is less, and for the purposes of any other meeting, the value for which the creditor has proved his debt or claim.

173. Resolution of contributories meeting.---(1) 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.

(2) The value of the contributories shall be determined according to the number of votes to which each contributory is entitled as member of the company under the provisions of the Ordinance, or the regulations of the company, as the case may be.

174. Copies of resolutions to be filed.---(1) In a winding up by the Court, the official liquidator shall file in Court a copy certified by him of every resolution passed at a meeting of creditors or contributories.

(2) In each case, the Registrar shall maintain the record of such resolutions.

175. Non-receipt of notice by a creditor or contributory. ---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. '

176. Adjournments. ---The chairman of the meeting may, with the consent of the meeting adjourn it for a period not exceeding fourteen days, 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.

177. Quorum.---A meeting may not act for any purpose except for adjournment thereof unless there are present or represented thereat in the case of creditors' meeting at least three creditors entitled to vote or in the case of a meeting of contributories at least three contributories, or all the creditors entitled to vote or all the contributories if the number of creditors entitled to vote or the number of contributories as the case may be does not exceed three. .

178. Procedure in the absence of quorum.---(1) If, within half an hour from the time appointed for the meeting, a quorum of creditors or contributories as the case may be, 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 the day appointed shall be not less than seven or more than fourteen days from the day from which the meeting was adjourned.

(2) If at such adjourned meeting, a quorum be not present, two creditors or contributories present in person shall form a quorum and may transact the business for which the meeting was convened.

179. When creditor can vote.---(1) In the case of a meeting of creditors held under section 331 or of any adjournment thereof, a person shall not be entitled to vote as a creditor unless he has duly lodged with the official liquidator, not later than the time mentioned for that purpose in the notice convening the meeting, a proof of the debt which he claims to be due to him from the company.

(2) In the case of other meetings of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the official 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:

Provided that these conditions shall not apply to a Court meeting of creditors held prior to the meeting of creditors under section 331:

Provided further that this rule shall not apply to any creditors or class of creditors who by virtue of these Rules or any directions given thereunder are not required to prove their debts, or to any voluntary liquidation meetings.

180. Cases to which creditors may not vote.---A creditor shall not vote in respect of any unliquidated or contingent debt of 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 against whom no order of adjudication has been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for purposes, of dividend, to deduct it from his proof.

181. When secured creditor can vote. ---(1) For the purposes of voting at a meeting, in a winding up by the Court, a secured creditor shall, unless he surrenders his security, state in his proof 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 due to him, if any, after deducting the value of his security.

(2) For the purposes 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, and shall be entitled to vote only in respect of the balance due to him, if any after security deducting the value of his security. .

182. Effect of voting by a secured creditor.---If a secured creditor votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application made by him in this behalf is satisfied that the omission to value the security was due to inadvertence.

183. Procedure when secured creditor votes without surrendering security.---The liquidator may within 21 days from the date of the meeting at which a secured creditor voted on the basis of his valuation of the security, require him to give up the security for the benefit of the creditors generally on payments of the value so estimated by him, and may, if necessary, apply to the Court for an order to compel such creditor to give up the security:

Provided that the Court may, for good cause shown, permit a creditor to correct his valuation before being required to give up the security, upon such terms, as to costs as the Court may consider just.

184. Admission or rejection of proofs for purposes of voting. ---(1) The chairman of the meeting 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.

(2) Where it is doubtful 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.

185. Minutes of proceedings. ---(1) The chairman of the meeting shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in the Minutes Book and the minutes shall be signed by him or by the chairman of the next meeting.

(2) A list of creditors and contributories present at every meeting shall be maintained in Form No. 60.

186. Report of Court meetings. ---Where a meeting is summoned under the direction of the Court, the chairman shall, within the time fixed by the Court, or if no time is fixed, within seven days of the conclusion of the meeting, report the result thereof to the Court in Form No. 61.

187. Voting by proxies. ---(I) A creditor or contributory may vote either in person or by proxy.

(2) Where a person is authorised in the manner provided by section 162 to represent a corporation at any meeting of creditors or contributories, such person shall produce to the

official liquidator or other chairman of the meeting, a copy of the resolution authorising him for such representation duly certified to be a true copy by a director, the manager, the secretary or other officer of the company authorised in that behalf.

188. Form of proxies. ---A creditor or contributory may give a general proxy or a special proxy to any person in Form No.62.

189. Proxies to liquidator or chairman. ---A creditor or contributory in a winding up by the Court may appoint the official liquidator, and in a voluntary winding up, the liquidator, or if there is no liquidator, the chairman of the meeting to act as his general or special proxy.

190. Use of proxies by deputy. ---Where an official liquidator who holds any proxies cannot attend the meeting for which they are given, he may in writing depute some person under his official control to use the proxies on his behalf and in such manner as he may direct.

191. Forms to be sent with notice.---Forms of proxies shall be sent to the creditors and contributories with the notice summoning the meeting.

192. Proxies to be lodged. ---A proxy shall be lodged not later than 48 hours before the meeting at which it is used, with the official liquidator in a winding up by the Court, with the company at its registered office for a meeting under section 173 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

193. Holder of proxy not to vote on matter in which he is financially interested. ---No person acting either under a general or 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 assets of the company otherwise than as a creditor rateably with the other creditors of the company.

194. Minor not to be appointed proxy.---No. person shall be appointed as a general or special proxy who is a minor.

195. Filling in proxy where creditor or contributory is blind or incapable. ---The proxy of a creditor or a contributory blind or incapable of writing may be accepted if such creditor or contributory has attached his signature or mark thereto in the presence of a witness who shall add to his signature his description and address: provided that all insertions in the proxy are in the handwriting of the witness and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request and in the presence of the creditor or contributory before he attach his signature or mark.

196. Attendance at proceedings. ---(I) Save as otherwise provided by these rules or by an order of Court, every person for the time being on the list of contributories of the

company and every creditor whose debt has been admitted by official liquidator wholly or in part shall be at liberty at this own expense to attend the proceedings before the Court or, before the official liquidator and shall be entitled upon payment of the costs occasioned thereby to have notice of all such proceedings as he shall, by request in writing addressed to the official liquidator, desire to have notice of; but if the Court shall be of opinion that the attendance of any such person 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 had paid the same.

(2) No contributory or creditor shall be entitled to attend any proceedings before the Judge unless and until he or an advocate on his behalf has filed an appearance with the Registrar.

(3) The Registrar shall keep an "Appearance Book" in which all such appearances shall be entered.

(4) The Appearance Book shall be open to the inspection of the official liquidator.

(5) The Court may, if it thinks fit, appoint from time to time 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 creditors or contributories upon any question or in relation to any proceedings before the Court, and may remove any, person so appointed.

(6) Where more than one person is appointed to represent one class of 'creditors or contributories, the persons so appointed, shall employ the same advocate to represent them, and where they fail to agree as to the advocate to be employed, the Judge may nominate an advocate for them.

197. Powers of official liquidator. ---The duties imposed on the Court by subsection (1) of section 339 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 official liquidator as an officer of the Court subject to the control of the Court.

198. Official liquidator to be in the position of a receiver.---For the discharge by the official liquidator of the duties imposed by subsection (1) of section 339 and the last preceding rule the official liquidator shall, for the purpose of acquiring and 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, and the Court may on his application enforce such acquisition or retention accordingly.

199. Company's property to be delivered to official liquidator on requisition. ---(1) The powers conferred on the Court by section 340 may be exercised by the official liquidator.

(2) 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 official liquidator and within such time as he shall by notice in Form No. 63 require, pay, deliver, convey, surrender or transfer to or into the hands of the official liquidator any money, property or document, books or papers which happened to be in his hands for the time being and to which the company is prima facie entitled.

(3) Where a person fails to comply with the notice under sub-rule (2) the official liquidator may apply to the Court for appropriate orders.

200. Calls by the official liquidator. ---The powers and duties conferred upon the Court by section 342 in relation to making calls, may be exercised by the official liquidator as hereinafter provided as an officer of the Court.

201. Official liquidator to realise uncalled capital. ---Notwithstanding any charge or encumbrance on the Uncalled capital of the company, the official liquidator shall alone be entitled to call and realise the uncalled capital of the company and to collect the arrears, if any, due on calls made prior to the winding up, but shall hold all moneys so realised subject to the rights, if any, of the holder of any such charge or encumbrance.

202. Application for leave to make call.---At any time after the settlement of the list of contributories, the official liquidator may apply in Form No.64 to the Court to make a call on the contributories stating the proposed amount of such call supported by the affidavit of the official liquidator in Form No. 65.

203. Notice of application. ---(1) Notice of an application to make a call shall be served on every contributory proposed to be included in such call by post under certificate of posting so as to reach such contributory, in the ordinary course of post not less than seven days before the date appointed for the hearing thereof, or if the Court so directs, notice of the application may be given by advertisement in Form No. 66, in such papers as the Court shall direct not less than seven clear days before the date appointed for the hearing, without a separate notice to each contributory.

(2) The affidavit of service relating to the despatch of notice to each contributory, or to the advertisement, as the case may be, shall be filed three days before the date fixed for the hearing.

204. Order making a call and document making the call. ---(I) The order to make a call shall be in Form No. 67 and shall contain directions as to the time within which such calls shall be paid.

(2) When an order has been made granting leave to make a call the official liquidator shall file in Court document making the call in Form No. 68 with such variations as circumstances may require.

205. Service of notice of call.---Soon after filing the document making the call under the last preceding rule, the official liquidator shall serve, by registered post, a copy of the order granting leave to make the call upon each of the contributories included in such call together with a notice in Form No.69 specifying the amount or balance due from such contributory in respect of such call.

The order to make a call need not be advertised unless the Court otherwise orders for any special reason.

206. Order for payment of call. ---(1) The official liquidator may apply in Form No. 70 supported by an affidavit in Form No. 71 to the Court for an order against any contributory or contributories who defaults in payment of moneys due on the calls made pursuant to order of the Court.

(2) Notice of the application together with a copy of the affidavit shall be served on the .contributory by registered post for acknowledgement not less than fourteen days before the date fixed for the hearing of the summons.

(3) The order for payment shall be in Form No. 72.

207. Other moneys due by contributories.---(1) When any money is due to the company from a contributory or from the estate of the person whom he represents, other than moneys due on calls made subsequent to the winding up, but including moneys due on calls made prior to the winding up, the official liquidator may make an application to the Court supported by affidavit for an order against such contributory for the payment of such moneys.

(2) Notice of the application shall be given to such contributory by registered post not less than fourteen days prior to the date fixed for the hearing of the application.

208. Application for examination under section 351.---(1) An application in Form No. 73 for the examination of a person under section 351 may be made ex parte, provided that where the application is made by any person other than the official liquidator, notice of the application shall be given to the official liquidator.

(2) Where the application under sub-rule (1) is by the official liquidator. it shall be accompanied by a statement signed by him setting forth the facts on which the application is based.

(3) Where the application is made by a person other than the official liquidator, the summons shall be supported by an affidavit of the applicant setting forth the matters in respect of which the examination is sought and the grounds, relied on in support of the summons.

209. Directions at hearing of summons. ---(1) Upon the hearing of the summons the Judge may, if satisfied that there are grounds for making the order, make an order

directing the issue of a summons against the person named in the order in Form No. 74 for his examination and or for the production of documents.

(2) Unless the Judge otherwise directs the examination of the person referred to in sub-rule (1) shall be held in Chambers.

210. Examination on commission or by interrogatories. ---The Court, may, if it thinks fit, instead of issuing a summons, to any person for his appearance before the Court for examination, issue a commission to the District Judge within whose jurisdiction such person resides for the examination of such person, or make an order for his examination by interrogatories, as the Court may think fit.

211. Service of the summons. ---(1) The summons issued in pursuance of the order shall be served on the person to be examined not less than seven days before the date fixed for the examination.

(2) There shall be paid or tendered to the person summoned alongwith the summons a reasonable sum for his expenses to be fixed by the Judge or Registrar with due regard to the scale of fees in force in the Court.

(3) Where the summons is served by registered post, such sum shall be sent to such person by postal money order or bank draft.

212. Conduct of the examination.---(1) The official liquidator shall have the conduct of an examination under section 351 , provided that the Court tray, if for any reason it thinks fit to do so, entrust the conduct of the examination to any contributory or creditors.

(2) Where the conduct of the examination is entrusted to any person other than the official liquidator, the official liquidator shall be entitled to be present at the examination in person or by advocate and may take notes of the examination for his own use and- put such questions to the person examined as the Court tray allow.

(3) Save as provided under sub-rules (1) and (2), no person shall be entitled to take part in an examination under section 351 except the official liquidator and his advocate, but any person examined shall be entitled to have the assistance of his advocate who may re-examine the witness:

Provided that the Court tray permit, if it thinks fit, any creditor or contributory to attend the examination subject to such conditions as it tray impose.

(4) Notes of the examination may be permitted to be taken by the witness or any person on his behalf on his giving an undertaking to the Court that such notes shall be used only for the purpose of the re-examination of the witness.

(5) On the conclusion of the examination, the notes refereed to in sub-rule (4) shall, unless otherwise directed be handed over to the Court for destruction.

213. Notes of the deposition. ---(I) The notes of the deposition of a person examined under section 351 shall be signed by such person and shall be lodged in the office of the Registrar.

Provided that such notes shall not be open to the inspection of any creditor, contributory or other person, except the official liquidator nor shall a copy thereof or extract therefrom be supplied to any person other than the official liquidator except under orders of Court.

(2) The Court may from time to time give such general or special directions as it shall think expedient as to the custody and inspection of such notes and the furnishing of copies thereof or extracts therefrom.

214. Order for public examination under section 352.---(1) Where an order is made for the examination of any person or persons under section 352, the examination shall be held before the Judge, provided that in the case of a High Court, the Judge may direct that the whole or any part of the examination of any such person or persons, be held before any of the officers mentioned in subsection (10) of the said section as may be mentioned in the order.

(2) Where the date of the examination has not been fixed by the order, the official liquidator shall take an appointment from the Judge, or officer before whom the examination is to be held as to the date of the examination.

(3) The order directing a public examination shall be in Form No.75

(4) The Judge may, if he thinks fit, either in the order for examination or by any subsequent order, give directions as to the specific matters on which such person is to be examined.

215. Notice of public examination. ---Not less than seven clear days before the date fixed for the examination, the official liquidator shall give notice thereof to the creditors and contributories of the company by advertisement in Form No.76 in such newspapers as the Judge shall direct and shall within the same period, serve, either personally or by registered post, on the person or persons to be examined, a notice in Form No.77 of the date and hour fixed for the examination. Where a public examination is adjourned, it shall not be necessary to advertise the adjournment or serve notice thereof unless otherwise ordered.

216. Adjournment of public examination to Court.---Where on an examination held before an officer appointed by the Judge under rule 214 such officer is of the opinion that the examination is being unduly or unnecessarily protracted or, for any other sufficient cause, he is of the opinion that the examination should be held before the Judge, such officer may adjourn the examination of any person or hold the examination himself or pass such orders as he may think fit.

217. Procedure for contumacy. ---If a person examined before an officer appointed by the Judge under rule 214 of these rules refuses to answer to the satisfaction of such officer he shall report such refusal to the Judge and upon such report being made the person an default shall be in the same position and be dealt with in the same manner as if he had made default in answering before the Judge.

(2) The report shall be in writing and, shall set forth the question or questions put and the answer or answers given (if any) by the person examined and the officer shall notify the person examined of the date when he should attend before the Judge. The report shall be in Form No. 78. Upon receiving the report, the Judge may take such action thereon as he shall think fit.

218. Notes of examination. ---The notes of every public examination shall, after being signed as required by subsection (8), of section 352 form part of the records of winding up. The official liquidator, the person examined and any creditor or contributory of the company, shall be entitled to obtain copy thereof from the Court on payment of the prescribed charges.

219. Application under section 352(7).---An application under subsection (7) of section 352 by any person ordered to be publicly examined to be exculpated from any charges made or suggested against him shall be made upon notice to the official liquidator and to such other persons as the Court may direct.

220. Default in attending examination under section 351 or 352.---If any person who has been directed by the Court to attend for examination under section 351 or section 352 fails to attend, at the time and place appointed for holding or proceeding with the same and not good cause is shown by him for such failure, or if before the day appointed for such examination the official liquidator satisfies the Court that such person has absconded or that there is reason to believe that he is about to abscond with a view to avoiding the examination, the Court may, if satisfied that notice of the date and hour fixed for the examination was duly served on such person, issue without any further notice a warrant in Form No. 79 for the arrest of the person required to attend, or make such other order as the Court thinks Just.

(2) Every warrant of arrest of any person issued under these rules shall remain in force until it is cancelled by the Court which issued it or by the Court to which appeals ordinarily lie from the decisions of such Court, or until it is executed.

221. Prison to which person arrested or warrant is to be taken.---Where the Court issues a warrant for the arrest of a person under these Rules, the prison (to be named in the warrant) to which the person shall be committed shall, unless the Court otherwise orders, be the prison to which commitments are made by the Court in the exercise of its ordinary civil jurisdiction.

A warrant committing a person to prison shall be in Form No. 80 and an order releasing him on bail in Form No. 81.

222. Execution of warrant of arrest outside ordinary jurisdiction of Court. ---(1) Where a warrant has been issued by the, Court under these rules for the arrest of any person who is or is believed to be outside the ordinary jurisdiction of the Court, the Court issuing the warrant may send the warrant of arrest for execution to the District Court or. to other Court as it may deem fit and therefore that Court shall execute the same in accordance with its practice and procedure.

223. Public examination under section 392.---Where, in a voluntary winding-up, an order is made under section 392 for the public examination of any of the persons mentioned in the said section, the rules relating to a public examination under section :i52 in a winding up by the Court shall apply mutatis mutandis in respect of such examination.

224. Applications under section 412 or 413.---(1) An application under subsection (1) of section 412 or under subsection (1) of section 413 shall be made by a summons returnable in the first instance in chambers.

(2) The summons shall state the nature of the declaration or order for which the application is made, and the grounds of the application and shall be served on every person against whom an order is sought not less than seven days before the day named in the summons for the hearing of the application.

(3) It shall not be necessary to file any affidavit or report before the return of the summons.

(4) The summons shall be in Form Nos. 82 and 83 with such variations as may be necessary.

225. Directions at preliminary hearing of summons. ---On the return of the summons under rule 224, the Court may give such directions as it shall think fit as to whether points of claim and defence in Form No. 84 or 85 are to be delivered, as to the taking of evidence wholly or in part by affidavit or orally, as to the cross-examination, before the, Judge on the hearing, either in Court or in Chambers, of any deponents to affidavits in support of or in opposition to the application, as to any report it may require the liquidator to make, and generally as to the procedure on the summons and for the hearing thereof.-:3 '01

226. Liberty to apply for further directions. ---(1) Where the Court has directed that points of claim and defence shall be delivered, it shall be open to either, party who wishes to apply for any further direction as to any interlocutory matter, to apply, by restoration, of the summons, before the summons has been set down for trial, for such direction, upon giving two clear days' notice in writing to the other party stating the grounds of the application.

(2) A copy of the notice shall be filed with the Registrar two clear days before the day fixed for the hearing of the application.

227. Application for disclaimer. ---(I) An application for leave to disclaim any part of the property of a company pursuant to subsection (1) of section 407 shall be made by a summons supported by an affidavit setting out the full facts relating to the property, the parties interested and the nature of their interests, and stating whether the company is solvent and whether any notice has been served on the liquidator by any party under subsection (4), of the said section requiring him to elect whether or not he will disclaim.

(2) Forms Nos. 86 to 92 shall be used matters relating to disclaimer with such variations as may be necessary.

228. Preliminary hearing of the summons.---The summons shall be placed before the Court *ex parte* in the first instance for directions as to the persons on whom notice of the summons should be served, and the Court shall thereupon fix a date for the bearing of the summons and give such directions as may be necessary as to the persons on whom notice of the summons should be served.

229. Claimant to furnish statement of his interest. ---Where a person claims to be interested in any part of the property of a company which the liquidator wishes to disclaim, such person shall, if so required by the liquidator, furnish a statement of the interest claimed by him.

230. Service of notice. ---Notice of the date fixed for the hearing of the summons shall be in Form No. 93 and shall be served not less than seven days before the date fixed for the hearing together with a copy of the summons and of the affidavit filed in support thereof requiring that any affidavit-in-opposition to the summons shall be filed in the Court and a copy thereof served on the liquidator of the company not later than two days before the date fixed for the hearing.

231. Order granting leave to disclaim.---On the hearing of the summons, the Court may after hearing the liquidator and such parties as may appear in response to the notices issued, and such other persons appearing and interested as the Court may think fit to hear, grant leave in Form No. 94 to the liquidator and to disclaim on such terms and conditions, if any, as to the Court may seem just.

232. Disclaimer to be filed in Court. ---(I) Every disclaimer shall be filed in Court in Form No-95 by the liquidator and shall not be operative until it is so filed containing particulars of the interest disclaimed and a statement of the persons to whom notice of the disclaimer has been given.

(2) Notice in Form No. 96 of the filing of the disclaimer shall be given to the persons interested in the property.

(3) Where a disclaimer has been filed in Court, the liquidator shall file a copy thereof with the Registrar of Companies.

233. Vesting of disclaimed property. ---(1) Where the disclaimed property is a leasehold interest and an application is made under subsection (6) of section 407 for an order vesting the property in any person and it appears that there is an under lessee or mortgagee or holder of a charge by way of demised in respect of such property, claiming under the company, the Court may direct that notice shall be given to such under lessee, mortgagee or holder of charge. that, if he does not elect to accept and apply for a vesting order upon the terms required by the abovementioned subsection and other terms as the Court may think just, 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.

(2) The court may adjourn the application for giving notice under sub-rule(1) and for such under lessee, mortgagee or holder of charge, to be added as a party to and served with a copy of the application, and to make, if he sees fit, such election and, application as is mentioned in the notice.

(3) Where till the expiration of the time fixed by the Court, under-lessee, mortgagee or holder of charge, fails to make election and application referred to in -sub-rule (2) the Court, may make an order vesting the property in the applicant or other person who, in the opinion of the Court may be entitled thereto, and excluding such under-lessee, mortgagee or holder of charge, from all interest in or security upon the property.

234. No claim to be compromised or abandoned without sanction of Court. ---In a winding up by or subject to the supervision of the Court, no claim by the company against any person shall be compromised or abandoned by the liquidator without the sanction of the Court upon notice to 'such person as the Court may direct.

235. Application for sanction of compromise. ---(I) Every application for sanction of a compromise or arrangement with any person under clauses (ii) and (iii) of subsection (1) of section 421 shall be accompanied by a copy of the proposed compromise or arrangement and shall be supported by an affidavit of ,the liquidator stating that for the reasons set out in the affidavit he is satisfied that the proposed compromise or arrangement is beneficial to the company.

(2) The Court may, if it thinks fit, direct notice of the application to be given to the Committee of Inspection, if there is one and to such other person as it may think fit.

236. Sale to be subject to sanction and to confirmation by Court. ---Unless the Court otherwise orders, no property belonging to company which is being wound up by the Court shall be sold by the official liquidator without the previous sanction of the Court, and every sale shall be subject to confirmation by the Court.

237. Procedure at sale. ---(I) Every sale shall be held by the official liquidator, or, if the Judge so directs, by an agent or an auctioneer approved by the Court, and subject to such terms and conditions including fixation of a reserve price, if any, as may be approved by the Court.

(2) All sales shall be made by public auction or by inviting sealed tenders or in such manner as the Judge may direct.

238. Expenses of sale. ---Where property forming part of a company's assets is sold by the official liquidator through an auctioneer or other agent, the gross proceeds of the sale shall, unless, the Court otherwise orders, be forthwith paid over to the liquidator by such auctioneer or agent who shall deposit the same in company's liquidation account maintained in a scheduled bank and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent in accordance with the scales, if any, fixed by the Court.

239. Declaration of dividend or return of capital.---No dividend to creditors or return of capital to contributories shall be declared by the official liquidator without the sanction of the Court.

240. Notice of declaration. ---The official liquidator shall give notice in Form No. 97 of the declaration of dividend not less than one month prior to the date fixed for the payment thereof and unless otherwise directed by the Judge, the notice shall be given by advertisement in such newspapers in Form No.98 as the Judge shall direct and by sending by prepaid letter post under certificate of posting a notice to every person whose name appears in the list of creditors as on such date.

241. Authority to pay dividend.---A person, to whom dividend is payable may lodge with the official liquidator an authority in writing to pay such dividend to another person named therein.

242. Transmission of dividends by post. ---Dividends and returns of capital may, at the request and risk of the person to whom they are payable, be transmitted to him by registered post or by money order, as may be appropriate.

243. Form of order directing return of capital. ---(1) Every order by which the official liquidator 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 in Form No. 99 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 contributories which have arisen since the date of the settlement of the list of contributories and such other information as may be necessary to enable the return to be made.

(2) The official liquidator shall send a notice of return to each contributory by ordinary post under certificate of posting in Form No. 100.

244. Payment of dividend or return of capital due to a deceased creditor or contributory. ---(1) Where a claim made in respect of a dividend due to a deceased creditor or a return of capital due to a deceased contributory is one thousand rupees or

less, the official liquidator may upon satisfying himself as to the claimant's right and title to receive the dividend or the return as the case may be, apply to the Court for sanctioning the payment of such dividend or return to the claimant without the production of a succession certificate or like authority.

(2) Where the Court sanctions the payment, the official liquidator shall make the payment upon obtaining a personal indemnity from the payee.

245. Official liquidator to apply for dissolution. ---(1) As soon as the affairs of the company have been fully wound up, the official liquidator in a winding up by the Court shall file his final account into Court and apply for orders as to the dissolution of the Company subject to his final account being passed in accordance with these rules.

(2) The application referred to in sub-rule (1) shall be set down for hearing until the completion of the audit of the final account and the filing of the auditor's certificate in relation thereto.

246. Dissolution of the company.---Upon the hearing of the application, the Court may after hearing the official liquidator and any other person to whom notice may have been ordered by the Court, upon perusing the account as audited, make such orders, as it may think fit as to the dissolution of the company, the application, subject to the provisions of the Ordinance, of the balance in the hands of the official liquidator or the payment thereof into State Bank to the credit of the Federal Government in the Companies Liquidation Account and the disposal of the books and papers of the company and of the liquidator

247. Liquidator to pay the balance into public account. ---(1) Upon an order for dissolution. being the official liquidator shall forthwith pay into the Companies Liquidation Account in the account of the Federal Government in the State Bank any unclaimed dividends payable to creditors or undistributed assets refundable to contributories in his hands on the date of the order of dissolution, and such other balance in his hands as he has been directed by the Court to deposit the Companies Liquidation Account in the State Bank.

(2) Every order, of dissolution shall direct that the official liquidator do forward a certified copy of the order to the Registrar of Companies not later than fourteen days from the date of the order alongwith a statement signed by the official liquidator that the directions of the Court regarding the application of the balance as per his final account have been duly complied with.

248. Conclusion of winding up. ---The winding up of a company shall, for purposes of section 430, be deemed to be concluded--

(a) 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;

(b) 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 fund or assets of the company remaining 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 of assets have either been distributed or paid into the Companies Liquidation Account in the State Bank.

249. Application to declare dissolution void.---An application under section 429 shall be made upon notice to the Authority and the Registrar of Companies. Where the Court declares the dissolution to have been void, the order shall direct that the applicant do file a certified copy of the order with the Registrar of Companies not later than twenty-one days from the date of the order. .

250. Registers and Books to be maintained by the liquidator. ---(1) Every liquidator shall maintain at the registered office of the company proper book of accounts as required under section 433.

(2) Where the accounts of the company are incomplete, the liquidator shall, with all convenient speed, as soon as the order for winding up is made, have them completed and brought up-to-date.

(3) (i) Where the official liquidator is authorised to carry on the business of the company he shall keep separate books of account in respect of such business and such books shall, as far as possible, be in conformity with the books already kept or required to be kept by the company in the course of its business.

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

(4) The official liquidators shall keep proper serially numbered vouchers for all payments made or expenses incurred by him.

(5) In respect of companies the winding up of which was commenced under the Ordinance prior to the coming into force of these rules and is pending on the date these rules come into force, the liquidator shall, as soon as may be and not later than three months after the coming into force of these rules or such extended time as may be allowed by the Court prepare and bring up-to-date the books and registers prescribed under sub-rule (1):

Provided that the Court may, if it thinks fit, dispense with this requirement in any particular case.

251. Bank Account and funds of the Company in-liquidation.---(I) Every, liquidator of a company in liquidation shall immediately on his appointment open and maintain a

special bank account in a scheduled bank in the name of the company in liquidation to be called the liquidation account of the particular company into which shall be transferred credited, paid and kept all moneys and balances standing to the credit of the company at the time of going into liquidation or thereafter by the liquidator or which become available to him or come under his control directed or indirectly at any stage in his capacity as such without deduction not later than the next working day of the bank provided that a sum not exceeding five hundred rupees or such amount as the Court may on his application authorise him to retain.

(2) The money needed for meeting expenses or for making payments in cash shall be drawn from the bank by cheques drawn upon the bank by liquidator.

(3) All payments out of the account by the liquidator above fifty rupees shall ordinarily be made by crossed cheques signed by him and countersigned by the Registrar in case of the winding up by the Court and by a person nominated by members or creditors, as the case may be, drawn against the said account.

252. Bills, cheques and securities to be deposited into bank.---All bills cheques, hundies, notes and other securities of a nature payable to the company or to the liquidator thereof shall as soon as they come into the hands of the liquidator, be deposited by him with the bank for the purpose of being presented for acceptance and payment or for payment only, as the case may, be, and the proceeds when realised shall be credited by the bank to the account of liquidation account of the company.

253. Payments into bank under section 343.---Where the Court or the liquidator makes an order directing any person to pay or deposit any money due to the company into the company's liquidation account, the person so directed shall comply with the direction and obtain receipt for the amount paid or deposited from the bank and shall give intimation thereof to the liquidator alongwith a photocopy of the bank receipt and produce before him the original bank receipt relating thereto on demand of the liquidator.

254. Liquidator's Dividend Account.---(1) The liquidator shall also open a separate dividend account for each company under liquidation in a scheduled bank under the name "the Dividend Account of (name of the company) in liquidation", into which account he shall, upon a declaration of dividend being made in the winding up of any company, deposit by transfer from the company's liquidation account the total amount of the dividend payable upon such declaration.

(2) There shall be a separate account in respect of each declaration of dividend and payments thereof shall be made from the said account before being paid into the companies liquidation account as unclaimed dividends. .

(3) All payments out of dividends more than fifty rupees shall ordinarily be made by crossed cheques drawn against the said account.

Explanation. In this rule the word 'dividend' includes refund of capital to contributories;

255. Investment of surplus funds. ---(1) All or any of the moneys standing to the credit of the company in its liquidation account and not immediately required for the purpose of the winding up shall be deposited or invested in the National Savings Schemes in the name of the company in liquidation having regard to the requirements of funds for meeting claims or payments for purposes of winding up and shall not afterwards be transferred or otherwise dealt with or utilised except for purposes of the winding up of the company.

(2) Any amount retained by an official liquidator under section 349 shall be invested by him in Khas Deposit Certificates which shall be deposited by him in the Court till such amount is required for distribution after the pending claims are settled.

256. Liquidator's remuneration. ---(I) In every winding up under orders of the Court, there shall be paid to the official liquidator, not being a salaried officer of the Government or the Court, from out of the assets of the company in liquidation, the remuneration by way of percentage of the amount realised by him by disposal of assets as may be fixed by the Court having regard to the nature of the work actually done subject to the following limits:--

Upon the total assets, including produce of calls on contributories, return on investments and rents from properties. realised or brought to credit by the official liquidator after deducting the amount spent out of the money received in carrying on the business of the company and the amounts or balance lying to the credit of the company in its accounts with banks at the time of going into liquidation:---

(i) Where net amount realized does not exceed Rs.10,000.	3 per cent.
(ii) Where the amount exceeds Rs. 10,000 but does not exceed Rs.50,000.	Rs.300 plus 2 per cent. of the amount exceeding Rs.10,000.
(iii) Where the amount exceeds Rs.50,000 but does not exceed Rs.100,000.	Rs.1,100 plus 1 per cent. of the amount exceeding Rs.50,000.
(iv) Where the amount exceeds Rs.100,000 but does not exceed Rs.1,000,000.	Rs.1,600 plus 1/2 per cent. of the amount exceeding Rs.1,000,000.
(v) Where the amount exceeds Rs.1,000,000 but does not exceed Rs.10,000,000,	Rs.6,100 plus 1/4 per cent of the amount exceeding Rs.1,000,000.
(vi) Where the amount exceeds Rs.10,000,000 but does not exceed Rs.50,000,000.	Rs.28,600 plus 1/5 per cent. of the amount exceeding Rs.10,000,000.
(vii) Where the amount exceeds Rs.50,000,000.	Rs.108,600 plus 1/8 per cent. of the amount exceeding Rs.50,000,000.

On the total amount distributed in dividend or paid to contributories, preferential creditors, and debenture-holders by the official liquidator, half the above percentages.

(2) In addition to the remuneration fixed under sub-rule (1), the Court may permit payment of a reasonable monthly allowance to the official liquidator for meeting the expenses of the winding up for a period not exceeding twelve months from the date of the winding up order taking into consideration the likely expenses involved and nature of the work actually required to be done.

(3) The remuneration of joint official liquidators shall be determined by the Court subject to the overall limits specified in this rule.

(4) The official liquidator shall not draw his remuneration without leave of the Court.

257. Where the company has no available assets. ---Where a company against which a winding up order has been made has no available assets, the official liquidator may, with the leave of the Court, incur essential preliminary expenses out of funds to be provided by the petitioners and the secured creditors as the Court may direct, and the expenses so incurred shall be recouped out of the assets of the company in priority to the debts of the company.

258. Dividend and interest to be credited. ---All dividend and interest returns accruing from any securities or investments shall from time to time be received by the bank and placed to the credit of the account of the liquidator and. intimation thereof shall be given to the liquidator, who shall thereupon credit such dividend or interest in his accounts to the company to which the security or the investment relating thereto belongs.

259. Account to be filed.---Unless otherwise ordered by the Court, the official liquidator shall file his accounts in the Court once in every quarter of the year made up to the close of each quarter and two copies thereof shall be filed not later than thirty days of the close of each quarter of the year:

Provided that the final accounts of the official liquidator shall be filed as soon as the affairs of the company have been fully wound up irrespective of such period.

260. Form of Account. ---(1) The account shall be a statement of receipts and payments in Form No. 101 and shall be prepared in accordance with the instructions contained therein and verified by an affidavit of the official liquidator in Form No. 102.

(2) The final account shall be in Form No. 103.

261. Nil Account. ---Where the official liquidator has not during the period of account received or paid any sum of money on account of the assets of the company, he shall file an affidavit of no receipts of payments on the date on which he shall have to file his accounts for the period.

262. Registrar to send copy of account to the Auditor.--As soon as the accounts are filed the Registrar shall forward to the auditor one copy thereof for purposes of audit of the accounts and the books and papers of the official liquidator.

263. Audit of the official liquidator's accounts.---The accounts shall be audited by one or more Chartered Accountants in the manner provided in the Ordinance.

264. Audit report to be filed. ---(I) After the audit of each of the accounts of the official liquidator filed in Court, the auditor shall forward to the Registrar a certificate of audit relating to the account with his observations and comments, if any, on the account, together with a copy thereof and shall forward another copy to the official liquidator.

(2) The Registrar shall file the original certificate with the records and forward the copy to the Registrar of Companies, together with a copy of the account to which it relates.

265. Account, auditor's report and official liquidator's explanation to be placed before Judge.--(1) Upon the audit of the account, the Registrar shall place the statement of account, the auditor's report and any explanation furnished by the official liquidator thereon, before the Judge for his consideration and order and also shall send a copy of the accounts, audit report and Judge's order to the Registrar of companies within fifteen days of the order.

(2) Any creditor or contributory shall be entitled to inspect the accounts, the auditor's report, official liquidator's explanation and order of the Judge in the office of the Court on payment of a fee of ten rupees and to obtain a copy thereof on payment of the prescribed charges.

266. Legal assistance for the official liquidator. --The official liquidator shall, as far as possible, personally appear and conduct all proceedings before the Court in the liquidation, provided that the official liquidator may apply to the Court for sanction to employ an advocate or advocates to assist him, and the Court may, on such application, sanction such employment or pass such further or other orders as it may think fit.

267. Statement by the liquidator under section 430.---The first statement under subsection (1) of section 430 for the period from the commencement of the winding up and thereafter subsequent statements once in three months covering the period up to close of each quarter of the year shall be filed by the liquidator--

(a) in Form No. 104 in the Court with its duly verified copy being simultaneously served to the Registrar of Companies, in the case of winding up by or under supervision of the Court; and

(b) the statement being in Form No. 105 and with affidavit on Form No. 106 within thirty days of the close of the period covered by the statement, in the case of voluntary winding up of companies alongwith a copy of the audit report.

(2) Upon filing of the statement in a winding up by the Court or under supervision of the Court, the Registrar shall obtain orders of the Judge fixing a date for a consideration thereof, and notify the date on the notice board of the Court and to the liquidator, who shall attend the consideration of the statement and shall give the Judge any explanation or information with reference to the matters contained therein as the Judge may require.

(3) Any creditor or a contributory shall be entitled to inspect the statement on payment of a fee of ten rupees and to obtain a copy thereof on payment of the prescribed charges.

268. Applicability of rules.---Where an application is made to the Court under the provisions of the Ordinance in the voluntary winding up of a company whether or not an order shall have been made that the voluntary winding up shall continue subject to the supervision of the Court, these Rules, so far as may be shall be applied to the subject-matter and mode of such application.

269. Declaration of solvency in a member's voluntary winding up.---The declaration of solvency to be made by the directors of a company under section 362 shall be in Form No. 107 with such variation as the circumstances may require.

270. Statement to be laid before meeting of creditors under section 368.---The statement of the assets and liabilities of the company to be laid before a meeting of creditors by a liquidator in a members' voluntary winding up under subsection (1) of section 368 shall be in Form No.108 with such variations, as may be necessary.

271. Notice of appointment of liquidator. ---The notice of his appointment which every liquidator is required to publish in the official Gazette under section 389 shall be in Form No.109 and the notice of the appointment to be delivered to the Registrar of Companies shall be in Form No. 110.

272. Order for winding up subject to supervision. ---Upon an order being made for the winding up of a company subject to the supervision of the Court, the liquidator of the Company shall within 21 days from the date of the order advertise the order in one issue of the official Gazette and in one issue each of a newspaper in the English language and a newspaper in Urdu circulating in the, province in which the registered office of the company is situate as the Court may direct, and also within the said period file a certified copy of the order with the Registrar of companies.

273. Security by Liquidator appointed by Court. ---(1) Unless otherwise ordered, every liquidator appointed by the Court shall before entering upon his duties as liquidator, furnish security in such sum and in such manner as the Court may direct, for the due discharge of his duties as liquidator.

(2) The cost of furnishing the required security shall be borne by the liquidator personally and shall not be charged against the assets of the company as an expense incurred in the winding up.

274. Limit of remuneration of liquidator. ---(1) The limits, criterion and provisions for the remuneration of an official liquidator prescribed in rule 256 shall apply, mutatis mutandis, to a liquidator in all other modes of winding up.

(2) A liquidator shall not, under any circumstances whatever, make any' arrangement for, or accept from any advocate, auctioneer or any other person connected with the company of which he is the liquidator or employed in or in connection with the winding up of the company, any gift, remuneration or pecuniary or other 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 person.

275. Restriction on purchase of goods by liquidator. ---(1) 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 directly or indirectly any benefit out of the transaction.

(2) In the application for sanction referred to in sub-rule (1) the liquidator shall disclose the nature of his interest in the transaction, and the cost of obtaining sanction of Court shall be borne by the liquidator personally.

276. Office of the liquidator vacated by his insolvency.---A liquidator against whom an order of adjudication is made shall thereby vacate his office, and for the purpose of the application of the Ordinance and these Rules, he shall be deemed to have been removed.

277. Resignation, removal, etc. of liquidator. ---(1) In a voluntary winding up a liquidator who desires to resign his office shall summon a meeting of the members creditors, as the case may be, and submit his resignation to it alongwith an account of his acts and dealings as liquidator and a statement as to the position of the liquidator in a form in all respects similar to the statement prescribed under section 430 commencing from the date on which the last statement under the said section terminated or from the date of his appointment whichever is later, and brought down to the date of his resignation.

(2) Upon a liquidator resigning or being released or removed from his office, he shall forthwith deliver over to the new liquidator all books kept by him, and all other books, documents, papers, accounts and assets in his possession relating to the company or to the office of the liquidator and furnish all such information as the new liquidator may require.

278. Books to be kept by the liquidator. ---(1) In addition to other books, of accounts required to be kept by a liquidator under the Ordinances, every liquidator shall keep a record book in which shall be entered all minutes of proceedings and the resolutions passed at any meeting of the creditors or contributories or of the Committee of Inspection, particulars of all his transactions and negotiations in relation to the winding

up and all such matters other than matters of account as may be necessary to furnish a correct view of the administration of the company's affairs. He shall also keep a book showing the dates at which all notices to creditors and shareholders were sent out and posted.

(2) The person who dispatches the notices shall initial the entries in the book relating thereto.

(3) The books and accounts of the liquidator shall be open to the inspection of every creditor or contributory during office hours upon payment of a fee of ten rupees for every hour of inspection or part thereof.

279. Notice convening final meeting and the account to be laid before the meeting.---(1) The notice convening the final meeting of the company in a members voluntary winding up of the final meeting of the company and the creditors in a creditors voluntary winding up, shall be in Form No. 111.

(2) The account of the winding up to be laid by the liquidator before the said meeting or meetings shall be in Form No. 112.

(3) In a winding up subject to supervision of the Court, a copy of the account shall also be filed in the Court.

280. Consideration by Court of the statements under section 430 and final account in a winding up subject to the supervision of the Court. ---(1) In a winding up subject to the supervision of the Court, upon the filing into Court of each of the statements under section 430 referred to in rule 267 or of the account referred to in the last preceding rule, the Registrar shall obtain orders of the Judge fixing a date for the consideration thereof by the Judge, and notify, the date on the notice board of the Court and to the liquidator.

(2) The liquidator shall attend the consideration of the statement or of the final account, as the case may be, and shall give the Judge such further explanation or information with reference to the matters continued therein as the Judge required.

281. Returns to Registrar of Companies. ---The returns to be made to the Registrar of Companies under section 370 and section 382 shall be in Form No. 113 and Form No. 114 respectively.

282. Inspection by creditor or contributory of statements filed by liquidator. ---Any creditor or contributory of a company which is being wound up shall be entitled to inspect any of the statements filed by the liquidator on payment of a fee of ten rupees each and to obtain a copy thereof or extract therefrom on payment of the prescribed charges.

283. Audit of the liquidator's account. ---The Court in a winding up by the Court, the company in general meeting in a members' voluntary winding up, and the creditors in a

creditors' voluntary winding up, shall appoint an auditor who is a Chartered Accountant to audit the accounts of the liquidator, and shall fix the fees to be paid to such auditor.

284. Applications under section 391.---(1) On an application under section 391 made to the Court, notice of the application shall be given to the liquidator where he is not the applicant, to the respondents, if any, named in the application, and to such other persons and in such manner as the Court may direct.

(2) Where an order is made under section 391 staying the proceedings in the winding up the order shall direct that the applicant at whose instance the order for stay was made shall, within 10 days of the making of the order, file a certified copy thereof with the Registrar of Companies.

285. Statement to accompany payment. ---(1) The statement to be furnished, under section 432 to the Registrar or such other officer as may be appointed by the Federal Government, by the official liquidator in a winding up by the Court and by a liquidator in any other mode of winding up when making any. payment of unclaimed dividends or undistributed assets into the Companies Liquidation Account in the State Bank under section 432 shall be in Form No. 115.

286. Cost and expenses payable out of the assets in a winding up by the Court. ---(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, cost and expenses as the Court may allow to the liquidator in such voluntary winding up, shall subject to any order of the Court and to the rights of secured creditors, if any, 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 costs. and expenses of any person who makes, or concur in making the Company's statement of affairs;

Next.---the necessary disbursements of the official liquidator other than expenses properly incurred in preserving, realising or getting in the properties of the company;

Next.---the cost of any person properly employed by the liquidator;

Next.---the actual out of pocket expenses necessarily incurred by the members of the Committee of Inspection, and sanctioned by the Court.

(2) Save as otherwise ordered by the Court, no payments in respect of bills of advocates, shall be allowed out of the assets of the company without proof that the same have been considered and allowed by the taxing officer of the Court.

(3) The taxing officer shall before passing the bills or charges of an advocate, satisfy himself that the appointment of an advocate to assist the liquidator in the performance of his duties has been duly sanctioned.

(4) Nothing contained herein shall, apply to or affect costs which, in the course of legal proceedings by or against the 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.

PART IV

COST AND TAXATION OF COSTS

287. Taxation of costs.---(1) Notwithstanding anything contained in these rules, costs of and incidental to all proceedings under the Ordinance or these rules shall be in the discretion of the Court and be taxed and be subject to review and' appeal in accordance with the rules and scales of fees in force in each High Court and the practice and procedure relating to taxation in its other proceedings.

(2) The Registrar or such other officer as the Chief Justice of the High Court may nominate in this behalf shall be the Taxation Officer of the Court for purposes of these Rules.

(3) The Court may, in any proceedings in which costs are awarded to a party, direct payment of a sum in gross in lieu of taxed costs.

PART V

MISCELLANEOUS

288. Inspection and copies.---Every duly authorised officer of the Registrar of Companies, the Authority and the Federal Government and every advocate or counsel representing them shall be entitled, free of charge, at all reasonable times, to inspect the files of proceedings of the Court and the books and documents of every liquidator relating to any matter to which these Rules apply and to take copies or extracts from any document therein, and to be furnished with such copies or extracts as he may require.

(2) A company and every person who has been a director or officer of a company which is being wound up or in relation to which any proceedings are or have been taken in the Court and every contributory or creditor of other person interested in such proceedings shall be entitled on payment of the charges prescribed for other similar matters in the Court, at all reasonable times, to inspect the file of the proceedings and to be furnished with copies and extracts from any document therein.

289. Funds and assets to be utilised only for purposes of winding up. ---Save as authorised by the Ordinance, no funds, accounts, security, assets of effects of or belonging to a company being wound up shall in any way be utilised appropriated, lent, invested, kept, encumbered, or spent in a manner other than for purposes of the winding up of the company.

290. Duty of liquidator to conduct winding up proceedings. ---It shall be the duty of the liquidator in every mode of winding up to conduct, proceed with and complete the proceedings in or connected with the winding up and to discharge his obligations with all reasonable care as provided in the Ordinance and adopt such measures as may be necessary for the propose.

291. Winding up of unregistered companies. ---These shall apply mutatis mutandis to the winding up of unregistered companies, their liquidators and related matters.

292. Penalty for contravention of these rules. ---Whoever fails or refuses to comply with, or contravenes any provisions of these rules, or knowingly and willingly authorises or permits such failure, refusal or contravention, shall, in addition to any other liability under the Ordinance, be also punished with fine not exceeding two thousand rupees, and, in case of continuing contravention to a further fine not exceeding one hundred rupees for every day during which the default continues.

Appendix-I

FORM NO. I

(See rule 16)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Affidavit verifying petition

I, A. B., son ofaged.....residing at.....make oath/do solemnly affirm and say as follows:-

1. I am a director/secretary/...../ of.....Ltd., the petitioner in the above matter (*and am duly authorised by the said petitioner to make this affidavit on its behalf.)

(Note.---This paragraph is to be included in Cases where the petitioner is the company.)

2. The statements made in paragraphs.....of the petition herein now shown to me and marked with the letter 'A', are true to my knowledge, and the statements made in paragraphs.....are based on information, and I believe them to be true.

Sworn/Solemnly affirmed, etc.

*Note.-To be included when the affidavit is sworn to by any person other than a director, agent or secretary or other officer of the company.

Form of advertisement of Petition

FORM NO. 2

(See rule 20).

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice of petition

Notice to All concerned

Notice is hereby given that a petition under section.....of the Companies Ordinance, 1984, for.....was presented bythrough.....Advocate to the.....High Court on.....day of 19.....and the said petition is directed to be heard before the Company Judge on theday of.....19....Any person desirous of supporting or opposing the said petition should appear at the time of hearing by himself or through his advocate, attorney or agent for that purpose, and send to the petitioner's advocate and the court, notice of his intention, signed by him or his advocate, with his name and address and his interest, so as to reach the petitioner's advocate and the court not later than [where the petition is for winding up, substitute.....days for 2 days.....High Court] 2 days before the date fixed for hearing of the petition. Where he seeks to oppose the petition, the written statement and his 'affidavit shall be furnished with such notice. A copy of the petition will be furnished by the petitioner and the Court to any person requiring the same on payment of the prescribed charges. Given under my hand and the seal of the High Court thisday of.....19.....

SD/
(Name).....
Registrar/Deputy Registrar.

FORM. NO. 3

(See rule 22)

(Heading as in Rule 4)

Company Petition No,.....of 19.....

Notice of petition

To

Take notice that a petition under section.....of the Companies Ordinance, 1984 for.....has been presented in the above case By.....through.....advocate on the.....day of.....19.....and that the said petition is fixed for hearing before the Company Judge on the.....day of.....19.....should you wish to support or oppose the petition at the hearing you are at liberty to do so on the date fixed or any other day to which the case is adjourned, either in person or by an advocate of this Court duly instructed. You should give notice thereof in writing to this Court and the petitioners concerned, so as to reach not later than.....days before the date fixed for the hearing of the petition, and appear at the hearing in person or by your advocate Should you wish to oppose the petition, you should file in this Court at least.....days before the date of hearing, your written statement in triplicate alongwith your affidavit and copy of documents on which you rely. A copy of the petition will be furnished to you if you require it on payment of the prescribed charges for the same/is enclosed herewith. Also take notice that in default of your appearance on the date fixed in -matters aforementioned; the petition will be heard and decided in your absence.

Given under my hand and the seat of this court this.....day of.....19.....

SD/-

Registrar/Deputy Registrar/
Other Authorised Officer.

Note.-Where the notice is to a respondent named in the petition, should be served on him alongwith the notice.

FORM NO. 4

(See rule 25)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Affidavit of service of petition on company

In the matter of petition, dated.....of.....for.....

I,....., of, etcmake oath/solemnly affirm and say as follows:-

1. (In the case of service of petition on a company by leaving it with an officer or employee of the company at the 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,) an officer or employee of the said company, a copy of the above-mentioned petition, duly sealed with the seal of the court, at (office or place of business as aforesaid), atO' clock in thenoon.

2. (In the case of no officer or employee of the company being found at the registered office or place of business.)

That I did on.....day, the.....day of.....19.....having after the due diligence failed to find any officer or employee of the above-named company at (here state registered office or place of business) leave there a copy of the above-mentioned petition, duly sealed with the seal of the court, at.....O'clock in the.....noon (and where such sealed copy was left, e.g., affixed to door of office, or placed in letter box, or otherwise.)

3. (In the case of directions by the Judge or Registrar for substituted service.) That I did on.....day, the.....day of.....19.....serve (name or names and description) with a copy of the above-named petition, duly sealed with the seal of the court, by delivering the same together with a true copy of the order for

substituted service dated.....personally to the said....., at (place) at.....O'clock in the.....noon (or as the case may be).

4. (where the service is by registered post.) that I did on.....day, the.....day of.....19.....; send by pre-paid registered post addressed to the said company at (here state registered office or place of business) [or addressed to (name and description) as directed by the Judge or Registrar, a true copy of the above-mentioned petition, and the postal voucher and the acknowledgement received in respect of the same are annexed hereto.

5. The copy served is a copy of the said petition now produced and shown to me marked `A'

Sworn/Solemnly affirmed, etc.

FORM NO. 5

(See rule 25)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Affidavit of service of petition/application on liquidator

In the matter of petition/application, dated.....I,.....of etc.,.....solemnly affirm and say as follows :-

That I did, on.....day, the.....day of.....19.....serve (name and description) the liquidator of the above-named company, with a copy of the above-mentioned petition/application, duly sealed with the seal of the court, by delivering the same personally to the said.....at (place), at.....O'clock in the.....noon (or by sending the same by registered post addressed to the said liquidator at.....The postal receipt and acknowledgement are annexed hereto.)

The copy served is a copy of the said petition/application now produced and shown to me marked `A'.

Sworn/Solemnly affirmed, etc.

FORM NO. 6

(See rule 29)

(Heading as in Rule-4)

Company Petition No.....of 19.....

Notice of intention to appear

To

Take notice that A.B. intends to appear at the hearing of the petition advertised to be heard on the.....day of.....19.....and to oppose (or support) such petition.

(NAME)

Sd/.....

Dated.....

Address:

Note.-Written statement, the affidavit and documents relied upon, if any should be served with the notice.

FORM NO. 7

(See rule 30)

(Heading as in Rule 4)

Company Petition No.....of 19.....

list of persons intending to appear

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

Name	Address	Name of advocate, if any	Opposing	Supporting

SD/.....
Advocate for the Petitioner.

Dated.....

FORM NO. 8

(See rule 37)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....(and reduced) Petitioners

Petition under section 97 for confirming reduction of share capital.

The Petition of A.B. Ltd. sheweth

1. The above-named company, the petitioner herein (hereinafter called the company') was registered on the.....day of.....19.....under the provisions of the Companies Ordinance, 1984, as a company limited by shares.

2. The registered office of the company is situate at

3. The objects of the company are.....etc. and other objects set forth in the memorandum of association thereof.

4. The capital of the company is Rsdivided into shares of Rs.....each, of which,shares have been issued and have been fully paid up or credited as fully paid up (or have been paid up to the extent of Rsper share).

5. Shortly after its incorporation, the company commenced business, and it has since been and is still carrying on, business.

6. By article(s)of the articles of association of the company, it is provided that the company may, from time to time, by special resolution, reduce its capital in any manner permitted by law.

7. (Set out reasons for reduction.)

8. By a special resolution of the company, duly passed in accordance with section 2(1) (36) of the Companies Ordinance, 1984, at a general meeting thereof, held after due notice as provided in the said Ordinance on theday of 19....., it was resolved : (Here set out the resolution).

9. (Here set out whether the reduction of capital does or does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, and whether the company has creditors or any class of them entitled to object.)

10. The form of the minute proposed to be registered under section 102 (1) is as follows

(Here set out the proposed minute)

11. The petitioner, therefore, prays :-

(1) That the reduction of capital to be effected by the special resolution set, out in paragraph 8 above be confirmed ;

(2) that the period for which the words "and reduced" added to the company's name be limited to.....from the date of the order ; (or dispensed with for the reasons.....)

(3) that the proposed minute be approved ; and

(4) that such further or other orders be made in the premises as to the Court shall seem fit.

Dated.....

Advocate for the petitioner.

Petitioner.

FORM NO. 9

(See rule 39)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

Application No.....of 19.....

Before the Hon able Mr. Justice.....

Dated

Order giving directions

Upon the application of A.B. Ltd., the petitioner in the petition above-mentioned, and upon hearing Mr, advocate for the petitioner, and upon reading the said' petition filed on theday of.....19....., and the affidavit of.....filed on.....19.....and the several exhibits therein referred to, and it appearing that the special resolution for the reduction of the capital of the said company referred to in the said petition has been duly passed ;

It is ordered that section 99 shall not apply to (here set out the class or classes of creditors to whom section 99 does not apply) and it is ordered that an inquiry be made to ascertain the debts, claims and liabilities of or affecting the said company as on the day of.....19.....(other than the debts, claims or liabilities in respect of (here set out any debts, claims or liabilities which have been excluded from the provisions of section 99 by the earlier part of the order).

And it is ordered that a list of creditors, of the said company to whom the inquiry extends be made out as on the said.....day of.....19.....and that the said list, and an affidavit verifying the same, be filed in the office of the Registrar within.....days hereof.

And it is further ordered that notice in the prescribed form, of the presentation of the petition and of the list of creditors be inserted in.....(here set out the newspapers) on or before the.....day of.....19.....

And it is further ordered that any creditor whose name does not appear in the list, but who claims to be entitled to be entered therein, or who claims to be a creditor, for a larger amount than that for which he is entered on such list, shall, on or before theday of.....19.....send his name and address and the particulars of his debt or claim and the name and address of his advocate, if any, to this Court and the advocate of the company.

And it is further ordered that a statement signed and verified by the advocate for the company, as to the result of the notice, and an affidavit by a competent officer or officers of the company as required by these rules be filed on or before theday of.....19.....

Dated this.....day of.....19.....

Registrar.

FORM NO. 10

(See rule 40)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

List of creditors as on the.....day of19

S. No.	Name, address & description of creditor.	Nature of debt or claim	Amount or estimated value of the debt or claim

SD/.....

Director, Secretary or other
competent Officer of the company.

The above list of creditors marked `A' was produced and shown to E.F., and is the same list of creditors referred to in his affidavit sworn/solemnly affirmed before me This.....day of.....19.....

SD/-
Commissioner for oaths.

FORM NO. 11

(See rule 41)

(Heading as in Rule 4)

Company petition No.....of 19.....

A.B: Ltd.....Petitioner

Affidavit verifying list of creditors

I, E.F:, of.....etc. make oath (or solemnly affirm) and say as follows :-

1. I am the.....of the said company.
2. The writing now produced and shown to me and marked with the letter `A' contains a list of the creditors of, and persons having claims upon, the said company on the.....day of.....19....., (the date fixed by the order made, in this matter, dated.....) together with their respective addresses and the nature and amount of their debts or claims and such list is to the best of my knowledge,, information and belief a true and accurate list of such creditors and persons having claims on the day aforesaid, and in cases of debts payable on a contingency or not ascertained, or any claims admissible to proof in a winding up, the values thereof as stated in such list, are, in my belief, just and proper estimates of the values of such debts and claims respectively.
3. To the best of my knowledge and belief there was not at the date aforesaid, any debt, claim or liability which, if such date were the commencement of the winding up of the said company, would be admissible in proof against the said company, other than and except the debts, claims and liabilities set forth in the said list and the debts, claims and

liabilities to which the inquiry directed by the order made herein and dated the.....day of.....19....., does not extend.

4. I am enabled to make the above statements from facts within my knowledge as the.....of the said company, and from information derived upon investigation of the affairs and the books, documents and papers of the said company.

Sworn/Solemnly. affirmed, etc.

Deponent.

FORM NO. 12

(See rule 43)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

Notice to creditors

To

Notice is hereby given You are requested to take notice that a petition was presented in this Court, on the.....day of.....19....., for confirming the reduction of the capital of the above company from Rsto Rs.....and that by an order dated.....19....., an inquiry was directed as to the debts, claims and liabilities of the said company as on the.....day of.....19....., [other than the debts, claims and liabilities in respect of (here set out the nature of the debts, claims or liabilities to which the inquiry does not extend)]. In the list of persons admitted by the company to have been on the said.....day of.....19.....creditors of the company for debts, claims and liabilities to which such inquiry extends, (the name ofetc./your name) is entered as a creditor for Rs

(the nature of the debt or claim to be stated).

If (the said claim/your claim) in respect of any such debt, claim or liability to have been, on the last mentioned day, a creditor to a larger amount than is stated above, you must, on or before the.....day of.....19....., send (his/your) name and address, the particulars of your claim and the name and address of your advocate; if any, to this Court and the advocate of the petitioners company at

In default of (his/your) so doing the above entry in the list of creditors will, in all the proceedings under the above petition to reduce the capital of the company, be treated as correct.

Dated.....

SD/
Registrar.

Note.-In the case of notice by advertisement, this form may be adopted using the words above the line.

FORM NO. 13

(See rule 44)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

Advertisement of petition and list of creditors

Notice is hereby given that a petition for confirming the reduction of the capital of the above company from Rsto Rs..... was, on the.....day of.....19....., presented to this Court and by order dated the.....day of.....19.....an inquiry was directed as to the debts, claims and liabilities of the said company as on theday of.....19....., other than debts, claims and liabilities in respect (here set out the nature of the debts, claims and liabilities to which the inquiry does not extend). A list of the persons admitted by the company to have been creditors thereof on the said date of debts, claims and liabilities to which the inquiry extends, may be inspected at the registered office of the company at.....or at the office of Mr.....advocate for the company, at any time during usual business hours, on payment of a fee of ten rupees.

Any person who claims to have been on the said.....19.....,and still to be, a creditor of the company in respect of any such debt, claim or liability, and who is not entered on the said list and claims to be so entered, must, on or before the.....day of.....19....., send in his name and address; and the particulars of his claim and the name and address of his advocate (if any) to this Court and the advocate of the company. In default thereof, he will be precluded from objecting to the proposed reduction of capital.

Dated.....day of.....19.....

Sd/-

Registrar.

FORM NO.14

(See rule 45)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

Affidavit as to the result of notices issued

I, C.D., advocate for the company, state as follows :-

1. I have in the list now produced and shown to me and marked 'E' set forth all claims, the particulars of which have been sent to me pursuant to the notice referred to as Exhibit 'B' in the affidavit of.....filed on the.....day of.....19....., by persons claiming to be creditors of the said company for larger amounts than are stated in the list of creditors marked 'A' referred to in the affidavit of

[(or) No person has sent in to me pursuant to the said notice 'B' a claim to be entered on the said list for a larger sum than that in respect of which he is entered in the said list 'A'.]

2. I have in the list now produced and shown to me and marked 'F' set forth all claims the particulars of which have been sent in to me pursuant to the notice referred to in paragraph 2 of the affidavit of.....filed on the.....day of.....19.....,by persons whose names do not appear in the list of creditors marked 'A' aforesaid, but who claim to be creditors of the said company as on the.....19....., and to be entered on the said list.

[(or) No claims have been sent to me pursuant to the notice referred to in para 2 of the affidavit of.....filed the.....day of.....19....., by persons not entered on the said list 'A' aforesaid, and claiming to be so entered.]

I declare that the statements are true to my knowledge.

SD/-

Advocate for the company.

I, E.F, Managing Director of the said company, etc., do make oath solemnly affirm and say as follows :-

1. I have in the first part of the said list marked 'E' (now produced and shown to me) and also in the first part of the list marked 'F' (now produced and shown to men respectively set forth such of the said debts and claims as are admitted by the said company to be due wholly or in part, and how much is admitted in respect of such of the same debts and claims respectively as are not wholly admitted, and such of the same debts and claims as the company contends are wholly, or as to any and what part thereof, not included in the inquiry in this matter.

2. I have in the second part of the said lists marked 'E' and 'F' set forth such of the, debts and claims as are wholly disputed by the said company, and such of the same debts and claims as the company contends would, even if admitted, be wholly, or as to any and what part thereof, not included in the inquiry in this matter. In the said lists marked 'E' and 'F' are distinguished such of the debts the full amounts whereof are proposed to be appropriated in such manner as the Judge shall direct.

The Exhibits now produced and shown to me and marked G to Gn are the receipts and the written consents of such of the persons as have been paid by the said company, or have consented to the proposed reduction of the share capital.

The said company is willing to set apart and appropriate the full amount of the debts, claims and liabilities specified in the said list 'A' and in the said Exhibits 'E' and 'F' in respect of which consents have not been obtained or which the said company has not paid or discharged.

All rents, rates, taxes, salaries, wages and other incidental expenses current on the said.....day of.....19....., and since become due have been paid and discharged by the said company.

Sworn/Solemnly affirmed, etc.

EXHIBIT 'E'

List of debts and claims of which the particulars have been sent in by persons claiming to be creditors of the said company for larger amounts than are stated in the list of creditors made out by the company.

FIRST PART**Debts and claims wholly or partly admitted by the company**

Name, address and description of creditor	Particulars of debt or claim	Total amount claimed	Amount admitted by the company to be within the enquiry and to be owing to creditor	Debts proposed to be appropriated in full although disputed	Amount admitted by the company to be owing but which it is contended are not within the enquiry
1	2	3	4	5	6

SECOND PART**Debts and claims wholly disputed by the company.**

Name address and description of claimant,	Particulars of claim	Total amount claimed	Debts proposed to be appropriated in full although disputed	Amounts which even if admitted it is contended would not be within the enquiry
1	2	3	4	5

--	--	--	--	--

EXHIBIT F

List or debts and claim, the particulars of which have been sent in by persons claiming to be creditors of the company and to be entered on the list of creditors made out by the company.

Parts 1 and 2 as in Exhibit 'E'

The above lists marked 'E' and 'F' were shown to C.D., and E.F., and are the same as referred to in their respective statement and affidavit.

Sworn/Solemnly affirmed before me this.....day of.....19.....

SD/-

Commissioner for oaths.

FORM NO. 15

(See rule 45)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner

Affidavit of person who sent notices

I, X.Y. of..... etc., do make oath/solemnly affirm and say as follows :-

1. I did on the.....day of.....19....., serve a true copy of the notice now produced and shown to me and marked B upon each of the respective persons whose names, addresses and description appearing in the first column of the list of creditors marked A referred to in the affidavit offiled on

the.....day of.....19....., by sending such copies by prepaid registered post to their respective addresses appearing in the said list and the postal receipts now produced and shown to me and marked C to.....are the receipts granted by the post office for the said registered letter.

A true copy of the notice now produced and shown to me and marked D has appeared in the (state the paper) of the.....day of.....19.....and, etc.

Sworn/Solemnly affirmed, etc.

SD/-

Deponent.

FORM NO. 16

(See rule 46)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner.

Notice to creditors to establish his title/prove.

To

You are hereby required to come in and prove (or), establish your title to be entered in the list of creditors in this matter in respect of the debt claimed by you against the above company, by filing your affidavit and sending a copy thereof to this Court of Mr..... advocate for the company on or before the.....day of.....19.....and you are to attend in person or by advocate before the Company Judge on.....day of.....19.....at.....O'clock in the.....noon, being the time

appointed for hearing and adjudicating upon the claim, and produce your evidence relating to your claim.

In default of your complying with the above directions, you will be precluded from objecting to the proposed reduction of the capital of the company or [be treated as a creditor for such amount only as is set against your name in the list of creditors in all proceedings relating to the proposed reduction of capital.]

Dated this.....day of.....19.....

SD/-

Registrar.

FORM NO. 17

(See rule 49)

(Heading as in Rule 4)

Company Petition No.....of 19.....

A.B. Ltd.....Petitioner.

Advertisement of hearing of petition.

Notice of the hearing of application.

Notice is hereby given that a petition has been filed in this Court on theday of.....19....., for confirming a resolution and that it will be heard before the Company Judge on the.....day of.....19.....

SD/-

Registrar.

FORM NO. 18

(See rule 52)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Before the Hon'able Mr. Justice.....

Order confirming reduction of capital and approving minute

Upon the petition of A.B., presented on.....day of.....19.....upon hearing Mradvocate for the petitioner, and upon reading the said petition and the affidavit in support thereof.....filed the.....day of.....19....., and the exhibits therein referred to, the order.....made on the.....day of.....19....., directing an inquiry into the debts and liabilities of the said company, the certificate dated.....19....., signed by the Judge setting out the result of the settlement of the list of creditors in pursuance of the said inquiry, and upon perusing (here set out the newspapers) containing the notice of the date of hearing of this petition, and upon hearing Mr.....advocate for the creditor(s) and Mr.....advocate for the shareholders [or (where there is no appearance) none of the creditors are shareholders appearing to person by advocate), and the Court being satisfied with respect to every creditor entitled to object to the reduction that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined or has been secured, THIS COURT DOTH ORDER:

(1) That the reduction of the share capital of the above company resolved on and effected by the special resolution passed at a general meeting of the said company held on theday of.....19....., which resolution was in the words and figures following, viz.

(Here set out the resolution) be and the same is hereby confirmed.

(2) That the minute set forth in the schedule hereto be and is hereby approved.

(3) That a certified copy of this order including the minute as approved be delivered to the Registrar of Companies within.....days from this date.

(4) That notice of the registration by the Registrar of Companies of this order and of the said minute be published once each in the (here mention the name of the Official Gazette) and in (set out the newspapers) within.....days of the registration aforesaid.

(Note.-Where the Court confirms the reduction subject to any terms and conditions, such "...terms and conditions should be set out, as well as any directions that the Court may think fit to give regarding the use of the words "and reduced" or the publication of the reasons for reduction, the order being suitably recast in such cases.)

[Date of the order to be the date of the approval of the minute.]Dated this.....day of.....19

SCHEDULE

(Here set out the minute)

(By the Court)

Registrar.

FORM NO. 19

(See rule 60)

(Heading as in Rule 4),

**Company Petition No.....of 19.....
connected with**

Company Application No.....of 19.....

A.B. Ltd. (in liquidation, by its liquidator [to be inserted where the company is being wound up].....) Petitioner

Petition to sanction compromise or arrangement

The petition of A.B. Ltd., ([to be inserted where the company is being wound up]in liquidation, by its liquidator) the petitioner abovenamed is as follows

1. The object of this petition is to obtain sanction of the Court to a compromise or arrangement whereby (here set out the nature of the compromise, or arrangement).
2. The company was incorporated under the.....Act/Ordinance with a nominal capital of Rsdivided into.....shares of Rs.....each, of which.....shares were issued and Rs.....was paid up on each share issued.
3. The objects for which the company was formed are as set forth in the company's memorandum of association. They are in brief (Set out the principal objects):
4. Here set out the nature of the business carried on by the company, its financial position and the circumstances that necessitated the compromise or arrangement and the benefits 'sought to be achieved by the compromise or arrangement and its effect.
5. The compromise or arrangement was in the following terms :-

(Here set out the terms of the compromise or arrangement).

Note.-If the company is being wound up, say so. If any modifications were made in the compromise or arrangement at the meeting, they should be set out in a separate paragraph.

6. By an order made in the above matter on.....19.....the petitioner was directed to convene a meeting of (here set out the class of creditors or members of whom the meeting was to be held) of the company for the purpose of considering and, if thought fit, approving, with or without modifications, the said compromise or arrangement, and the said order directed that E.F, or failing him, X.Y, should act as chairman of the said meeting and should report the result thereof to this Court.

7. Notice of the meeting was sent individually to the (Here mention the class of creditors or members to whom the notice was sent) as required by the order together with a copy of the compromise or arrangement and of the statement required by section 286 and a form of proxy. The notice of the meeting was also advertised as directed by the said order in (here set out the newspapers).

8. On the.....19..... a meeting of (here mention the class of creditors or members whose meeting was convened) of the company duly convened in accordance with the said order, was held at.....and the said E.F, acted as the chairman of the meeting.

9. The said E.F., has reported the result of the meeting to this Hon'able Court.

10. The said meeting was attended by (here set out the number of the class of creditors or members, as the case may be, who attended the meeting either in person or by proxy), and the total value of their (here mention debts, debentures or shares, as the case may be) is Rs(in the case of shares, the total number and value of the shares should be mentioned). The said compromise or arrangement was read and explained by the said E.F, to the meeting and it was resolved unanimously (or by a majority of.....votes against.....votes) as follows :-

(Here set out the resolution as passed).

11. The sanctioning of the compromise or arrangement will be for the benefit of the company.

12. Notice of this petition need not be served on any person.

The petitioner, therefore, prays

(1) That the said compromise or arrangement may be sanctioned by the Court so as to be binding on all the (Here set out the class of creditors or members of the company on

whom the compromise or arrangement is to be binding) of the said company and on the said company.

(2) Or such other order may be made in the premises as to the Court shall seem fit.

Verification, etc.

Petitioner.

(Note.-The affidavit in support should verify the petition and prove any' matters not proved in any prior affidavit, such as advertisement, holding of meetings, posting of notices, copies of compromise or arrangement and proxies, etc., and should exhibit the report of the chairman and verify the same.)

FORM NO. 20

(See rule 62)

(Heading as in Rule 4)

Company Petition No.....of 19.....

connected with

Company Application No.....of 19.....

A.B. Ltd. ([To be inserted where the company is being woundup.]in liquidation, by its liquidator) petitioner

Before the Hon'able Mr. Justice.....

Dated.....

Order on petition

The above petition coming on for hearing on..... upon reading the said petition, the order datedwhereby the said company (or, liquidator of the said company), was order to convene a meeting (or separate meeting) of the creditors/debenture holders/preference shareholders/equity shareholders of the above company for the purpose of considering, and if thought fit, approving, with or without modification, the compromise or arrangement proposed to be made between the said company andand annexed to the affidavit of.....filed the.....day of19..... the.....Gazette dated.....and the (here mention the newspaper) dated.....each containing the advertisement of the said notice convening the said meeting(s) directed to be held by the said order dated.....19....., the affidavit of.....filed the.....day of.....19....., showing the publication and

despatch of the notice convening the said meeting(s), the report(s) of the chairman/ chairmen of the said meeting(s) (respectively) dated.....as to the result of the said meeting(s), (and upon hearing Mr.....advocate for.....etc.) and it appearing from the reports) that the proposed compromise or arrangement has been approved(here state whether unanimously or by a majority of not less than three-fourths in value of the creditors or class of creditors or members or class-of members, as the case may be, present and voting in person or by proxy).

This Court doth hereby sanction the compromise or arrangement set forth in paraof the petition herein and in the schedule hereto, and doth hereby declare the same to be binding on.....(here enter the class of creditors or members on whom it is to be binding) of the above named company and also on the said company (and its liquidator[To be inserted where the company is being woundup.]).

Where, the compromise or arrangement has been approved with modifications, it should be so stated.

And this Court doth further order :-

(Here enter any directions given or modifications made by the Court regarding the carrying out of the compromise or arrangement.)

That the parties to the compromise or arrangement or other persons interested shall be at liberty to apply to this Court for any directions that may be necessary in regard to the working of the compromise or arrangement, and

That the said company (or the liquidator of the said company) do file with the Registrar of Companies a certified copy of this order within.....days from this date.

'SCHEDULE

Scheme of compromise or arrangement as sanctioned by the Court.

Dated this.....day.....of.....19

(By the Court)

Registrar.

FORM NO. 21

(See rule 65)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Application No.....of 19.....
[To be inserted where an application is made.]
.....Applicant.

Before the Hon'able Mr. Justice.....

Dated.....

Order under section 287

Upon the above petition (and application)[**To be inserted where the company is being wound up.**]
coming on for further hearing on.....upon reading, etc., and upon hearing etc.

THIS COURT DOTH ORDER

(1) That all the property, rights and powers of the transferor company specified in the First, second and third parts of the Schedule hereto and all the other property, rights and powers of the transferor company be transferred without further act or deed to the transferee company and accordingly the same shall pursuant to section 287(2) of the Companies Ordinance 1984 be transferred to and vest in the transferee company for all the estate and interest of the transferor company therein but subject nevertheless to all charges now affecting the same [other than (here set out any charges which by virtue of the compromise or arrangement are to cease to have effect)]; and

(2) That all the liabilities and duties of the transferor company be transferred without further act or deed to the transferee company and accordingly the same shall pursuant to section 287(2) of the Ordinance, be transferred to and become the liabilities and duties of the transferee company ; and

(3) That all proceedings now pending by or against the transferor company be continued by or against the transferee company ; and

(4) That the transferee company do without further application allot to such members of the transferor company as have not given such notice of dissent as is required by clause.....of the compromise or arrangement herein the shares in the transferee company to which they are entitled under the said compromise or arrangement ; and

(5) That the transferor company do within.....days after the date of this order cause a certified copy of this order to be delivered to the Registrar of companies for registration and on such certified copy being so delivered the transferor company shall be dissolved[**Where the Court directs that the transferor company should be dissolved from any other date, the clause should be altered accordingly.**]and the Registrar of Companies shall place all documents relating to the transferor company, and registered with him on

the file kept by him in relation to the transferee company and the files relating to the said two companies shall be consolidated accordingly ; and

(6) That any person interested shall be at liberty to apply to the Court in the above matter for any directions that may be necessary.

SCHEDULE

PART I

(Insert a short description of the freehold property of the transferor company).

PART II

(Insert a short description of the leasehold property of the transferor company).

PART III

(Insert a short description of all stock, shares, debentures and other choses in action of the transferor company).

Dated this.....day of.....19.....(By the Court).

Registrar.

FORM NO. 22

(See rule 69)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Name(s).....Petitioner(s)

Petition by minority shareholders under section 290

The petition of [full name, description and address of the petitioner(s)] showeth as follows :-

(1) The address of the petitioner(s) for service of all notices, processes, etc., is that of his (their) advocate at

(2) The..... Ltd, above-mentioned (hereinafter called the company') was incorporated onunder the provisions of the (Companies Ordinance, 1984).

(3) The registered office of the company is situate at

(4) The nominal capital of the company is Rsdivided into.....shares of Rs.....each. The amount of capital paid up or credited as paid up is Rs

(5) The objects for which the company was established are as follows :-

and other objects set forth in the memorandum of association of the company annexed hereto.

(6) Here set out the facts showing that the petitioner(s) has (have) a right to apply.

(7) Here set out in numbered paragraphs the facts on which the petitioner(s) relies (rely) to show that the affairs of the company are, being conducted in a manner oppressive to a part of the members of the company (including the petitioner(s)).

(conclude as follows)

In these circumstances, the petitioner(s) submits (submit) that the affairs of the company are being conducted in a manner oppressive to a part of the members of the company including the petitioner(s), and that while it would be just and equitable that the company should be wound up, to do so would unfairly prejudice the petitioner(s) and that part of the members.

(1) (here set out the remedy sought).

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

SCHEDULE

(Here enter the names and addresses of the members who have given their consent to the petition being presented on their behalf, and where the company has a share capital, the number of shares held by each of them and whether all the calls or other sums due on their shares have been paid, as follows :

S. No.	Name of member	Address	No. of shares held	Whether all calls and other sums due on shares have been paid

1	2	3	4	5

Advocate for the petitioner(s)

Petitioner(s)

Dated

Note :-Where the petition is presented on behalf of the members set out in the schedule, the letter of consent given by them should be annexed to the petition.

FORM NO. 23

(See rule 69)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Name(s).....Petitioner(s)

Petition under section 290 for relief against mismanagement. The petition of [full name, description and address of the petitioners)], showeth as follows :-

Paras. 1 to 6 as in Form No. 22.

7. (Here set out in numbered paragraphs the facts showing that the affairs of the company are being conducted in a manner prejudicial to the interests of the company or that a material change has taken place in the management or control of the company and that by reason of such change, it is likely that the affairs of the company will be conducted in a manner prejudicial to the interests of the company),

In these circumstances the petitioner(s) prays (pray) as follows :-

(1) Here set out the remedy or remedies sought.

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

SCHEDULE

(Here enter the names and addresses of the members who have given their consent to the petition being presented on their behalf, and where the company has a share capital, the number of shares held by each of them and whether all the calls or other sums; due on their shares have been paid, as follows :-

S. No.	Name of member	Address	No. of shares held	Whether all calls and other sums due on shares have been paid
1	2	3	4	5

Advocate for the petitioner(s)

Petitioner(s)

Dated.....

Note :-Where the petition is presented on behalf of the members set out in the schedule, the letter of consent given by them should be annexed to the petition.

FORM NO. 24

(See rule 75)

(Heading as in Rule 4)

Company Petition No.....of 19.....Petitioner

Petition for winding up (General Form)

The petition of (here insert full name, description, occupation and address of petitioner) sheweth :-

(1) The address of the petitioner above named for the service of all notices, processes, etc., is that of his advocate Mr at.....

(2) The company above named, viz(hereinafter referred to as "the company") was incorporated on.....19.....under the Companies Ordinance, 1984 as a public (private) company limited by shares/limited by guarantee/as an unlimited company.

(3) The registered office of the Company is situate at.....

(4) The nominal capital of the company is Rsdivided into.....shares of.....each. The amount of capital paid up or credited as paid up is Rs(or as the case may be).

(5) The objects for which the company was established are (here set out the main object) and other objects set forth in the memorandum of association thereof.

6, 7, 8, etc. (Here set out in numbered paragraphs, as may be necessary, the facts on which the petitioner relies in support of the petition. Where the petitioner is a contributory. the petition should state whether the conditions in clauses (a) or (b) of.....section 309 are satisfied. Where the petition is presented by the Registrar of Companies or by the Authority or by a person authorised by the Authority.....the order of sanction or authorisation as the case may be.....should be annexed to the petition. Where the company is already being wound up voluntarily or subject to the supervision of the Court, the facts showing that the voluntary winding up or winding up subject to the supervision of the Court, as the case may be, cannot be continued with due regard to the interests of the creditors or contributories or both, should be set out. After setting out the facts, conclude as follows :

The petitioner, therefore, prays as follows :-

(1) That the.....Co....., (Ltd.) be wound up by the Court under the provisions of the Companies Ordinance, 1984 and

(2) Such other order may be made in the premises as shall be just:

(Advocate for the petitioner.)

Dated.....

(Petitioner).

Note :-It is intended to serve this petition on.....

FORM NO. 25

(See rule 75)

(Heading as in Rule 4)

Company Petition No.....of 19.....

.....**Petitioner**

Petition by creditor

The petition of (insert full name, description, occupation and address of petitioner) sheweth as follows :-

Paras. 1 to 5 as in Form No. 24 .

6. The company is indebted to the petitioner in the sum of Rs.....for (state consideration for the debt, with particulars, showing that the debt claimed is due.) [Where the petitioner is an assignee of a debt due by the company, say so, and set out the particulars of the debt, the date of the assignment. whether notice of the assignment was given to. the company, and if so, the date of such notice.]

7. The petitioner appealed to the company for the payment of his debt by his notice of demand signed and datedserved on the company at its registered off-ice on.....by registered post (or, set out the manner of service, if it was otherwise than by registered post), but the company has failed, and neglected to pay the' same or any part thereof.

If the ground of the petition is that execution or other process issued on a decree or order of any court in favour of the petitioning creditor was returned unsatisfied in whole or to part set out the particulars relating to the decree and the execution or other process which has been returned unsatisfied in whole or in part.

8. The company is insolvent and unable to pay its debts.

(Where the company is being already wound. up voluntarily or subject to the supervision of the Court, set out the facts showing that the voluntary winding up or winding up subject to the supervision of the Court cannot be continued with due regard to the interests of the creditors.)

9. The petitioner therefore prays as follows :-

(1) That the.....Co., Ltd. may be wound up by the Court under the provisions of the Companies Ordinance, 1984 and

(2) Such other order may be made in the premises as shall be just.

Advocate for the petitioner.

Petitioner.

FORM NO. 26

(See rule 75)

(Heading as in Rule 4)

Company Petition No.....of 19.....

.....Co., Ltd.....Petitioner

Petition by company

The petition ofCo., Ltd., the petitioner herein, sheweth as follows :-

Paragraphs 1 to 5 as in Form No. 24.

6. By a special resolution of the company duly passed in accordance with.....the Companies Ordinance 1984. at a general meeting thereof, held on the.....day of.....19.....after due notice as provided in the Ordinance, it was resolved unanimously (or, by a majority ofvotes against.....votes) as follows :-

(Here set out the resolution)

(Here set out in paragraphs the facts relating to the financial position of the company and the circumstances that have led to the passing of the special resolution.)

7. The petitioner therefore prays as follows :-

(1) That theCo., (Ltd.) may be wound up by the Court under the provisions of the Companies Ordinance, 1984 and

(2) Such other order may be made in the premises as shall be just.

Advocate for the petitioner.

Petitioner.

Note :-The particulars of assets and liabilities and business operations and the suits and proceedings pending against the company should be furnished alongwith the petition.

FORM NO. 27

(See rule 78)

(Heading as in Rule 4)

Company Petition No.....of 19.....,

.....Petitioner.

Advertisement of petition.

Notice is hereby given that a petition for the winding up of the above named company by the.....Court.....was on the.....day of.....19....., presented to the said Court by the said company (or, where the petition was not presented by company, state the name and address of the petitioner and the capacity in which he presents the petition, e.g. creditor, contributory, etc.) and that the said petition is directed to be heard before the Court on the.....day of.....19.....

Any creditor, contributory or other person desirous of supporting or opposing the making of an order on the said. petition should send to the Court and the petitioner or his advocate notice of his intention signed by him or his advocate with his name and address, so as to reach the Court and the petitioner or his advocate not later than.....days before the date fixed for the hearing of the petition, and appear at the hearing for the purpose in person or by his advocate. A copy of the petition will .be furnished by the Court/petitioner to any creditor or contributory on payment of the prescribed charges for the same.

A written statement and affidavit intended to be used in opposition to the petition should be tiled in Court. and a copy served on the petitioner or his advocate, not less than.....days before the date fixed for the hearing.

Advocate for petitioner.

FORM NO. 28

(See rule 85)

(Heading as in Rule 4)

Order appointing Provisional Manager

Upon the application of etc.....and upon hearing Mr.....for the applicant and Mr.....for the company it is ordered that

- (1) Mr. A. B. be and hereby is appointed Provisional Manager of the said company pending disposal of the petition or till further orders of the Court ;
- (2) the said Mr. A. B. do in respect of such appointment as Provisional Manager furnish security of Rsto the satisfaction of the Registrar (in his own bond) on or before the.....day.....of 19.....;
- (3) the powers of the said Provisional Manager be limited and restricted to the doing of the following acts ;
- (4) he do take possession of the properties and assets of the company mentioned in the schedule hereto.

SCHEDULE

Registrar

FORM NO. 29

(See rule 88)

(Heading as in Rule 4)

Order for winding up by Court where no Official Liquidator is appointed.

Upon the petition of..... filed on the day of.....19.....Upon hearing Mr.....for the petitioner, Mr.....for the Company. Mr.....for the creditors (or contributories)

Supporting the petition, Mr.....for the creditors (or contributories) opposing the petition and upon reading the petition and the affidavit ofsolemnly sworn on.....day of.....19....., and the Official Gazette, dated

.....and the (here insert papers) datedeach containing an advertisement of the said petition, it is ordered that the said company be wound up by this Court under the provisions of the Companies Ordinance, 1984 and that official receiver of this Court do forthwith take charge of the assets and properties of the said company and the petitioner do advertise within.....days from this date a notice in Form No. 31 in one issue of and issue(s) of

Registrar.

Note: A copy of this order should be served on the company and on the Registrar of Companies by the Petitioner.

FORM NO. 30

(See rule 88)

(Heading as in Rule 4)

Order for winding up where an official liquidator is appointed simultaneously

It is ordered that -

(1) the said company be wound up by this Court under the provisions of the Companies Ordinance, 1984.

(2) the said petitioner do advertise within.....days from this date a notice in Form No. 31 in issue(s) of.....and issue(s) of

(3) Mr. A. B. (the Provisional Manager herein) is appointed as Official liquidator of the said company ;

(4) the said Mr. A. B. do, in respect of such appointment as official liquidator, on or before the day of.....19.....give security to the satisfaction of the Registrar with two sureties (in his own bond) for Rs

(5) the said Mr. A. B. do open an account in the name of the "Official Liquidator of.....Company Limited in Liquidation" in the.....Bank Limited and do deposit in such bank all moneys, securities, etc. received by him except a sum of Rswhich the said Official Liquidator may keep with him for current expenses;

(6) the said Mr. A. B. do file into Court his accounts on the day ofand.....day of.....in each year as prescribed by rules.....framed under the Companies Ordinance, 1984 (and any other direction by the Court to be set out) : It is further ordered that the powers of the said Mr. A. B. be limited to the doing of the following acts till he gives security as directed in paragraph 4 above and that, in default of the said Mr. A. B. giving security on or before the Said of.....19.....the petition be placed for the orders of the Court on the day of.....19.....

Dated this.....day of.....19.....

Registrar (O.S.)

Note.-A copy of this order should be served on the company and on the Registrar of Companies by the petitioner.

FORM NO. 31

(See rule 92)

(Heading as in Rule 4)

Advertisement of order to wind up.

By an order made by this Court in the above matter dated the.....day of.....19....., on the petition of the.....it was ordered that the said company be wound up by this Court under the provisions of the Companies Ordinance, 1984.

Sd/-

FORM NO. 32

(See rule 98)

(Heading as in Rule 4)

Recognizance of the Provisional Manager/official liquidator and sureties

Know all men by these presents that we[State here the names of the Provisional Manager/official liquidator and the sureties.] are held and firmly bound, jointly and severally, unto the Registrar of this Court for the time being or his

successors in office or assigns in the sum of Rupees..... to be paid to the said Registrar, his successors in office or assigns, for which payment well and truly to be made we do bind ourselves, and each and every of us jointly and severally, our and each and every of our heirs, executors and administrators, firmly by these presents.

Dated this.....day of.....19,.....

Now the condition of this obligation is such that if the above bounden Provisional Manager/official liquidator (his executors or administrators or any of them) do and shall duly account what he shall receive or become liable to pay as such Provisional Manager/official liquidator of the said company at such periods and in such manner as this Court shall appoint and pay the same as this Court hath by the order dated the.....day of.....19.....directed or shall hereafter direct and shall, so long as he shall continue as such Provisional Manager/official liquidator, duly and faithfully in all respects do discharge the duties and obligations which shall devolve upon him as such Provisional Manager/official liquidator and file and pass his accounts at the times and in the manner required by the rules of this Court or as the Court may direct and obey and catty out all the directions contained in the aforesaid order and all other orders which may hereafter be made by this Court in the premises ;

Then this obligation shall be void and of no effect or otherwise it shall remain in full force.

FORM NO. 33

(See rule 103).

(Heading as in Rule 4)

Company Petition No.....of 19.....

.....Petitioner

Notice to submit statement of affairs and attend Provisional Manager/Official Liquidator.

To

Take notice that a winding-up order was made on the.....day of.....19....., (or by an order dated the.....day

of.....19.....I was appointed Provisional Manager of the above-named company and that in pursuance of the provisions of the Companies Ordinance, 1984 and the rules made thereunder, I as the Provisional Manager/Official.....Liquidator of the said company, require you to submit to me, within 21 [Where the time has been extended by the Court or the Provisional Manager/Official Liquidator, the extended time should be substituted.] days from the date of the said winding up order (or the said order appointing me as Provisional Manager) a statement of affairs in duplicate of the said company.

Forms and instructions for the preparation of the said statement of affairs can be obtained of me at my office.

Dated this.....day of.....19.....

SD/-

Official Liquidator
(or Provisional Manager)

FORM NO. 34

(See rule 104)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Application No.....of 19.....

..... Official LiquidatorApplicant.

VERSUS

.....Respondent

Before the Hon'ble Mr. Justice.....

Dated

Order on application by Official Liquidator under section 328(2)

Upon the application of Mr.....the Official Liquidator, by summons dated.....and upon hearing the applicant, and the respondent not appearing either in person or by advocate,, though duly served with the summons, as by affidavit

appears (or upon hearing Mr....., advocate for the respondent), upon reading the order to wind up the above-mentioned company (or the order appointing Provisional Manager dated.....and the affidavit of.....filed on theday of.....19.....THIS COURT DOTH ORDER.

That the said.....the respondent herein formerly (a director, etc.) of the said company, do withindays front this date (or from the date of service upon him of this order[To be included where the order is not made in the presence of the respondent.]) submit and verify (or concur in and verify.), a statement of the affairs of the said company, pursuant to the provisions of section 328 of the said Ordinance and these rules.

That the said.....,respondent here in, do attend on the Provisional Manager/Official Liquidator at his office, at such times as the Provisional Manager/ Official Liquidator may appoint and give him all the information he may require as to the affairs of the company.

And this Court doth further order that the said respondent do pay to the applicant his costs (or the sum of Rsfixed as his costs) of this application.

Dated this.....day of.....19.....[To be included where the order is not made in the presence of the respondent.].

Registrar.

FORM NO. 35

(See rule 106)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Statement of affairs under section 328

Statement of affairs of the above-named company as on theday of.....19....., the date of the winding up order (or the order appointing Provisional Manager or the date directed by the Official Liquidator).

I/We.....of.....do solemnly affirm and say that the statement made overleaf and the several lists hereunto annexed marked 'A' to 'T' are to the best of my/our knowledge and belief a full, true and complete statement as to, the affairs of the

above-named company, on the.....day of.....19....., the date of the winding up order (or the order appointing Provisional Manager or the date directed by the Official Liquidator), and that the said company carries/carried on the following business :

(Here set out nature of company's business).

Signature.

Sworn/Solemnly affirmed at.....this.....day of.....19....., Before me.

STATEMENT OF AFFAIRS AND LISTS TO BE ANNEXED

Statement as to the affairs of.....Ltd., on the.....day of.....19....., being the date of the winding up order (or order appointing Provisional Manager or the date directed by the Official Liquidator as the case may be) showing assets at estimated realisable values and liabilities expected to rank :--

Assets at specifically pledged (as per list `A')	Estimated realisable values
1	2
	Rs.
Balance at Bank	
Cash in hand	
Marketable Securities	
Bills Receivable	
Trade Debtors	
Loans & Advances	
Unpaid Calls	
Stock-in trade	
Work in Progress	
Freehold property, Land & Buildings .	
Leasehold property .	
Plant & Machinery .	
Furniture, fittings, Utensils, etc	
Investments other than marketable securities	
Livestock	
Vehicles, etc	
Other property, viz.,	

***Note.-All assets specifically mortgaged, pledged or otherwise given as security should be included under this head. In the case of goods given as security, those in possession of the company and those not in possession should be separately set out.**

*Assets specifically pledged(as per list 'B')	(a) Estimated realisable values Rs.	(b) Due to secured creditors Rs.	(c) Deficiency ranking as unsecured Rs.	Surplus carried to last column Rs.
---	---	--	---	---

Estimated surplus from assets specifically pledged.....

Estimated total assets available for preferential creditors, debenture holders secured by a floating charge, and unsecured creditors* (carried forward)

Summary of Gross Assets. Rs.
(d)

Gross realisable value of assets specifically pledged Rs.

Other Assets _____

Gross Assets Rs

Estimated total assets available for preferential creditors, debenture holders secured by a floating charge, and unsecured creditors* (brought forward). Rs.

**(e) Liabilities
Gross liabilities, Rs.**

<p>(to be deducted from surplus or added to deficiency as the case may be)</p> <p>Secured creditors (as per list 'B') to the extent to which claims are estimated to be covered by assets specially pledged [item (a) or (b) on preceding page, whichever is the less]</p> <p>(Insert in 'Gross Liabilities' column only) Preferential creditors (as per List 'C')</p> <p>Estimated balance of assets available for Debenture holders secured by a floating charge and unsecured creditors* Rs.</p> <p>Debenture Holders secured by a floating charge (as per List 'D')</p> <p>Estimated Surplus/Deficiency as regards Debenture Holders* Rs.</p> <p>Unsecured Creditors (as per List 'E')</p>
--

Estimated unsecured balance of claims of creditors* partly secured on specific assets, brought from preceding page

(c)

Trade Accounts

Bills Payable

Outstanding Expenses.

Contingent liabilities (state nature)Rs.

Estimated Surplus/Deficiency as regards Creditors* [being difference between Gross Assets brought from column.(d) and Gross Liabilities as per column (e)] Rs.

Rs. Issued and Called-up Capital

.....preference shares of.....each .

.....Called-up (as per List 'F')

.....equity shares ofeach.

.....Called-up (as per List 'G')

Estimated Surplus/Deficiency as regards Members* (as per List 'H') Rs.

*These figures must be read subject to the following notes :-

(1) (f) There is no unpaid capital liable to be called up, or

(g) the nominal amount of unpaid capital liable to be called up is Rs estimated to produce Rswhich is/is not charged in favour of Debenture Holders [Strike out (f) or (g).]

(2) The estimates are subject to costs of the winding up and to any surplus or deficiency on trading pending realisation of the assets.

LIST 'A'.....ASSETS NOT SPECIFICALLY PLEDGED

Statement of Affairs :-List 'A'

Full particulars of every description of property not specifically pledged and not included' in any other list are to be set forth in this list.

	Full statement and nature of property	Book value.		Estimated to produce	
		Rs.	Ps.	Rs.	Ps
State name of Bankers	Balance at Bank				
	Cash in hand				
	Marketable Securities, viz.				
	Bills Receivable (as per Schedule I)				
	Trade Debtors (as per Schedule II)				
	Loans & Advances (as per Schedule III)				
	Unpaid Calls (as per Schedule IV) .				
State nature	Stock in Trade (as per Schedule V)				
State nature	Work in Progress				
	Freehold property, viz.,				
	Leasehold property, viz.,				
	Plant & Machinery, viz.,				
	Furniture, Fittings, Utensils, etc.				
	Patents, Trade- Marks, etc., viz.,				
	Investments other than Marketable Securities, viz.,				
	Livestock, Vehicles, etc.				
	Other property, viz.,				
	Other property, viz.,				

Signature:

Dated.....19

SCHEDULE I _____BILLS OF EXCHANGE, PROMISSORY NOTES, NOTES, ETC., ON HAND AVAILABLE AS ASSETS

Statement of Affairs : Schedule I to List 'A'

The names to be arranged in alphabetical order and numbered consecutively

No.	Name of Acceptor of bill or note	Address, etc	Account of bill or note-	Date when due	Estimated to produce	Particulars of any property held as security for payment

						of bill or note
			Rs.	Ps.		Rs. Ps.

Signature :

Dated..... 19

SCHEDULE II _____ TRADE DEBTORS

Statement of Affairs: Schedule II to List 'A'

The names to be arranged in alphabetical order and numbered consecutively

Note.-If the 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 in the third column, and the balance only be inserted under the heading 'Amount of debt' thus :--

Rs. Ps.

Due to the company

Less Contra Account

No such claim should be included in list 'E'

No.	Name	Residence & 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 or debt
			Good	Doubtful	Bad		Month	Year		
			Rs.Ps	Rs.Ps	Rs.Ps				Rs. Ps	

Signature :

Dated.....19.....

SCHEDULE III LOANS AND ADVANCES

Statement of Affairs : Schedule III to List 'A'

Serial No.	Date of Advance	Name & Address of	Amount due	Estimated to realize	Particulars of security	Folio of ledger or
------------	-----------------	-------------------	------------	----------------------	-------------------------	--------------------

		person to whom advanced			if any	other book where particulars to be found
			Rs. Ps.	Rs.		

Signatuer :

Dated.....19

**SCHEDULE IV
UNPAID CALLS**

Statement of Affairs : Schedule IV to List 'A'

The names to be arranged in alphabetical order and numbered consecutively

Consecutive No.	No. in share register	Name of shareholder	Address	No. of shares held	Amount of call per share unpaid	Total amount due	Estimated to realize
					Rs. Ps.	Rs. Ps.	Rs. Ps.

Signatuer :

Dated.....19.....

SCHEDUL V

STOCK IN TRADE

Statement of Affairs : Schedule V to List 'A'

--

SCHEDULE VI

DEBTS DUE FROM CONTRIBUTORIES

(other than un-paid calls)

Statement of Affairs : Schedule VI to List 'A'

Consecutive No.	No. in share register	Name of shareholder	Addresses	Nature & particulars of the debt	Amount due	Security held if any for the debt	Serial No. in Schedule I, II or III, as the case may be, where the debt is included.

Signature

Dated19

LIST B

ASSETS SPECIFICALLY PLEDGED AND CREDITORS. FULLY OR PARTLY SECURED*

(Not including Debenture Holders-secured by a floating charge).

The names of the secured creditors are to be shown against the assets on which their claims are secured, numbered consecutively, and arranged in alphabetical order as far as possible.

Particulars of assets specifically pledged*	Date when security given	Estimated value of security	No.	Name of creditor	Address & occupation	Amount of debt	Date when contracted	Consideration	Balance of debt unsecured carried to list 'E'	Estimated surplus from security

		Rs.Ps.				Rs.P s.			Rs.Ps.	Rs.Ps.
--	--	--------	--	--	--	------------	--	--	--------	--------

Signature :

Dated.....19

*All assets specially mortgaged, pledged or otherwise given as security should be set out : goods given as security but in possession of the company and goods not in possession should be separately set out.

LIST `C'

PREFERENTIAL CREDITORS FOR RATES, TAXES, SALARIES, WAGES AND OTHERWISE

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

Statement of Affairs : List 'C'

No.	Name of creditor	Address and Occupation	Nature of claim.	Period during which accrued due.	Date when due	Amount of claim	Amount payable in full	Balance not preferential carried to List 'E'

Signature :

Dated.....19

LIST `D'

LIST OF DEBENTURE HOLDERS SECURED BY A FLOATING CHARGE

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.

Statement of Affairs : List 'D'

No.	Name of Holder	Address	Amount	Description of assets over which security extends
			Rs. Ps.	

Statement of Affairs : List 'F'

Consecutive number	Register number	Name of shareholder	Address	Nominal Amount of share	Number of shares held	Amount per share called up	Total amount called up
						Rs. Ps	Rs. Ps

Signature :

Dated.....19

LIST 'G'

LIST OF EQUITY SHAREHOLDERS

The names to be arranged is alphabetical order and numbered consecutively

Statement of affairs : List 'G'

Consecutive number	Register number	Name of shareholder	Address	Nominal Amount of share	Number of shares held	Amount per share called up	Total amount called up
						Rs. Ps	Rs. Ps

Signature :

Dated.....19.

LIST 'H'

DEFICIENCY OR SURPLUS ACCOUNT

Statement of Affairs : List 'H'

The period covered by this Account must commence on a date not less than 3 years before the date of the winding up order (or the order appointing Provisional Manager, or the date directed by the Official Liquidator) or, if the company has not been incorporated for the whole of that period, the date of formation of the company, unless the official Liquidator otherwise agrees.

Items contributing to deficiency (or Reducing Surplus):

1. Excess (if any) of Capital and Liabilities over Assets on the19.....as shown by balance-sheet (copy annexed).....
2. Net dividends and bonuses declared during the period from19.....to the date of the statement
3. Net trading losses (after charging items shown in note below) for the same period
4. Losses other than trading losses written off or for which provision has been made in the books during the same period (give particulars or annex schedule)
5. Estimated losses now written off or for which provision has been made for the purpose of preparing the statement (give particulars or annex schedule)
6. Other items contributing to Deficiency or reducing Surplus Rs.

Items reducing Deficiency (or contributing to Surplus)

7. Excess (if any) of assets over capital and liabilities on the.....19....as shown on the Balance sheet (copy annexed)Rs.
8. Net trading profits (after changing items shown in note below for the period from the19..... to the date of Statement
- 9..Profits and income other than trading profits during the same period (give particulars or annex schedule)
10. Other items reducing Deficiency or contributing to Surplus.

Deficiency/surplus as shown by Statement Rs.

Note as to Net Trading Profits and Losses Rs.

Particulars are to be inserted here (so far as applicable) of the items mentioned below, which are to be taken into account in arriving at the amount of net trading profits or losses shown in this account

Provision for depreciation, renewals, or diminution in value of fixed assets

Charges for income-tax and other taxation on profits

Interest on debentures and other fixed loans Payments to directors made by the company and required by law to be disclosed in the accounts :

Exceptional or non-recurring expenditure :-

-----Rs.

Less Exception or non-recurring receipts :-

-----Rs.

Balance, being other trading profits or losses Rs.

Net trading profits or losses as shown in Deficiency or Surplus Account above Rs.

Signature

Dated.....19

LIST 'I'

STATEMENT OF AFFAIRS: LIST 'I'

In substitution for such of the lists 'A' to 'H' as will have to be returned blank.

List	Particulars	Remarks
		Where no entries are made on any one or more of the Lists 'A' to 'H' the word. 'Nil' should be inserted in this column opposite to the lists thus left blank.

A. Assets not specifically pledged.

B. Assets specifically pledged and creditors fully or partly secured (not including debenture holders secured by a floating charge).

C. Preferential creditors for Rates, Taxes, Salaries, Wages and otherwise.

D. Debenture holders secured by floating charge.

E. Unsecured creditors.

F. Preference shareholders.

G. Equity shareholders.

H. Deficiency or Surplus Account.

Signature :

Dated.....19

FORM NO. 36

(See rule 106)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Affidavit of concurrence in statement of affairs

I/We,.....(name(s), description(s), etc.] do solemnly affirm and say as follows :-

That I/We have perused the statement of affairs lodged herein byand that to the best of my/our information, knowledge and belief, such statement contains a full and accurate account of the company's affairs (except as stated below).

(Here state, if necessary, in what respects, if any, the statement of affairs is not concurred in.)

Sworn/Solemnly affirmed, etc.

Signature of deponent.

Commissioner for Oaths.

FORM NO. 37

(See rule 113)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Preliminary report of the Official Liquidator under section 329 .

The Official Liquidator, in pursuance of section 329 of the Companies Ordinance, 1984, hereby submits his preliminary report to the Court as follows :-

1. Capital : The nominal capital of the company is Rsdivided into..... shares of Rs.....each.

The number of shares issued is.....and comprises.....shares allotted as fully paid and.....shares subscribed for cash and fully called up (or on which Rs.....per share has been called up). The unpaid calls amount to Rs

2. Assets : The assets of the company are estimated by the directors (or as the case may be) to be of the value of Rsand they comprise the following :

Assets not specifically pledged :

(1) Cash in hand..... Rs.....

Cash at Bank..... Rs.....

Negotiable Securities Rs.....

(2) Debts due from contributories Rs.....

(3) Debts, due to the company

(a) Secured

Securities ,available

(give particulars of the properties given as security).

Rs.....

(b) Unsecured

(4) Moveable and Immovable properties :

(a) Movable properties

(i) Stock-in-trade

(ii) Other moveables (give particulars)

(b) Immovable properties

(give particulars)

(5) Unpaid Calls..... Rs.....

(6) Other assets..... Rs.....

Assets specifically pledged

(1) Assets held by fully secured creditors (give particulars). Rs.....

(2) Assets held by partly secured creditors (give particulars). Rs.....

3. Liabilities : The liabilities of the company are returned as amounting to Rsand include the following :-

(1) Fully secured creditors. Rs.....

(2) Partly secured creditors. Rs.....

(3) Preferential creditors. Rs.....

(4) Debenture holders . Rs.....

(5) Unsecured creditors. Rs.....

4. Causes of failure : The company was formed to carry on the business of

The failure of the company is in the opinion of the Official Liquidator, due to

5. Further enquiry : (The Official Liquidator is not at present aware of any matters relating to the promotion or formation of the company, or to the conduct of its business, as to which in his opinion further enquiry is desirable) or (The Official Liquidator is of the opinion that further enquiry is desirable concerning the promotion, formation or failure of the company and the conduct of its business).

Dated this.....day of.....19

Official Liquidator.

(See rule 119)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Report of result of meetings of creditors and contributories under section 331

I,.....(name), Official Liquidator of the company and chairman of the meetings of the creditors and contributories held under section 331, do hereby report the result of the said meetings :-

1. A meeting of the creditors of the above-named company was summoned by advertisement in (here enter the newspaper or newspapers) of the date(s)19.....,and was held on the.....day of.....19.....,at.....I was the chairman of the said meeting.

2. The said meeting was attended either personally or by proxy bycreditors whose proofs of debt against the said company were admitted for voting purposes, amounting in the whole to the value of Rs

3. The question submitted to the said meeting was, whether the creditors of the said company wished that a Committee of Inspection shall be appointed to act with the Official Liquidator, and if so, who are to be the members of the Committee.

4. At the said meeting it was resolved unanimously (or as a result of the voting set out below) that there should be a Committee of Inspection consisting of the following members :-

(Here set out the names of members)

(or the result of the voting on the said proposition was as set out below).

5. A meeting of the contributories of the above-named company was summoned by advertisement in (here enter the newspaper or newspapers) of the date(s).....19..... and was held on the.....day of..... 19..... at.....for the purpose of considering the aforesaid decision of the creditors' meeting and to express the views of the contributories as to whether, there should be a Committee of Inspection and, if so, who are to be its members. I was the chairman of the said meeting.

6. The said meeting was attended either personally or by proxy by contributories holding in the whole.....shares of the said company and entitled to.....votes.

7. At the said meeting it was resolved unanimously (or as a result of the voting as set out below) as follows :-

(Here set out the resolution or resolutions).

Result of votings

Resolution	For		Against			
	No.	Amount	No.	Amount		
State the substance of any resolution passed, and give names of members of Committee of Inspection (if any) and amount of their proofs, if creditors, or sham, if contributories. Creditors.....						
	No.	Shares	Votes	No.	Shares	Votes
Contributories						

(SD)- Official Liquidator and Chairman.

Form of advertisement.

FORM NO. 39

(See rule 119)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Application No.....of 19.....

Notice to creditors and contributories

Whereas the meeting of the contributories of the above company held under section 331 has not accepted the decision of the meeting of the creditors held under the said section regarding the constitution and composition of a Committee of Inspection, notice is hereby given that an application has been made to the Court by the Official Liquidator for

directions of the Court.....as to whether there shall be a Committee of Inspection, and if so who shall be the members thereof, and that the said application will be heard by the Court on.....day the.....day of.....19.....at.....O'clock in the noon, when any creditor or contributory of the above-named company who wishes to be heard may appear and make such representations to the Court as he wished to make in the said matter.

Dated this.....day of.....19.....

Official Liquidator.

FORM NO. 40

(See rule 126)

(Heading as in Rule 4)

Company Petition No.....of 19,.....

Advertisement of notice to creditors to prove their claim

Notice is hereby given to the creditors of the above-named company that they are required to submit to the Official Liquidator of the company proofs of their respective debts or claims against the above named company by delivering at the office of the Official Liquidator on or before the.....day of.....19.....or sending by post to the Official Liquidator so as to reach him not later than the said date, an affidavit proving the debt or claim in the prescribed form with their respective names, addresses and particulars of debt or claim and any title to priority under section 405. Any creditor who fails to submit his affidavit of proof within the time limited as aforesaid will be excluded from the benefit of any distribution of dividend before his debt is proved, or, as the case may be, from objecting to such distribution.

Any creditor who has sent in his proof. if so required by notice in writing from the Official Liquidator, shall either in person or by his advocate, attend the investigation of such debt or claim at such time and place as shall be specified in such notice and shall produce such further evidence of his debt or claim as may be required.

Dated this.....day of.....19.....

Official Liquidator.

FORM NO. 41

(See rule 126)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice to creditor to prove his debt

To

You are hereby required to submit proof of your debt or claim against the said company by delivering at the office of the Official Liquidator of the Court on or before the.....day of.....19....., or sending to the Official Liquidator by post so as to reach him not later than the said date, your affidavit of proof in the prescribed form with your name, address and particulars of claim and any title to priority you may claim under section 405. If you fail to submit your affidavit of proof within the time limited as aforesaid, you will be excluded from the benefit of any distribution of dividend before your debt is proved, or, as the case may be, for objecting to such distribution.

If so required by notice in writing from the Official Liquidator, you should attend upon the investigation of your debt or claim at such time and place as shall be specified in the notice and produce such evidence of your debt or claim as may be required.

Official Liquidator.

FORM NO. 42

(See rule 129)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Affidavit of proof of debt

I,.....of etc., (full name, address and occupation of deponent to be given) do solemnly affirm and state as follows :-

1. The above-named company was, at the date of order winding up the same["Where before the presentation of the petition for winding up a resolution has been passed by the company for voluntary winding up, the date of the said resolution must be substituted for the date of the winding up order.], viz., the.....day of.....19.....and still is, justly and truly indebted to me (or to me and C.D., and E.F.; my co-partners in trade, or, as the case may be), in the sum of Rsfor (here state consideration, e.g., goods sold and delivered by me/my firm to -the said company between the date of.....or monies advanced by me/my firm in respect of the under mentioned bill of exchange, or, as the case may be), as shown by the account in the schedule below.

2. In respect of the said sum 'or any part thereof, I say I have not, nor have my partners or any of them, nor has any person, by my/our order, to my/our knowledge or belief, for my/our use, and or received any manner of satisfaction or security whatsoever, save and except the following :-.

(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).

(If the claim is made as a preferential claim, say so and set out the grounds on which the preference is claimed.)

SCHEDULE

BILLS OF EXCHANGE

Date	Drawer	Acceptor.	Amount Rs. Ps.	Due Date

Date	Consideration	Amount		Remarks The voucher (if any) by which the account can be substantiated should be set out her
		Rs.	Ps.	

--	--	--	--	--

Sworn/Solemnly armed at,

On.....day, the.....day of.....19.....

Before me

Commissioner.

Deponent's signature.

Notes: 1. Bills of exchange or negotiable securities must be produced before the proof can be admitted.

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

3. Where the affidavit is not by the creditor, but by some person authorized by him, the deponent should state in a separate paragraph his authority for making the affidavit and the means of his knowledge, and suitable alterations should be made, in paragraphs I and 2 above, and the name, address and description of the creditor should be set out its paragraph 1.

FORM NO. 43

(See rule 130)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Proof of debt of workmen

I,.....of etc. (fill in full name, address and occupation of deponent), on behalf of the workmen and others employed by the above-named company, solemnly affirm and say :-

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 below in sums severally set against their names in the seventh 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, and for the accrued holiday remuneration so due to them in respect of such periods as are so set out in the sixth column of such schedule, for which said sums or any part thereof, I say that they have not, nor has any of them, had or received any manner of satisfaction or security whatsoever.

Deponent.

REMARKS

No.	Full name of workmen	Address	Description	Period over which wages due	Period over which accrued, Holiday remuneration due	Amount due
1	2	3	4	5	6	7
						Rs. Ps.

Sworn/Solemnly affirmed, etc.

Deponent's signature.

FORM NO. 44

(See rule 141)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice of rejection of proof of debt

To

Take notice that as the Official Liquidator of the above-named company, I have this day rejected your claim against the company (or to the extent of Rs) on the following grounds :-

And take further 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 21 days from the date of the service of this notice.

Dated this.....day of.....19.....

Official Liquidator.

FORM NO. 45

(See rule 141)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice of admission of proof

To

You are hereby informed that your claim against the above-named company has been allowed at the sum of Rs

SD/-
Official Liquidator.

FORM NO. 46

(See rule 145)

(Heading as in Rule 4)

Company Petition No.....of 19.....

**Certified list of proofs tendered to, and admitted or rejected by, the
Official Liquidator.**

I,....., Official Liquidator of the above-named company, hereby certify that the following is a correct list of all creditors who submitted their proofs of debts or claims against the said company pursuant to advertisement, dated the.....day of.....19....., and the notice issued individually to the creditors. I further certify that in the first part of the said list are set out debts and claims admitted by me in full or in part, and the amounts admitted altogether amount to RsIn the second part are set out the claims which have been wholly rejected by me.

FIRST PART

Debts and claims admitted wholly or in part

S. No.	Name, address & description of creditor	Particulars of debt or claim	Amount claimed	Amount admitted	Whether admitted as preferential

SECOND PART

Claims which have been wholly rejected

S. No.	Name, address & description of creditor	Particulars of debts or claim	Amount of claim

Sd/
Official Liquidator.

FORM NO. 47

(See rule 152)

(Heading as in Rule 4)

Company Petition Noof 19.....

Provisional list of contributories

The following is a list of members of the above-named company liable to be placed on the list of contributories of the said company made out by me from the books and papers of the said company, together with their respective addresses and the number of shares (or extent of interest) to be attributed to each, and the amount called up and the amount paid up in respect of shares (or interest) so far as I have been able to make out of ascertain the same.

In the first part of the list are set forth persons who are contributories in their own right.

In the second part of the list are set forth persons who are contributories as being representatives of or liable for the debts of others.

FIRST PART

Contributories in their own right

Serial No.	Name & Description	Address	No. 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
(1)	(2)	(3)	(4)	(5)	(6)

--

SECOND PART

Contributories as being representatives of or liable for the debts of others

Serial No.	Name & Description	Address	In what character included	No. 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
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Sd/-
Official Liquidator.

FORM NO. 48

(See rule 153)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice to contributory of date fixed to settle list of contributories

To

Take notice that I,.....the Official Liquidator of the above company have fixed.....day, the.....day of19.....at O'clock contributories of the above-named company which has been made out be me, pursuant to the Companies Ordinance, 1984 and the rules there-under, 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) are 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 as set forth in the said list.

Serial No.	Name & Description	Address	In what character included	No. 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
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Dated thisday of.....19

Sd/-

Official Liquidator.

Notes : 1. Contributories are under no obligation to attend before the official Liquidator if they are satisfied that the particulars contained in the notice are correct.

2. 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.

3. A change of address may be notified by giving notice by post before the date fixed for the settlement of the list.

FORM NO. 49

(See rule 155)

(Heading as in Rule 4)

Company Petition Noof 19.....,

Certificate of final settlement of the list of contributories

Pursuant to the Companies Ordinance, 1984, and the rules made thereunder, I,.....the undersigned, being the Official Liquidator of the above-named company here by certify that the result of the settlement of the list of contributories of the above-named company, so far 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 number of shares (or extent of interest) set opposite the names of such contributories respectively in the said schedule.

2. I have in the first part of the said schedule set forth such of .the said several persons included in the said list as are contributories in their own right.

3. I have in the second part of the said schedule, set forth such of the said several persons included in the said list as are contributories as being representatives of or being liable for the debts of others.

4. 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.

5. I have, in the fifth column of the first part, and in the sixth column of the second part, to the first schedule, and in the sixth 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.

6. I have, in the sixth and seventh columns of the first part, and the seventh and eight columns of the second part, of the first 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).

7. Before settling the said list, I was satisfied by the affidavit of 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 number of shares (or extent of interest) 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.....

Sd/
Official Liquidator.

In the matter of.....Ltd. (in liquidation).

**THE FIRST SCHEDULE ABOVE REFERRED TO
FIRST PART**

Contributories in their own right

Serial No.	Name & Description	Address	No. 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
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SECOND PART

Contributories as being representatives of or liable for the debts of others

Serial No.	Name & Description	Address	In what character included	No. of shares or extent of interest	Date when included in the list	Amount called up at date of commencement of winding up (7)	Amount paid up at date of commencement of winding up (8)
(1)	(2)	(3)	(4)	(5)	(6)		

In the matter of.....Ltd. (in liquidation).

THE SECOND SCHEDULE ABOVE REFERRED TO

Serial No.	Name & Description	Address	In what character proposed to be included	Number of shares or extent of interest	Date when excluded from the list
(1)	(2)	(3)	(4)	(5)	(6)

Dated this.....day of.....19.....

Official Liquidate.

FORM NO. 50

(See rule 156)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice to contributory of final settlement of list of contributories and that his name is included

To

Take notice that I,.....the Official 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 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 share (or interest) are 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 date of service on you of this notice. Any application made after the expiry of the said period will not be entertained.

The said list may be inspected by you at the office of the Registrar on any day during office hours.

Dated this.....day of19

Official Liquidator.

Serial No.	Name & Description	Address	In what character included	No. 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
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM NO. 51

(See rule 160)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application No.....of 19.....

.....A.B.....Applicant

Before the Hon'ble Mr. Justice.....

Dated.....

Order varying-list of contributories

Upon the application of A.B., by summons dated the.....day of.....19..... for an order that the list of contributories of the company and the liquidator (or, Court'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, etc., and upon reading, etc., it IS ORDERED

That the list of contributories of the company and the Liquidator's (or Court's) certificate finally settling the same be varied by excluding the name of the said A.B., from the said list of contributories or by including the name of the said A.B., as a contributory in the said list for shares (or, as the case may be).

Dated this.....day of.....19.....

(By the Court)

Registrar.

FORM NO. 52

(See rule 160)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application No.....of 19.....

.....A.B.....Applicant

Before the Hon'ble Mr. Justice.....

Dated

Order rectifying register, list of contributories and certificate

Upon the application by summons dated.....19.....of A.B., of.....and upon hearing his advocate Mr....., and the Official Liquidator of the said company and upon reading the order to wind up the said company dated.....19....., and the affidavits filed herein of.....dated.....19.....etc., IT IS ORDERED :

(1) That the register of the shareholders of the company above-named be rectified by removing the name of the said A.B., therefrom in respect ofshares in the said company numberedregistered in his name (or) That the register of shareholders of the above-named company be rectified by entering on such register the name of the applicant as the holder of.....shares numbered, and by removing therefrom the name of C.D., as the holder of.....shares numbered.....

(2) That the list of contributories and the Official Liquidator's (or) Court's certificate finally settling the same be varied accordingly; and

(3) That a certified copy of this order be delivered to the Registrar of Companies by the applicant herein within 14 days from the date hereof.

Dated this.....day of.....19.....,

(By the Court)

Registrar.

Form of advertisement.

FORM NO. 53

(See rule 166)

(Heading as in rule 4)

Company Petition No.....of 19.....,

Notice of meetings of creditors and contributories under section 331. Notice is hereby given that-

(1) A meeting of the creditors of the above-named company will be held at.....(Place) on.....day, the.....day of19..... at.....O'clock in the.....noon, to determine whether or not a Committee of Inspection shall be appointed to act with the Official Liquidator and who are to be the members of the Committee if one is appointed.

Note.-To entitle a creditor to vote at the meeting of creditors aforesaid, his proof must be lodged with the Official Liquidator not later than.....O'clock in the.....noon, on the.....day of.....19.....

(2) A meeting of the contributories of the above-named company will be held at.....(Place) on.....day the.....day.....of.....19.....[The date fixed should be within 14 days of the creditors meeting.], at : : O'clock in thenoon, to consider the decision of the said meeting of creditors and to express the views of the contributories whether or not a Committee of Inspection shall be appointed and who are to be the members of the Committee if one is appointed.

Forms of proof and of general and special proxies can be had at the office of the Official Liquidator. Proxies should be lodged with the Official Liquidator not, later than.....O'clock on the.....day of.....19.....

Dated this.....day of.....19

Official Liquidator.

[The company's statement of affairs has not been lodged (or has been lodged and may be inspected at the office of the Official Liquidator during office hours on payment of the prescribed fee)].

Form of individual notice to creditors

(See rule 166)

(Heading as in Rule 4)

Company Petition Noof 19.....,

Notice of creditors', meeting under section 331

To

Take notice that a meeting of the creditors of the above-named company will be held at.....(Place) on.....day, the.....day of.....19.....at.....O'clock in the.....noon for the purpose mentioned-below :

Agenda

To determine whether or not a Committee of Inspection shall be appointed to act with the Liquidator, and who are to be the members of the Committee if one is appointed.

To entitle you to vote there at your proof must be lodged with the official Liquidator not later than.....O'clock in the.....noon on the day of.....19.....

The company's statement of affairs has not been lodged (or has been lodged and may be inspected at the office of the Official Liquidator during office hours on payment of the prescribed fee)

Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Official Liquidator not later thanO'clock in the..... noon on the day of19.....

Dated this.....day of.....19

Official Liquidator.

Individual notice to contributories.

FORM NO. 55

(See rule 166)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice of contributories, meeting under section 331

To,

Take notice that a meeting of the creditors of the above-named company will be held at.....(Place on.....day the.....day of.....19.....,at.....O'clock in the.....noon for the purpose mentioned below

Agenda

To consider the decision to be taken at a meeting of the creditors of the said company to be held on the.....day of.....19....., for determining whether or not a Committee of Inspection shall be appointed to act with the Official Liquidator and who are to be the members of the Committee if one is appointed, and to express the views of the contributories on the said matters.

The company's statement of affairs has not been lodged (or has been lodged and may be inspected at the office of the Official Liquidator during office hours on payment of the prescribed fee).

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Official Liquidator at his office not later than.....O'clock in thenoon on the.....day of.....19.....,

Dated this.....day of.....19.....

Official Liquidator.

FORM NO. 56

(See rule 166)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Notice of meeting (General Form)

To

....., creditor (or contributory)
.....of the said company

Take notice that a meeting of creditors (or contributories) in the above matter will be held at.....(place) on the.....day of.....19.....at.....O'clock in the.....noon.

Agenda

(Here insert the purpose for which the meeting is called)

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Official Liquidator not later thanO'clock in the.....noon on the.....day of.....19.....

Dated this.....day of.....19

Official Liquidator.

(Note.-This Form maybe used with necessary alterations for voluntary liquidation meetings. In the case of a voluntary liquidation, the full name and address of the Liquidator should be given.)

Form of advertisement

FORM NO. 57

(See rule 166)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice of meeting (General Form)

Notice is hereby given that a meeting of creditors (or contributories) in the above matter will be held at.....(place) on the.....day of.....19.....atO'clock in the.....noon.

Agenda

(Here insert the purpose for which the meeting is called)

Forms of general and special proxies can be had at the office of the Official Liquidator. Proxies to be used at the meeting must be lodged with the Official Liquidator not later than.....O'clock in the.....noon, on the.....day of19.....,

Official Liquidator.

Note-This Form may be used with necessary alterations for voluntary liquidation meetings. In the case of a voluntary liquidation, the full name and address of the Liquidator should be given.

FORM NO. 58

(See rule 168)

(Heading as in Rule 4)

Company Petition No.....,of 19.....

Notice to officers of company to attend meeting of creditors or contributories

To,

Take notice that a (the first) meeting of creditors (or contributories) will be held on the.....day of.....19.....at.....O'clock in the.....noon at (here insert the place where the meeting is to be held and that you are required to attend thereat and give such information as the meeting may require)

Dated this.....day of.....19.....

Official Liquidator.

FORM NO. 59

(See rule 171)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Nomination of chairman by Official Liquidator

I,.....the Official Liquidator of the above-named company, do hereby nominate.....(name and description) of..... to be chairman of the meeting of creditors (or contributories) in the above matter appointed to be held at.....on the.....day of19.....,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 Liquidator.

FORM NO. 60

(See rule 185)

(Heading as in rule 4).

Company Petition No.....of 19.....

List of creditors (or contributories) present at a meeting.

Meeting held at.....this.....day of19.....

Consecutive number	Name of creditor (or contributory) present or represented.	Amount of proof (or number of shares and votes held by each contributory)	
		In person	By proxies
1.			
2.			
3.			
4.			
5.			
6.			
7.			
Total number of creditors (or contributories) presented or represented.			

Official Liquidator.

FORM NO. 61

(See rule 186)

(Heading as in Rule 4)

Company Petition Noof 19.....,

Report of result of meeting (s) of creditors/contributories held under

order of Court, dated.....19.....,

I,.....(name), Official Liquidator of the Court, and chairman of the meeting (s) of the creditors/contributories held in pursuance, of the order of the Court dated19....., do hereby report the result of the said meeting (s).

1. In pursuance of the order of this Court dated.....19.....a meeting of the creditors/contributories of the above company was summoned by advertisement in (here enter the newspaper or newspapers) of the date (S)19....., and was held, on the.....day of.....19, atO'clock in the.....noon at.....I was the chairman of the said meeting.

2. The said meeting was attended either personally or by proxy by creditors of the said company whose proofs of debts against the company were admitted (or admitted for voting purposes), amounting in the whole (as admitted) to the value of Rs(or by.....contributories of the said company holding in the wholeshares of the said company and entitled tovotes).

3. The question (s) submitted to the said meeting was (were) :

[Here set out the question (s) submitted to the meeting]

4. At the said meeting it was resolved unanimously (or as a result of the voting as set out below) as follows :

[here set out the resolution (s) passed at the meeting]

Result of voting

Resolutions

Voting on resolutions

	For		Against
No.	Amount	No.	Amount

State the substance of any resolutions of passed

	For			Against		
	No.	Shares	Votes	No.	Shares	Votes
Creditors.....						
Contributors.....						

Dated.....19.....
Liquidator.

Official

FORM NO. 62

(See rule 188)

(Heading as in Rule 4)

Company Petition Noof 19.....

Form of proxy

I/We.....of.....a creditor (or contributory)
of the above-named company, hereby appoint.....of.....as
my/our general proxy to vote for me/us and on my/our behalf at the meeting
special for/against (as the case may require and specify.)
of creditors (or contributories) of the said company summoned to be held
The particular resolution No

In.....the.....above.....matter.....on.....the.....
day of.....19....., and at any
adjournment thereof.

Dated this.....day of.....19.....

(SD.) A. B.

Note :- 1. It is open to a creditor or contributory to appoint the Official Liquidator as his proxy.

2. If the proxy is given by a firm, sign the firm's trading name and add 'by A.B., a partner in the said firm'. If the proxy is given by a corporation, then the form of the 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.
3. The proxy form when signed must be lodged with the Official Liquidator within the time mentioned in the notice convening the meeting at which it is to be used.
4. For special proxy, necessary words implying general proxy may be-deleted.

FORM NO. 63

(See rule 199)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice by Official Liquidator requiring payment of money or delivery of property, books etc., to the Official Liquidator.

I, the undersigned, the Official Liquidator of the above-named company, hereby require you, the under-mentioned.....(name of person to whom notice is addressed), to pay to me (or deliver, convey, surrender, transfer to or into my hands) at my office the sum of Rs.....being, the amount appearing to be due from you on your account with the said company (or any money, property **[property to be specially described]**, books or papers) now in your hands and to which the said company is entitled (or otherwise, as the case may be).

Dated this.....day of19

SD/-

Official Liquidator.

To

.....
(name and address of person to whom
the notice is addressed).

FORM NO. 64

(See rule 202)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application No.....of 19.....

Official Liquidator.....Applicant

Application for leave to make a call

Let 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, attend the Court onday the.....day of19....., at.....O'clock in the noon, on the hearing of an application by the Official Liquidator of the above-named company for leave of the Court to make a call to the amount of Rsper share on all the contributories (or, as the case may be) of the said company (and that notice of this summons may be given by advertisement without separate notice to each contributory).

Dated this.....day of.....19.....

Official Liquidator.

Registrar.

and that you should, on or before the.....day of.....19....., pay the said sum to the Official Liquidator at his office or in theBank Limited.....to the credit of the Liquidation Account of the said company. If you wish to make the payment into theBank Limited, you must produce this notice and the copy of the order hereto attached at the Bank to enable the bank to receive payment, and after making the payment you should give forthwith notice thereof to the Official Liquidator enclosing with such notice the voucher obtained from the Bank in respect of the payment, in default whereof proceedings will be taken against you to enforce the order.

Dated this.....day of.....19.....,

Official Liquidator.

FORM NO. 70

(See rule 206)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application No.....of 19.....

Official Liquidator.....Applicant

Summons to enforce call

Let all parties concerned attend the sitting Judge in Court on theday of.....19....., at.....O'clock in the.....noon on the hearing of an application made by the Official Liquidator of the above named company for an order that the several persons named in the second column of the schedule to this summons, being respectively contributories of the above company be ordered to pay to the said Official Liquidator at his office or in the.....Bank Limited.....to the credit of the Liquidation Account of the said company, the several sums set opposite their respective names in the sixth column of the schedule hereto, such sums being the amounts due from the said several persons respectively in respect of the call of Rs.....per share, made by the applicant with interest thereon at four per cent per annum from the date of the order, and that the said several persons may be ordered to pay to the applicant the costs of and incidental to this application.

SCHEDULE

No.	Name and Description	Address	In what character included	Amount of call	Amount of due
(1)	(2)	(3)	(4)	(5)	(6)

Dated this.....day of..... 19.....

Official Liquidator,

Registrar

FORM NO. 71

(See rule 206)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Application No.....of 19.....

Official Liquidator.....Applicant

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PAYMENT OF CALL

I, A. B., Official Liquidator of the above-named company, solemnly affirm and say as follows :-

1. The contributories of the said company, whose names are set forth in the schedule to the summons here in marked `A', have not 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 Rs per share duly made under the Companies Ordinance, 1984 pursuant to the order of this Court, dated.....19....., granting leave to make a call.

2. A copy of the said order, dated.....19.....and a notice in the prescribed form, specifying the amount due from each of the said contributories were duly served by registered post (or, as the case may be) on such contributories respectively.

3. The respective amounts set opposite the names of such contributories respectively in the sixth column of the said schedule are the true amounts now due and owing by them respectively in respect of the said call.

Sworn/Solemnly affirmed etc.

Official Liquidator.

FORM NO. 72

(See rule 206)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Application Noof 19.....

Official LiquidatorApplicant

Before the Hon'ble Mr. Justice..... Dated.....

Order for payment of call amount due from contributory

Upon the application of the Official liquidator of the above-named company and upon reading the order dated.....19....., granting leave to make a call, the affidavit of.....filed the.....day of.....19....., and the affidavit of the Official Liquidator filed the.....day of.....19.....,IT IS ORDERED:

That C. D., of etc., (or E. F., the legal representative of L.M., late of etc., deceased), one of the contributories of the said company (or in against several contributories. that 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 theday of.....19.....pay to the Official Liquidator of the said company at his office or into the..... Bank Limited.....to the credit of the Liquidation Account of the said company, the sum of Rs (if against the legal representative add, out of the assets of the said L. M., deceased. in his blinds its such legal representative as aforesaid) or if against several contributories, the several sums of money set opposite to their respective names in the fifth column of the said schedule hereto, being the amount(s) due from the said C.D. (or L.M., or the said several persons respectively) in respect of the call of Rsper share duly made pursuant to the said order of this court ;

And it is further ordered that: the said C.D. (or L.M., or the said several persons do also pay surcharge at the rate of ten per cent per annum on the said amount(s) specified in the fifth column of the said schedule from this date to the date of payment.

SCHEDULE

(to be included where there are two more contributories)

No. on List	Name and Description	Address	In what character included	Amount due
(1)	(2)	(3)	(4)	(5)

Dated this.....day of.....19

Registrar

(By the Court)

Note :-- The copy for service of the above order must bear the following endorsement :-

"If you, 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 NO. 73

(See rule 208)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application Noof 19.....

Official Liquidator (or as the case may be).....Applicant

Summons for leave to examine person(s) under section 351

Let all parties concerned attend the Judgeon.....day the.....day of.....19.....on the hearing of an application of the Official Liquidator of the above company (or as the case may be) for an order that.....[Here insert the name(s) of the person(s) to be examined] be examined by the Court respecting [the property (or books and papers) of the company in his (their) possession or his (their) indebtedness to the company or the promotion, formation, trade, dealings, property books or papers, or affairs of the company] [and/or for the production of all books, papers, writings and documents in his (their) custody or power relating to the said company] and that a date be fixed for such examination and summons(es) be

issued to the said person(s) for his (their) appearance on the date fixed and that all necessary directions may be given in the said matter. (Omit what is not required).

Dated this.....day of.....19.....

Official Liquidator.

Registrar

FORM NO. 74

(See rule 209)

(Heading as in Rule 4)

Company Petition Noof 19.....

Application No.....of 19.....

Official Liquidator (or, as the case may be).....Applicant.

Before the Hon'ble Mr. Justice

Dated

Order for private examination under section 351

Upon the application by summons dated.....19.....of the Official Liquidator (or of X, Y., a contributory) of the above-named company and upon hearing, etc., and upon reading the order to wind up the said company (or, the order appointing a Provisional Manager), dated19....., and the statement of the Official Liquidator (on the affidavit of the said X. Y.) filed19.....

1. That(name and description)[**Where more than one person is to be examined, say 'That the persons mentioned in the schedule here to be summoned and give the names and addresses in a schedule to the order.'**] be summoned to attend the Court.....onday, the.....day of.....19.....at.....o'clock in thenoon for the purpose of being examined under section 351 concerning the property (or books or papers) of the company in his possession or his indebtedness to the company or the promotion, formation, trade, dealings property, books or papers. or affairs of the company[**Omit what is not required.**]

2. That the Official Liquidator do have the conduct of the examination of the said person(s):

3. That the examination shall be in Chambers (or in Court);

[Where more than one person is to be examined, say "That the persons mentioned in the schedule here to be summoned and give the names and addresses in a schedule to the order."] [4: That.....(name) being a creditor (or contributory) of the said company be at liberty to attend (and take part in) the said examination.]

SCHEDULE

[To be included where necessary.]

(Of persons to be examined and/or of documents to be produced, as the case may be).

Dated this..... day of.....19

(By the Court)

Registrar

FORM NO. 75

(See rule 214)

(Heading as in Rule 4)

Company Petition Noof 19.....

Before Mr. Justice

Order directing public examination

Upon reading the further report of the Official Liquidator in the above matter dated the.....day of.....19....., made under section 352.

IT IS ORDERED

1. That the several persons whose names and addresses are set forth in the schedule hereto do attend before the Court on the day and hour to be appointed for the purpose

and, be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to their conduct and dealings as officers of the company.

2. That notice of the date fixed for the examination be advertised in one issue (each) of (here set out the newspaper or newspapers in which the advertisement is to be inserted) and such notice be served on the persons to be examined not less than 7 days before the date of the examination.

3. That the examination shall be held before (here name the officer [This provision should be omitted in the case of an order made by a District Court.] and follow up with any further directions that may be given relating to the conduct of the examination of the matters on which the persons are to be examined).

THE SCHEDULE REFERRED TO

S. No.	Name	Address	Connection with the company
--------	------	---------	-----------------------------

Dated this.....day of.....19

Registrar.

(By the Court)

FORM NO. 76

(See rule 215)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice of public examination

Notice is hereby given that a public examination under section 352 will be held in Court on the.....day of19.....at o'clock in the noon before.....of.....a director (or other officer) of the above-named company.

FORM NO. 77

(See rule 215)

(Heading as in Rule 4)

Company Petition Noof 19.....

Notice to attend public examination

Whereas by an order of this Court made on the.....day of.....19....., it was ordered that you, the under-mentioned X. Y., should attend before the Court and be publicly examined as to the promotion or formation of the company and [or as to your conduct of the business of the company, and/or as to your conduct, and dealings as (here insert, director or officer, as the case may be)];

And whereas it has been directed that the said examination be held before the Judge [or the Court has directed that the said examination be held before (here mention the officer before whom the examination has been directed to be held)], and where-as.....day the.....day of.....19.....at.....

O'clock in the noon has been fixed as the time for holding the said examination before the Judge (or officer, as the case may be);

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, 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 further notice that if you fail, without reasonable excuse, to attend at the said time and place and at any adjournments of the said public examination, a warrant for your arrest will issue, and you will be liable to be committed to prison without further notice.

Note. -'A copy of the report of the Official Liquidator on which the order for public examination was made will be furnished to you on payment of the prescribed charges for the same.

Dated this.....day of.....19.....

Official Liquidator.

To

X.Y.....

(name)

.....

(description and address)

.....

(see rule 217)

(Heading as in Rule 4)

Company Petition No.....of 19.....

**Report to the Court where person examined refuses to answer to the satisfaction of
the
officer of Court.**

At the public examination of.....(name and description of the person.....examined) held before me this.....day of.....19....., the following question (s) was (were) put by me (or allowed to be put by me) to the said person (hereinafter referred to as "the witness"),

Q. [Here state the question (s)]

The witness refused to answer the said question (s) (or) the witness answered the said question (s) as follow.

[Here insert the answer (s) if any]

I thereupon intimated the witness that I was reporting his refusal to answer [or his answer (s)] to the Court and that he should attend the Court on the.....day of.....19.....at.....O'clock in the..... noon when the report will be considered by the Court.

Officer holding
the examination

FORM NO. 79

(See rule 220)

(Heading as in Rule, 4)

Company Petition No.....of 19.....

Warrant against person who fails to attend examination.

To

X.Y, the Officer of this Court.
(or as the case may be).

Whereas by order of this Court dated.....19....., A.B. (name of the person required to attend) was ordered to attend before the Court for before the Master or other officer of the Court, as the case may be), for the purpose of being publicly examined under section 352 (or for being examined under section 351) on a day and at a time to be appointed ; and

Whereas the.....day of.....19.....O'clock in the.....noon was fixed for the said examination before the Judge (or Master, etc.); and

Whereas by evidence taken upon oath (or by affidavit of.....solemnly affirmed) it has been made to appear to the satisfaction of the Court that notice of the said order and of the said time and place so appointed was duly served upon the said A.B.; and

Whereas the said A.B. did without good cause fail to attend on the saidday 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 to attend/or and that the said A.B. has absconded (or that there is reason to believe that the said A.B. is about to abscond) with a view to avoiding the said examination ;

This is to command you to arrest and take the said A.B., into your custody and bring him before this Court with all convenient speed.

You are further ordered to return this warrant on or before19....., with an endorsement certifying the day on which and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court this.....day.....of19.....,

Judge or Registrar.

FORM NO. 80

(See rule 221)

(Heading as in Rule 4)

Company Petition No.....of 19.....

Warrant of committal

To

The Officer in Charge of the Jail

.....Jail.....

.....

Whereas A.B., whose attendance is required before this Court for being examined under section 351/352, has been arrested and brought before the Court in custody, and whereas the Court called upon the said.....to give security for his appearance before the Court for his being examined under section 351/352, and the said A.B., has failed to do so.

This is to require you to receive the said A.B., into your custody in the civil prison and produce him before this Court atO'clock in the.....noon on the.....day of.....19....., and on such other day or days as may hereinafter be ordered.

Dated this.....day of.....19.....,

Judge or Registrar.

FORM NO. 81

(See rule 221)

(Heading as in Rule 4)

Company Petition Noof 19.....

Order to liberate prisoner on his finding bail

Upon the application by summons dated.....19..... of A.B. now a prisoner in civil prison in the Government Jail at.....who was arrested by warrant of this Court, dated19....., pursuant to the order of this Court, dated.....19....., and upon hearing Mr.....advocate for the

applicant, and the Official Liquidator of the above-named company, and upon reading the order to wind up, etc., and the said A.B., by his counsel undertaking to attend before the Judge (or Master, etc.) on.....day the.....day of..... 19....., at.....O'clock in the.....noon for being examined pursuant to the said order dated.....19....., and at any adjournments of the said examination,

IT IS ORDERED that upon payment into this Court by the said A.B., of Rs.....[or upon the said A.B., furnishing two sureties for Rseach to the satisfaction (of the Registrar) of this Court for his due appearance before this Court], the officer in charge of the Government Jail at..... do discharge the said A.B., out of his custody under the said warrant, dated19.....,

Dated this.....day of.....19.....,

(By the Court)
Judge or Registrar.

FORM NO. 82

(See rule 224)

(Heading as in Rule 4)

Application No.....of 19.....

(In Company Petition No.....of 19)

(Official) Liquidator of the company
(or A.B., a creditor or contributory,
as the case may be)

Versus

.....Respondents

(Summons under section 413 (1))

Let all parties attend the company Judge in Chambers onday the.....day of..... 19....., at.....O'clock in thenoon on the hearing of an application under section 513(1) on the part of the (Official) Liquidator of the company aforesaid (or A.B., of.....a creditor/contributory of the said company) for the following declaration and orders :-

1. A declaration that the business of the said company was carried on from the.....19....., to the.....19....., (the date of the commencement of the winding up of the company), with intent to defraud creditors and for other fraudulent purposes by reason of the fact that (Here set out the facts showing the fraudulent purposes, e.g. that the company continued to trade and to obtain goods on credit and to incur other liabilities without any means of prospects of being able to pay or provide for payment thereof, and further for the purpose of increasing the amount of assets available for distribution among the debenture. holders, including the respondent C.D., etc., or, as the case maybe) and that the respondents as the.....of the company were knowingly parties to the carrying on the business of the said company in the manner aforesaid.

2. A declaration that the respondents(names).....shall be personally responsible, without any limitation of liability for all the debts or other liabilities of the company.

3. A declaration that the said respondents are jointly and severally liable to pay to the Official Liquidator sums amounting to Rsbeing the amount of debts owing by the company in respect of goods supplied to or services rendered to or other liabilities incurred by the said company, during the period afore-said or such part of the sums as to the Court shall seem fit after due inquiry.

4. An order for payment to the Official Liquidator by the said respondents of the said sum of Rs,.....or such other sum as to the Court shall seem fit.

5. An order that for the purpose of giving effect to the foregoing declarations, the liability of the respondent.....(name) shall constitute a first charge on [Here set out the debt, mortgage or interest of the respondent on which the charge is created under section 413,(3)], (and that the liability of the respondent C.D., thereunder shall be and constitute a first charge on the debenture issued by the said company to him, and the money secured thereby).

6. An order that the respondents do pay to the applicant costs of and incidental to the application.

7. Such other order in the premises as the Court shall think fit to make. Dated this.....day of.....19.....,

Registrar.

This summons was taken out by Mr.....advocate for the applicant.

To

.....(respondents)

.....

Note:-If you do not attend, either in person or by your advocate, at the time and place above mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

FORM NO. 83

(See rule 224)

(Heading as in Rule 4)

Application No.....of 19.....

(In Company Petition Noof 19.....)

(Official) Liquidator of Company Ltd., [Applicant]

or

(A.B., a creditor) contributory of the said company. [Applicant]

versus

.....Respondents

Summons under section 412 (1)

Let all parties attend the company judge in Chambers onday.....day of.....19at.....O'clock in the.....noon on the hearing of an application under section 412 (1) on the part of the (Official) Liquidator of the company aforesaid (or A.B., a creditor/contributory of the above company) for.....

1. A declaration that the respondents, the.....(promoters, directors, managing agents, etc., as the case may be) of the above company had misapplied, retained or become liable or accountable for the money or property of the company, or were guilty of misfeasance and breach of trust in relation to the said company in (here set out briefly the ground on which-the declaration is sought, e.g., paying to the shareholders dividend-out of capital in respect of the financial year....., or lending without consideration

and without taking any security Rs.....of the said company toon.....19....., whereby the same became wholly lost to the said company on the adjudication of said.....as insolvent on.....19....., or as the case may be).

2. An order that all necessary inquiries be made and accounts taken for ascertaining what sums the respondents are liable to contribute to the assets of the said company by way of compensation for such misfeasance and breach of trust as aforesaid.

3. An order that the respondents do jointly and severally contributory to the assets of the said company and do pay to the (Official) Liquidator of the said company all such sums as they may be found liable to contribute to such assets together with surcharge on such sums at the rate of.....per cent. per annum as from the several dates when the said sums were respectively wrongfully paid away until the date of repayment.

4. An order that the said respondents do pay the costs of and incidental to this application.

5. Such other order as in the premises, the Court shall think fit to make.

Dated this.....day of.....19.....,

Registrar.

Advocate for applicant.

(This summons was taken out by Mr.....advocate for the applicant.)

To

.....(respondents),

.....

Note:-If you do not attend, either in person or by your advocate, at the time and place above mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

FORM NO. 84

(See rule 225)

(Heading as in Rule 4)

Application No.....of 19.....

(In Company Petition No.....of 19.....)

.....-Applicant

versus

.....-Respondent

Points of claim under section 412 (1)

1. The above-named company (hereinafter called 'the company') was incorporated on the.....19....., with a capital of Rs.....divided into.....shares of Rs.....each of which.....shares were at all material times issued and fully paid.

2. By an order made on the.....19....., the company was ordered to be wound up by the Court (or, as the case may be).

3. The company is insolvent and the estimated deficiency according to (the statement of affairs) is Rs

4. The respondent was a director/managing agent, etc., of the said company (state the position occupied by the respondent in the company and the period during which he occupied such position, and the salary paid to him.)

5. Etc. (Set out in the separate paragraphs, as may be necessary, the nature of the business of the company, the way in which it was carried on and the facts showing that the business was conducted fraudulently and that the respondent was knowingly a party to the state.)

The Official Liquidator/Liquidator/A.B., the applicant claims :-

(1) A declaration that the respondent is liable without any limitation of liability for all the debts of the company amounting to the sum of Rs

(2) If necessary, an account of the debts of the company.

(3) Payment by the respondent of the said sum of Rsor other sum for which he may be found responsible on the taking of accounts.

(4) Costs.

(5) Further or other relief.

Delivered this.....day of.....19.....by.....Advocate for the applicant.

FORM NO. 85

(See rule 225)

(Heading as in Rule 4)

Application No.....of 19.....

(In Company Petition No.....of 19.....)

.....-Applicant

versus

.....-Respondents

Points of claim under section 412 (1)

1. The above-named company (hereinafter called 'the company' was incorporated on the.....19.....; with a capital of Rsdivided into.....shares of Rseach of which.....shares were at all material times issued and stood credited in the books of the company as fully paid.
2. By an order made on the.....19....., the company was ordered to be wound up by the Court (or, as the case may be).
3. The respondents were at all material times [state the position occupied by each of them e.g. promoter, past or present director, managing agent, secretaries and treasurers manager, liquidator or officer of the company].
4. Etc. (Set out in the separate paragraphs as may be necessary, the main facts showing the misfeasance or breach of trust committed by each of the respondents and the amounts which they are jointly and severally liable to make good to the company in consequence of such misfeasance or breach of trust.)

And the Official Liquidator/Liquidator/A.B., the applicant claims :-

(1) A declaration that the respondents and each of them as past (or present) directors (or, as the case may be) as aforesaid, have been guilty of misfeasance and breach of relation to the company as aforesaid.

(2) An order that the respondents and each of them do repay to the (Official) Liquidator of the said company the said sums, together with surcharge at the rate of.....per cent. Per annum from.....19....., down to the date of payment.

(3) Costs.

(4) Further or other relief.

Applicant.

Delivered this.....day of.....19.....by.....

FORM NO. 86

(See rule 227)

(Heading as in Rule 4)

Company petition No.....of 19.....

[Title to be suitably modified in the case of a voluntary winding up.]

Notice to Liquidator to elect whether he will disclaim

I, the undersigned, give you notice that the above-named company was, at the time of the making of the winding up order herein (or at the time of the passing of the resolution for winding up), the lessee of the property described in the schedule hereto (or, as the case may be), and I, as lessor of the said property (or as the case may be), hereby require you pursuant to the provisions of section 407 (4) of the Companies Ordinance, 1984 within 28 days after the receipt of this notice to decide whether you will disclaim the said lease (or, as the case may be), and if you decide to disclaim as aforesaid, to give me notice within the said 28 days of your intention to apply to the Court for leave to disclaim accordingly"[**In the case of a contract, add at the end "and also disclaim the contract within the said period"**]

Dated thisday of.....19.....,

(Signature)
Address
(Lessor or advocate for the
lessor
or as the case may be) .

To

The (Official) Liquidator of
..... Ltd., (in liquidation)

SCHEDULE

Here set out particulars of the property, lease, contract, etc.

FORM NO. 87

(See rule 227)

(Heading as in Rule 4)

Company petition No.....of 19.....

Notice by liquidator of intention to apply to Court for leave to disclaim. Take notice that I intend to apply to the Court for leave to disclaim (here specify the property, lease, contract, etc, with short particulars and the interest of the company, therein sought to be disclaimed) referred to in the notice given by you to me as the Liquidator of the above-named company.

(Signature)
(Official) Liquidator of the said company'

To

FORM NO. 88

(See rule 227)

(Heading as in rule 4)

Application No.....of 19.....,

(Official) Liquidator of the said company.....Applicant

**Summons for extension of time for giving notice of intention to apply
for leave to disclaim**

Let all parties concerned, attend the company Judge in Chambers on the.....day of.....19....., on the hearing of an application by the applicant herein for an order that the applicant as the (Official) Liquidator of the above-named company may be at liberty withdays of the order to be made herein to give notice to.....of.....of his intention to apply to the Court for leave to disclaim (here specify the property, lease or contract, etc., and the interest of the company therein to be disclaimed with short particulars thereof).

Dated this.....day of.....19.....(Official) Liquidator .

Registrar.

This summons was taken out by the (Official) Liquidator of the above-named company.

To

(Insert names of persons to be served, if any)

FORM NO. 89

(See rule 227)

(Heading as in rule 4)

Company Petition No.....of 19.....

Before the Hon'ble Mr. Justice.....

(or as the case may be)

Order extending time for disclaimer

Upon the application of etc.

IT IS ORDERED that the applicant, as such Liquidator, be and is hereby allowed a further period of.....days from the.....19.....within which he may give notice to.....of his intention to apply to the Court for leave to disclaim the (here specify the property, lease, contract, etc. with short particulars and the interest of the company therein which is to be disclaimed).

Dated this.....day of.....19.....,

(By the Court)

Registrar.

FORM NO. 90

(See rule 227)

(Heading as in rule 4)

Company Petition No.....of 19.....,

Notice of interest in property sought to be disclaimed

To

The (Official) Liquidator, etc..

Take notice that I, the undersigned, claim to be interested in (specify the property, lease, contract, etc., with short particulars) which is sought to be disclaimed by you, and that the nature of my interest therein is as follows :-

(SIGNATURE)

Address

FORM NO. 91

(See rule 227)

(Heading as in rule 4)

Company Petition No.....of 19.....,

Application No.....of 19.....,

(Official) Liquidator of the said company.....Applicant

Summons for leave to disclaim

Let all parties concerned attend the company Judge in Chambers on the.....day of.....19.....at.....O'clock in the.....noon, on the hearing of an application of the (Official) Liquidator of the above-named company for an order pursuant to section 407 of the Companies Ord., 1984 that the said Liquidator [notwithstanding that the time limited thereof by, section 407 (1) has expired[To be included where the time has expired.]] may be at liberty to disclaim (here specify property, lease, contract etc., with short particulars and the interest of the company therein sought to be disclaimed) and that the costs of the application may be provided for.

Dated this.....day of.....19.....

Liquidator of the said company

Registrar.

Note :-On the hearing, the Summons will he adjourned for notice to interested parties.

FORM NO. 92

(See rule 227)

(Heading as in rule 4)

Company Petition No.....of 19.....

Application Noof 19.....

(Official) Liquidator of the said company.....Applicant

Affidavit in support of summons for leave to disclaim a lease

I, the (Official) Liquidator of the said company, do solemnly affirm and say as follows :-

1. The above-named company (hereinafter referred to as the company) was order to be wound up by this Court by order dated.....19.....(or the above-named company resolved by a resolution passed on.....that it should be wound up voluntarily, and I was appointed Liquidator for the purpose of the winding up).

2. By a lease dated the.....days of.....19....., made between.....of the one part and the company of the other part, the said.....demised unto the company all that (specify shortly the premises leased and the, rent, mentioning any special covenants. The said lease [The original or a certified copy of the lease to be produced.] is now produced and shown to me marked 'A'.

3. The premises so demised to the company were used by them for the purposes of (specify what) but have not been occupied or used by the company since the month of.....19.....(etc., as the case may be), nor there are any goods and chattels of the company thereon.

4. I have/have not endeavoured to sell the said lease. Having regard to the rent payable and the terms thereof, the lease is not a profitable one. I have/have not entered into possession of the premises thereby demised or exercised any act of ownership in relation thereto (or, as the case may be).

5. The said lease is of no benefit to the company, its creditors or shareholders, and to the best of my knowledge, information and belief there are no persons interested in the said lease except the company and.....the lessors as aforesaid (or, as the case may be, and state any advantages sought to be attained by the disclaimer, how it would affect other people, etc.).

6. (If the 'disclaimer' is out of time, facts in explanation on which the Court may be properly asked to extend the time should be stated).

7. [On the.....19....., I received a notice fromOf.....requiring me to say whether or not it was my intention to disclaim the said contract. The notice is hereto annexed, marked On the.....day of.....19....., within 28 days of the receipt of the said notice (or if the Court has extended the time, and, by leave of the Court notwithstanding that 28 days had elapsed since the receipt by me of the said notice) I gave notice to the said.....of my intention to make this application to the Court. A copy of the said notice is hereto annexed and marked.....]

8. The assets of the company are insufficient to meet the claims of the creditors (or, as the case may be).

9. In these circumstances, I ask for leave to disclaim the said lease, and the said.....should be allowed to prove for the loss suffered by reason of the said disclaimer alongwith the other creditors.

Sworn/Solemnly affirmed, etc.

Liquidator.

FORM NO. 93

(See rule 230)

(Heading as in rule 4).

Company Petition No.....of 19.....,

Notice to parties interested in the property in respect of which the application to disclaim is made

Notice is hereby given that on an. application to the Court by me as (Official) Liquidator of the above-named company for leave to disclaim a lease to the above-named company dated.....19.....etc., (or, as the case may be), the Court adjourned the matter until the.....day of.....19.....for notice to be given to you.

If you desire to be heard on the said application, you should attend the adjourned hearing before the Court on.....day the.....day of.....19....., at.....O'clock in the..... noon either in person or by advocate.

A copy of the summons and a copy of my affidavit filed in support thereof are sent herewith.

(SIGNATURE)

Liquidator.

To

FORM NO. 94

(See rule 231)

(Heading as in rule 4)

Company Petition No.....of 19.....

Application Noof 19.....

(Official) Liquidator of the, the said company -Applicant

Before the Hon'ble Mr. Justice.....

Order giving leave to disclaim

Upon the application by summons dated.....19....., of the (Official) Liquidator of the above-named company, and upon hearing the applicant in person (or.....advocate for the applicant) [and the advocate, for.....(party interested) or no one appearing for or on behalf of a party interested although he has been duly served with notice of the said application pursuant to the directions of the Court as appears by the affidavit of.....filed on.....19.....], and upon reading the order to wind up the said company dated the.....19....., [or on pursuing the resolution of the company for voluntary winding up dated.....19.....], the affidavit of.....filed the.....19....., and the affidavit of.....filed the.....19....., and the exhibits in the said affidavits respectively referred to (Exhibit.....to the first mentioned affidavit being the contract or lease or as the case may be). [**Note.- Where the Court has made an order extending the time, that order also be mentioned in the preamble to this order.**]

IT IS ORDERED that the (Official) Liquidator of the said company, the applicant, be at liberty, on or before.....19....., to disclaim the contract (or the lease, or the shares or other property as the case may be) dated.....19....., made between.....or the one part, and the said company of the other part, whereby (set out in brief the nature of the contract or the lease or the shares or the property as the case

may be) particulars of which are set out in the schedule hereto, upon the following terms, namely:'

(Here set out the terms and conditions if any subject to which leave to disclaim has been granted.)

Schedule above referred to

[Here set out the particulars of the property disclaimed, e.g., contract or lease dated.....19....., made between, etc., or shares of the face value or Rs.....in.....of which Rs.....are paid-up, etc., (or as the case may be).]

Dated this.....day of.....19.....
(By the Court)

Registrar.

FORM NO. 95

(See rule 232)

(Heading as in rule 4)

Company Petition No.....of 19.....

Disclaimer of lease

[The form to be suitably altered in the case of property other than lease.]

Pursuant to an order of the Court dated the.....day of.....19....., I, the undersigned, the (Official) Liquidator of the above-named company, hereby disclaim all interest in the lease dated.....19....., whereby the premises (here insert description of the property disclaimed) were demised toat a rent of Rs.....per annum (or per mensem) for a term of.....years.

Notice of this disclaimer has been given to.....dated this.....day of.....19....

(Official) Liquidator.

FORM. NO. 96

(See rule 232)

(Heading as in rule 4)

Company Petition No.....of 19.....

Notice of disclaimer of lease

[Form to be suitably altered in the case of property other than lease.]

Take notice that pursuant to an order of the Court, dated the..... day of.....19I, the undersigned. the (Official) Liquidator of the above-named company, by writing under my hand bearing date theday of.....19....., disclaimed all interest in the lease dated the.....day of.....19.....whereby the premises (here insert description of property disclaimed) were demised toat a rent of Rs.....per annum (or per mensem) for a term ofyears.'

The above-mentioned disclaimer-was filed in Court on theday of.....19.....

Dated this.....day of.....19

(Official) Liquidator.

FORM NO. 97

(See rule 240)

(Heading as in rule 4)

Company Petition No.....of 19.....

Notice of dividend

**(Please bring this dividend notice with you,
Dividend ofPaisa in the rupee)**

To

.....
(Name)

.....
(Address)

Take notice that a [Insert here 'first' or 'second' or 'final' as the case may be.]dividend ofPaisa in the rupee has been declared. The amount payable to you is Rsand the same will be payable at my office on theday of19.....and on the subsequent working days up to theday of19.....between the hours of

Upon applying for payment this notice must be produced entire with any bills of exchange, promissory notes or any other negotiable securities held by you, If you desire the dividend to be paid to some other person, you may send an authority to this effect. If you do not attend personally you must fill up and sign the enclosed forms of Receipt and Authority.

Dated atthisday of19.....,

Official Liquidator.

Note :-1. The receipt and authority should, in the case of a firm, be signed in the firm's name, and in the case of a limited company, by an officer of the company so described.

2. If you do not claim the dividend, declared and payable as above, within six months after the date when it became payable, the Official Liquidator shall pay the said amount into the Companies Liquidation Account in the State Bank of Pakistan under section 432.

Enclosures

Receipt

(Heading as rule 4)

Address

Date.....

RECEIVED from the Official Liquidator of the above company the sum of Rs.....being the amount payable to me/us in respect of thedividend ofPaisa in the rupee.

Rs.....

Payee's signature.

Authority for delivery

(Heading as in rule 4)

Address.....

Date.....

SIR,

Please deliver to the bearer.....(name of bearer) (or send to me by cheque by post or by postal money order, at my expense and risk) thedividend of Rspayable to me.

Rs

Payee's signature.

To

The Official Liquidator of.....(company)

FORM NO. 98

(See rule 240)

(Heading as in rule 4)

Company Petition No.....of 19.....

Advertisement as to declaration of dividend

Notice is hereby given that a [Insert here 'first' or 'second' a 'final' as the case maybe.].....dividend ofPaisa in the rupee has been declared and that the same will be payable on theday of.....19and on the subsequent working days up to theday of.....19 at the office of the Official Liquidator.

Every person entitled to participate in this dividend will receive a notice to that effect and no payment will be made except upon production of such notice.

Official Liquidator.

FORM NO. 99

(See rule .243)

(Heading as in rule 4)

Schedule of contributories to whom return is to be made

Number as 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 return of capital appropriated by Liquidator for arrears of calls	Amount of return payable at	Net return payable	Date and particulars of transfer of interest or other variation in list	Remarks
				Rs. Ps	Rs. Ps	Rs. Ps.	Rs. Ps.	Rs. Ps	Rs. Ps		
1	2	3	4	5	6	7	8	9	10	11	12

Where the articles provide that the amount divisible among the members or any class of members shall be divisible in proportion to the amount tip or which ought to have been paid up at the date of the winding up, or contain any other provision which will necessitate further information be 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 or members or such other facts as may be requisite.

FORM NO. 100

(See rule 243)

(Heading as in rule 4)

Company Petition No.....of 19.....

Notice of return to contributories

To

.....
.....

Notice is hereby given that a first/second/final return ofper-share has been declared.-The amount payable to you is Rsand the same will be payable at my office on the.....day of.....19....., and the subsequent working days up to theday of.....19.....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 enclosed forms of receipt and authority for delivery.

Dated.....

Official Liquidator.

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

Enclosures :

(1)

Receipt

(Heading as in rule 4)

RECEIVED from the Official Liquidator of the above company the sum of Rs.....being the amount payable to the/us in respect of the first/second/final return of.....per share held by me/us in the above company.

Rs.....

(Signature/Signatures)

Dated.....

Address:.....

(2)

Authority for delivery.
(Heading as in rule 4)

Address:

Date:

Sir,

Please deliver to the bearer.....(name of bearer) (or send to me/us by cheque by post or -by postal money order, at my/our expense and risk) the first/second/final return or Rspayable to me/us.

Rs.....

Payee's signature.

To

The Official Liquidator of..... (company),
.....

Note :-This is an authority, only to deliver, and not 'to make the return payable to another person.

FORM NO. 101

(See rule 260)

Instructions Regarding the Preparation of the Statement of Account

The following general instructions shall be observed in preparing the statements of account to be filed in Court :-

1. The statement should be a detailed account of all the Liquidator's realisations and disbursements in respect of the company. Under realisations should be entered all receipts derived from assets existing at the commencement of the winding up and subsequently realised, including balance in Bank, Book Debts and Calls collected, Property sold, etc., and under disbursements should be entered all payments for costs and charges, or to creditors and contributories. Where property has been realised, the gross proceeds of sale must be entered under realisations, and the necessary payments incidental to sales must be entered as disbursements. The statement should not contain payments into or out of the Bank (which should be shown by the Bank pass book), nor the temporary investments by the Liquidator or the proceeds of such investments when realised, which should be, shown separately, by a separate' detailed statement of moneys invested by the Liquidator and the investments realised.

Profit allowed or charged by the Bank. Bank Commission, etc., and profit or loss upon the realisation or temporary investments should, however, be inserted "in the accounts of realisations 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 intermediated balance, so that the gross totals shall represent the total amounts received and paid by the Liquidator respectively.

2. Where the Liquidator carries on a business, a Trading Account must be furnished as a distinct account, and only the totals of receipts and payments on the Trading Account must be brought into the statement.

3. When dividends or instalments of composition 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 furnish 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 and instalments of composition and shares of surplus assets actually paid and those remaining unpaid.

4. When unclaimed dividends, instalments of composition or return of surplus assets are paid into the Companies Liquidation. Account, the total amount so paid should be entered in the statement of disbursements as one sum.

OFFICIAL LIQUIDATOR'S STATEMENT OF ACCOUNT

To be filed under section 384)

1. Name of company
2. Date of winding up order
3. Date of commencement of winding up
4. Period of account

Realisation					Disbursements				
Date	Of whom received	Nature of assets realized	Receipt number	Amount	Date	To whom paid	Nature of disbursement	Voucher number	Amount
1	2	3	4	5	1	2	3	4	5
Brought forward. Carried forward.					Brought forward Carried forward				

Note :-1. The statement should be made out in accordance with instructions 1 to 4 herein.

2. No balance should be shown on this account, but only the total realisations and disbursements which should be carried forward to the next statement of account.

3. Only the total amount of dividends paid to creditors or capital returned to contributories should be included under disbursements, and the details should be given in the Annexure below.

Analysis of Balance

	Rs.	Ps.
Total realizations		
Total disbursements		_____
Balance		_____

The balance is made up as follows

Cash in hands of the Official Liquidator

2. Total payments into Bank including balance at date of commencement of winding up as per Bank Book

Total withdrawals from Bank.

Balance at Bank

3. Amounts invested by official Liquidator

[Note.-Full details of investments made and realisations thereof should be given in a separate statement.]

Less

Amounts received by realisation of investment.
Deduct profit or add loss on realisation of investment
(carried into account)

Balance under investment

Total balance as shown above.

Rs. Ps.

Rs. Ps.

Annexure to the Account

I. Calls made by the Official Liquidator

Date of call

Rate of call

Total amount of call

Total amount realised on the call

II. Dividends declared

1. Date of declaration

2. Rate of dividend

3. If not declared, state reasons; and when declaration may probably be made:

(Where dividends have been declared and paid, the following account should be furnished).

Number on list	Name of creditor	Amount of proof	Amount of dividend Paid		(or composition) Unclaimed
			Rs.	Ps.	Rs. Ps.
1	2	3	4	5	
Total					

III. List of amounts paid and payable to contributories during the period of account.

Number on list	Name of contributory	Number of shares	Amount returnable on shares		
			Paid	Unclaimed	
			Rs.	Ps.	Rs. Ps.
1	2	3	4	5	
Total					

IV. Legal proceedings authorized

Date of order authorizing employment of advocate	Name of advocate	Nature of work authorised to be done	Limit of costs, if any
1	2	3	4

--

If any actions or other proceedings are delaying the close of the liquidation, state shortly the nature and probable duration thereof. State also any other circumstances tending to delay the winding up of the company, or affecting the realised value of the property or the costs of realisation

V. Liquidator's Trading Account

To be furnished where the Official Liquidator carries on business.

The Official Liquidator in account with the estate

Dr. Date	Receipts Particulars	Rs.	Ps.	Date	Payments Particulars	Cr. Rs.	Ps.	
Total					Total			

Dated.....

SD/- Official Liquidator.

FORM NO. 102

(See-rule 260)

(Heading as in rule 4)

Affidavit verifying account

I....., the Official Liquidator of the above-named company solemnly affirm and say :-

That the account hereunto annexed and marked `A' 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 in the annexed account marked `A' with respect to the proceedings in and position of the liquidation, are-true to the best of my knowledge and belief.

Sworn/Solemnly affirmed by the Official Liquidator
of this Court at.....this.....
day of.....19.....
Before me.

Commissioner.
Liquidator.

Official

FORM NO. 103

(See rule 260)

(Heading as in rule 4)

Official Liquidator's Final Account

1. Name of company
2. Date of winding up order
3. Date of commencement of winding up
4. Period of account

Realisation					Disbursements				
Date	Of whom received	Nature of assets	Receipt number	Amount Rs. Ps.	Date	To whom paid	Nature of disbursement	Voucher number	Amount Rs. Ps.
1	2	3	4	5	1	2	3	4	5
Brought forward.					Brought forward				
Total					Total				

Note :- The statement should be made out in accordance with the directions contained in the Form relating to the Quarterly statements.

Analysis of Balance

	Rs.	Ps.
Total realisations		
Total disbursements		
Balance		

The balance is made up as follows :-

1. Cash in hands of the Official Liquidator

Rs. Ps.

2. Total payments into Bank (including balance at date of commencement of winding up)

Total withdrawals from Bank

Balance at Bank

Total balance as shown above

(Trading account for the period, if any, to be attached)

Subject to the directions of the Court, it is proposed to pay the balance-shown as above into the Companies Liquidation Account in the State Bank of Pakistan under section 432.

Official Liquidator's report to accompany account

1. (i) Assets realised

Assets at commencement of winding up	*Estimated value		Total realised from the assets		Remarks
	Rs.	Ps.	Rs.	Ps.	
1	2		3		4
1. Property (as per register of Assets).					
2. Book Debts & outstanding.					
3. Surplus from securities.					
4. Unpaid calls (prior to winding up).					
5. Capital called up.					
Total					

*[As per statement of affairs, or where there is no statement of affairs, according to the Liquidator's estimate.]

(ii) Assets which are unrealisable and should be written of: (Give particulars and state reasons why they could not be realised)

Assets at the commencement of winding up	Estimated value	Reasons why they could not be realised and should be written off
1. Property (as per register of Assets).		
2. Book Debts and outstandings.		
3. Unpaid calls (prior to winding up).		
4. Capital not realised.		

2. Liabilities		
	Amount due Rs. Ps.	Total amount paid by way of dividend or Otherwise
(1) Secured creditors		
(2) Preferential creditors		
(3) Debenture holders (secured by a floating charge).		
(4) Unsecured creditors		
(5) Return of capital to contributories		

3. Expenses of winding up Rs

4. Statement of unpaid dividends and undistributed assets paid and payable into the companies Liquidation Account in the State Bank of Pakistan.

(a) Total amount of unpaid dividends and undistributed assets paid into the Companies Liquidation Account as per previous account. Rs. Ps.

Amount of unpaid dividends and undistributed assets paid into the said account during the period of this account.

Total _____

(b) Unpaid dividends and undistributed assets pending payment into the Companies Liquidation Account in the State Bank of Pakistan.

5. Particulars of unpaid dividends and undistributed assets paid into the Companies Liquidation Account in the State Bank of Pakistan during the period of account

Number on list of creditors or contributories	Name and address of creditor or	Amount of dividend of assets payable	Date of payment into companies	Remarks

	contributory		Liquidation Account-	
1	2	3	4	5

6. Particulars of unpaid dividends or undistributed assets pending payment into the said account.

Number on list of creditors or contributories	Name and address of creditor or contributory	Amount of dividend of assets payable	Date when payable to creditor or contributory	Remarks
1	2	3	4	5

Dated.....

Official Liquidator.

FORM NO. 104

**(See rule 267)
(Heading as in rule 4)**

Annual statement to be filed by the Official Liquidator under section 430

1. Name of company 2. Date of winding up order 3. Date of commencement of winding up: 4. Date to which the statement is brought down	
Realisations Disbursements	
Rs. Ps. Rs. Ps.	
Brought forward	
Total realisation for the period from.....to..	
Total disbursements	
Total	_____ _____

Balance	_____	_____
	_____	_____
Analysis of Balance		
	Rs.	Ps.
The balance is made up as follows :		
1. Cash in the hands of the Official Liquidator	Rs.	Ps.
2. Total payments into Bank including balance at date of commencement of winding up as per Bank pass book Less total withdrawals from Bank		
Balance at Bank ..		_____
3. Amounts invested by the Official Liquidator.		
[Note :-Full details of investments made and realisations thereof should be given in a separate statement.]		
Less	Rs.	Ps.
Amounts received by realisation of investment		
Deduct profit or add loss on realisation of investment (carried into the account)		_____
Balance under investment		
Total balance as shown above		_____

Statement as to the position of the liquidation as on.....(the date to which the statement is brought down)

	Rs. Ps.
1. Assets	
Total amount of estimated assets at the date of the commencement of the winding-up after deducting amounts charged to secured creditors	

[Note :-Full details of investments made and realisations thereof should he given in a separate statement.]

(As per statement of affairs or Liquidator's estimate)

Assets realised

Estimated value of assets still to be realised

2. Liabilities

	Total amount due	Amount paid	Amount outstanding
Secured creditors			
Preferential creditors			
Debenture holders secured by floating charge			
Unsecured creditors			

3. Total amount of capital paid up at the date of commencement of winding up

Paid up in cash

Issued as paid otherwise than for cash

4. General description and estimated value of outstanding assets still to be realised (if any)

5. Causes which delay the termination of winding up

6. Period within which the winding up may probably be completed

7. Statement of the moneys paid into the Companies Liquidation Account in the State Bank of Pakistan under section 430 during the period

Number on list of creditor or contributory	Name and address of creditor or contributory.	Amount of unpaid dividend or undistributed assets	Date when payable to creditor or contributory	Date of payment into the Companies Liquidation account	Remarks
1	2	3	4	5	6

--

Dated.....

SD/-
Official Liquidator.

Declaration

I declare that the particulars set out in the above statement are true and that the above statement sets out the true position of the liquidation as on.....to the best of my knowledge and belief.

Dated.....

SD/-
Official Liquidator.

FORM NO. 105

(See rule 267)

Instructions regarding the preparation of the statement of account

The following general instructions shall be observed in preparing the statements of account to be filed by a liquidator in a voluntary winding up under section 430.

1. The statement should be a detailed account of all the liquidator's realisations and disbursements in respect of the company. Under realisations should be entered all receipts derived from assets existing at the commencement of the winding up and subsequently realised, including balance in Bank, Book Debts and Calls collected, Property 'sold, etc., and under disbursements, should be entered all payments for costs and charges, or to, creditors and contributories. Where property has been realised, the gross proceeds of sale must be entered under realisations, and the necessary payments incidental to sales must be entered as disbursements. The statement should not contain payments into or out of the Bank (which should be drawn by the Bank pass book), nor the temporary investments by the Liquidator or the proceeds of such investments when realised, which should be shown separately, by a separate detailed statement of moneys invested by the liquidator and the investments realised.

Profit allowed or charged by the Bank, bank commission, etc., and profit or loss upon the realisation of temporary investments should, however, be inserted in the accounts of

realisations 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 total shall represent the total amounts received and paid by the Liquidator respectively.

2. Where the Liquidator carries on a business, a trading Account must be furnished as a distinct account, and only the totals of receipts and payments on the Trading Account must be brought into the statement.

3. When dividends or instalments of commission 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 furnish 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 and instalments of composition and shares of surplus assets actually paid and those remaining unpaid.

4. When unclaimed dividends, instalments of composition or return of surplus assets are paid into the Companies Liquidation Account the total amount so paid should be entered in the statement of disbursements as one sum.

LIQUIDATOR'S ACCOUNT
(to be filed in duplicate)

Exhibit 'A'

This is the Exhibit marked 'A'
referred to in the affidavit of
.....solemnly
affirmed before me this
.....day
of.....

1. Name of company
 - *2. Nature of proceeding
 3. Date of commencement of winding up
 4. Date to which statement is-brought down
 5. Name and address of liquidator
- Liquidator's -statement of account pursuant to section 430 of the Companies Ordinance.
Liquidator's account from.....

Commissioner.

to.....

Realisations	Disbursements
--------------	---------------

Date	Of whom received	Nature of assets realized	Amount Rs. Ps.	Date	To whom paid	Nature of disbursement	Amount Rs. Ps.
1	2	3	4	1	2	3	4
Brought forward _____				Brought forward _____			
Total carried over _____				Total carried over _____			

Note:-No balance should be shown on this account, but only the total realisations and disbursements, which should be carried forward to the next account.

Analysis of Balance

Rs. Ps.

Total realisations

Total disbursements

Balance

Note: Here state whether it is winding up under supervision of Court, or a member or creditor's voluntary winding up. If it is a winding up under the supervision of the Court, the number of the petition or other proceeding in which the order was made and the date of the order should also be given.

	Rs.	Ps.
The balance is made up as follows :		
1. Cash in the hands of the Liquidator ..	Rs.	Ps.
2. Total payments into Bank including balance at date of commencement of winding up (as per Bank Account Statement)		
Less total withdrawals from Bank		_____
Balance at Bank		
3. Amounts invested by the Liquidator		
<i>[Note: Full details of investments made and realisations thereof should be given in a separate statement.]</i>		
Less	Rs.	Ps. -

Amounts received by realisation of investment
 Deduct profit or add loss on realisation of investment
 (carried into the account).

Balance under investment _____

Total balance as shown above

ANNEXURE TO IICHE ACCOUNT-1

Statement as to the position of the liquidation as on.....(the date to which the statement is brought down)

1. Assets :

Rs. Ps.

(a) Assets not specifically pledged

Total amount of the estimated assets at the date of the commencement of the winding up

Assets realised

Estimated value of assets still to be realised

(b) Assets specifically pledged

	Book Value	Value realised	Due to Secured creditors	Surplus(+) or Deficiency(-)
(1) Immovable property.				
(2) Goods not in possession				
(3) Goods in possession.				
(4) Other property				
Surplus or deficiency from assets specifically pledged				

2. Liabilities

	Total amount due	Amount paid	Amount outstanding
	Rs. Ps.	Rs. Ps.	Rs. Ps.
	(1)	(2)	(3)
(1) Secured creditors			
(2) Preferential creditors			
(3) Debenture holders secured by a floating charge			

(4) Unsecured creditors			
-------------------------	--	--	--

3. (a) Total amount of capital paid up at the date of commencement of winding up

Rs. Ps.

Paid up in cash

Issued as paid otherwise than in cash

(b) Calls (if any) made by the Liquidator

(1) Date of call

(2) Rate of call

(3) Total amount of call

(4) Total amount realised on call.

4. General description and estimated value of the outstanding still to be realised (if any).

5. Causes-which delay the termination of the winding up.

6. Period within which the winding up may probably be concluded.

7. Legal proceedings (if any), instituted pending or concluded during the period.

Name of Court and number of proceeding	Names of parties and their advocates	Nature of proceeding	Stage of proceeding	Nature of decree or order made. if any	Remarks
1	2	3	4	5	6

(If any actions or other proceedings are delaying the close of the liquidation. state shortly the nature and probable duration thereof. State also other circumstances tending to delay the winding up of the company, or affecting the realised value of the property or the costs of realisation)

ANNEXURE-II.

Liquidator's Trading Account

Liquidator of the above company in account with the estate

Dr.	Cr.
Receipts Particulars	Payments Particulars

Date	Rs. Ps.	Date	Rs.Ps.
Total		Total	

ANNEXURE-III

List of dividends or composition

I hereby certify that a dividend (or composition) of.....paise in the rupee was declared payable on or after the.....day of.....19.....and that creditors whose names are set forth below are entitled to the amounts set opposite their respective names, and have been paid such amounts except in the cases specified as unclaimed.

Dated the.....day of.....19

(Sd.)/-

Liquidator.

Number on list	Name of creditor	Amount of claim	Amount of dividend or composition	
			Paid	Unclaimed
		Rs. Ps.	Rs. Ps.	Rs. Ps.
1	2	3	4	5

Total

ANNEXURE-IV

List of amounts paid or payable to contributories

Name of company.....(in liquidation)

I hereby certify that a return of surplus assets was declared payable to contributories on or after the.....day of.....19.....at the rate of.....per share, and that the contributories whose names are set forth below are entitled to the amounts set opposite their respective names, and have been paid such amounts except in the cases specified as unclaimed.

Dated the.....day of..... 19

(Sd.)/-

Liquidator.

Number on list	Name of contributory	Number of shares	Amount of returned on shares

			Paid		Unclaimed	
		Rs.	Ps.	Rs.	Ps.	Rs. Ps.
1	2	3		4		5

Total

ANNEXURE-V

Statement of unclaimed dividends and undistributed assets paid into the Companies Liquidation Account in the State Bank of Pakistan during the period

Serial number	Name and address of creditor or contributory	Amount of dividend or undistributed assets payable or refundable	Date when payable or refundable to creditor-or contributory	Date of payment into Companies Liquidation Account	Remarks
1	2	3	4	5	6

Dated this.....day of.....19

(Sd.)/-

Liquidator

FORM NO. 106

(See rule 267)

[Heading as in rule 4]

Name of company
Nature of proceeding
Date of commencement of winding up

Affidavit verifying account

I.....Liquidator of the above-named company solemnly affirm and say :-

That the account hereunto annexed and marked `A' 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 any 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 in the annexed account marked 'A' and the annexures thereto, with respect to the proceedings in and position of the liquidation, are true to the best of my knowledge and belief.

Solemnly affirmed by the Official Liquidator of this Court atthis.....day of.....19.....

Liquidator.

Before me.
Commissioner.

FORM NO. 107

(See rule 269)

Companies Ordinance, 1984

Members' voluntary winding up

**Declaration of solvency, embodying a statement of assets and liabilities
(pursuant to section 362)**

Name of Company.....Limited.

Presented by :

Declaration of solvency

We....., of.....and of.....being all the/majority of the directors of.....do solmenly affirm and declare that we have made a full enquiry into the affairs of this company, and that having done so, we have formed the opinion that this company has no debts/will be able to pay its debts in full within a period of [The period to be filled in should not exceed one year.].....months from the commencement of the winding up, and we append a statement of the company's assets and liabilities as at.....,being the latest practicable date before the making of this declaration. And we make this solemn declaration believing the same to be true.

Solemnly affirmed the declared at.....the.....day of.....19..... before me.

Signatures.
Director of the Company.

Commissioner for Oaths or Notary Public or Justice of the Peace.

Statement as at.....19.....showing assets at estimated realizable values and liabilities expected to rank.

Assets	Book Value	Estimated to realised
1. Balance at Bank		
2. Cash in hand		
3. Marketable Securities		
4. Bills Receivable		
5. Trade Debtors		
6. Loans and Advances		
7. Unpaid Calls		
8. Stock-in-trade		
9. Work-in-progress, viz.,		

10. Freehold Property		
11. Leasehold Property		
12. Plant & Machinery		
13. Furniture, fittings, utensils, etc.		
14. Patents, trade Marks, etc		
15. Investments other than Marketable Securities		
16. Other property, viz.		

<p>-----</p> <p>-----</p> <p>-----</p>	<p>_____</p> <p>Total _____</p>
--	---------------------------------

	Estimated to rank for payment (to the nearest rupee)
Liabilities	
1. Secured on specific assets, viz.,	
2. Secured by floating charge(s), viz.,	
3. Estimated cost of liquidation and other expenses including interest accruing until payment of debts in full	
4. Unsecured creditors (amounts estimated to rank for payment)	
(a) Trade accounts	
(b) Bills payable	
(c) Accrued expenses	
(d) Other liabilities	

(e) Contingent liabilities	

	Total .. _____
Total estimated value of assets	Rs
Total liabilities	<u>Rs</u>
Estimated surplus after paying debts in full	<u>Rs.....</u>
Remarks	Signatures
Dated.....	Directors of the Company,

FORM NO. 108

(See rule 270)

Companies Ordinance, 1984

Form of statement of assets and liabilities

(To be submitted to a meeting of creditors pursuant. to section 368 by the Liquidator in a Members' Voluntary Winding up if he is of the opinion that the company will be unable to pay its debts in full within the period stated in the declaration of solvency, viz.....months from the commencement of the winding up or if the period has expired without the debts, having been paid in full).

Name of company.....Ltd. (in liquidation)

Date of commencement of winding up

Statement as at.....19....., showing, assets at estimated realisable values and liabilities expected to rank.

Assets	Book values	Estimated realisable values
<p>1. Assets not specifically pledged</p> <p>(1) Balance at Bank</p> <p>(2) Cash in hand</p> <p>(3) Marketable Securities</p> <p>(4) Bills Receivable</p> <p>(5) Trade Debtors</p> <p>(6) Loans & Advances</p> <p>(7) Unpaid Calls</p> <p>(8) Stock-in-trade</p> <p>(9) Work-in-progress, viz.,</p> <p>-----</p> <p>-----</p> <p>(10) Freehold property</p> <p>(11) Leasehold property</p> <p>(12) Plant & Machinery</p> <p>(13) Furniture, Fittings, Utensils, etc</p> <p>(14) Patents, Trade Marks, etc</p> <p>(15) Investments other than Marketable' Securities</p> <p>(16) Other property, viz:,</p> <p>-----</p> <p>-----</p>		
Total estimated realisable value of assets not- specifically pledged _____		

2. Assets specifically pledged

	(a) Estimated realisable values Rs.	(b) Due to secured creditors Rs.	(c) Deficiency ranking as unsecured Rs.	Surplus carried to last column Rs.
(1) Freehold property				
(2) Leasehold property				
(3) Movable--				
(i) Goods in possession of the company.				
(ii) Goods not in possession.				
Total				
Estimated surplus form assets specifically pledged				
Estimated total assets available for preferential creditors, debenture holders secured by a floating charge, and unsecured creditors .. _____				
Gross realisable value of assets specifically pledged other assets _____				
Gross assets Rs. _____				

<p>(e) Gross liabilities Rs.</p> <p>(to be deducted from surplus or added to deficiency, as the case may be).....</p> <p>Secured creditors to the extent to which claims are estimated to be covered by assets specifically pledged [item (a) or (b) above whichever is the less]</p> <p>(Insert in 'Gross Liabilities' column only</p> <p>Preferential creditors</p> <p>Estimated balance of assets available for debenture holders secured by a floating charge and unsecured creditors *</p> <p>Debenture holders secured by a floating charge</p> <p>Estimated surplus/deficiency as regards debenture holders *</p>	<p>Liabilities</p> <p>Rs.</p>
--	-------------------------------

FORM NO. 109

(See rule 271)

Companies Ordinance, 1984

Member's (or Creditors' voluntary winding up

Notice of appointment of liquidator pursuant to section 389

Name of company :

Nature of business :

Address of Registered Office :

Name(s) and address(es) of Liquidator(s)

Date of appointment :

By whom appointed :

SD/- Liquidator.

FORM NO. 110

(See rule 271)

Companies Ordinance, 1984

Members' (or Creditors') Voluntary Winding up

Notice of appointment of liquidator pursuant to section 389

Name of company :

Nature of business :

Presented by :

To

The Registrar of Companies,

I (or/we).....of [address(es)] hereby give notice that I (or/we) have been appointed liquidator(s) of.....(Ltd.) by [Note:-State how appointed, whether by resolution of the company, creditors of the company, or how otherwise.]resolution of the company (or by creditors of the company), dated

Dated the.....day of

.....19

Signatures.

[To be signed by each liquidator if more than one.]

Liquidator

FORM NO. 111

(See rule 279)

Members'/[Omit what is not appropriate.]Creditors' voluntary winding up

Name of company

Notice convening final meeting

Notice is hereby given in pursuance of section 370/382 that a general meeting of the members of the above-named company will be held at,on the.....day of.....19....., at.....O'clock in the.....noon (and a meeting of the creditors will be held at.....on the.....day of.....19.....at.....O'clock in the.....noon) for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and of hearing and explanation that may be given by the liquidator and also of determining by a special resolution of the company/[Omit what is not appropriate.]by a resolution of the Committee of Inspection/[Omit what is not appropriate.]by the creditors, the manner in which the books, accounts and documents of the company and of the liquidator shall be disposed of.

Dated this.....day of.....19.....,

Signature of the Liquidator.

FORM NO. 112
(See Rule 279)
Companies Ordinance, 1984

Strike out what does not
apply

*Here state whether the winding up is a members' or creditors' voluntary winding up or a winding up under the supervision of the Court. If under the supervision of the court, mention the number of the petition in which the order was made and the date of the order.

Liquidator's statement of account of the winding up (Members'/Creditors' voluntary winding up) (Pursuant to section 370/382)

1. Name of the company.....Ltd.
2. Nature of proceeding*:
3. Date of commencement of the winding up :
4. Name and address of the Liquidator.

Statement showing how the winding up has been conducted and the property of the company has been disposed of From.....19 . (Commencement of winding up) to.....19 (close of winding up)

Receipts			Payments		
	Estimated Value Rs.	Value realized Rs. Ps.			Payments. Rs.
Assets			Legal charges		
Cash at Bank			Liquidator's remuneration		
Cash in hand			Where applicable		
Marketable Securities		% on		
Bills Receivable			Rs.....realised		
Trade Debtors					
Loans and Advances		% on		
Stock in Trade			Rs.....distributed		
Work in progress					
Freehold Property			Total		
Leasehold Property			(By whom		
Plant and Machinery			fixed.....)		
Furniture, Fittings, Utensils. etc.					

<p>Patents. Trade Marks. etc. Investments other than Marketable Securities. Surplus from Securities Unpaid Calls at commencement of winding up. Amount received from calls on contributories Amounts received from calls on contributories made in-the winding up Receipts per Trading Account Other property. viz.-</p>			<p>Auctioneers' and valuers' charges</p> <p>Cost of possession and maintenance of estate Costs of notices in Gazette and newspapers Incidental outlay (establishment charges and other Expenses of liquidation) Total costs and charges (i) Debenture holders :-</p>	
<p>Total</p>			<p>Payment of Rs per Rs.....debenture</p>	
<p>Less Payments to redeem securities</p>			<p>Payment of Rs.....per Rs.....debenture</p>	
<p>Costs of execution Payments per trading account</p>			<p>Payment of Rs..... per Rs....debenture</p>	
<p>Net realizations</p>			<p>(ii) Creditors :- *Preferential *Unsecured</p>	
			<p>Dividend(s) of.....P in the rupee or Rs..... (The estimate of the amount expected to rank for dividend was Rs) (iii) Returns to</p>	

			contributoriesP per rupee.....† shareP per rupee.....† shareP per rupee.....† share Add balance		
--	--	--	--	--	--

*State the number. Preferential creditors need not be separately shown if all creditors have been paid in full.

†State nominal value and class of share.

(1) The following assets estimated to be of the value of Rs.....have proved to be unrealisable:

(Give details of the assets which have proved to be unrealisable)

(2) Amount paid into the Companies Liquidation Account in respect of

- (a) Unclaimed dividends payable to creditors in the winding up
- (b) Other unclaimed distributions in the winding up
- (c) Moneys held by the company in trust in respect of dividends or other sums due before the commencement of the winding up to any person as a member of the company.

Rs

(3) Add here any remarks the Liquidator thinks desirable :-

Dated this.....day of.....19 SD/
Liquidator.

Declare that the above, statement is true and contains a full and accurate account of the winding up from the commencement to the close of the winding up.

Dated this.....day of.....19 SD/-
Liquidator.

(See rule 281)

Companies Ordinance, 1984

Members' voluntary winding up

Return of final winding up meeting (pursuant to section.370)

Name of company

Presented by

To

The Registrar of Companies,

I/* We.....of.....being the liquidator(s).
Of.....Ltd., hereby inform you that a general meeting of the company was duly
held on/* summoned for the.....day of.....19....., pursuant to section
370 for the purpose of laying before it an account (of which a copy is attached hereto)
showing how the winding up of the company has been conducted and the property of the
company disposed of, and that the account was duly laid before the said meeting/*no
quorum was present at the meeting.

A copy of the minute of the meeting is also annexed.

Dated the.....day of.....19.....

†Signature(s).

Note:-The copy of account accompanying this return must be authenticated by the signature(s) of the liquidator(s).

*Strike out what does not apply.

†To be signed by each liquidator if more than one.

(See rule 281)

Companies Ordinance, 1984

Creditors' voluntary winding up

**Return of the final winding up meeting of members and creditors
(pursuant to section 382)**

Name of company

Presented by

To.

The Registrar of Companies,

I/We.....of..... being the liquidator(s)
of..... Ltd., hereby inform you. .

(1) that a general meeting of the company was duly held on/*summoned for the.....day of.....19....., pursuant to section 382 for the purpose of laying before it an account (of which a copy is attached hereto) showing how the winding up of the company has been conducted and the property of the company disposed of and that the said account was duly laid before the said meeting/*no quorum was present at the meeting.

(2) that a meeting of the creditors of the company was duly held on/*summoned for the.....day of.....19..... pursuant to section 382 for the purpose of laying before it the said account showing how the winding up of the company has been conducted and the property of the company disposed of, and that the said account was duly laid before the said meeting/* no quorum was present at the said meeting.

Copies of the minutes of the meetings aforesaid are annexed.

Dated the.....day of.....19.....

†Signature(s).

Note:-The copy of account accompanying this return must be authenticated by the signature(s) of the liquidator(s).

*Strike out what does not apply.

† To be signed by each liquidator if more than one.

FORM NO. 115

(See rule 285)

Companies Ordinance, 1984

*Here state whether it is a winding up by or subject to the supervision of the court. or a members' voluntary winding up or creditor' voluntary winding up. If a winding up by court. state the number of the petition and the date of the order.

Statement of unclaimed dividends or Undistributed assets, paid up under section 432 into the Companies Liquidation Account in the State Bank of Pakistan to be furnished under section 432 (2).

Name of the company

Nature of the proceeding*

Date of commencement of winding up

Date of payment into the Companies Liquidation Account.

1. Particulars of the unclaimed dividends paid into the Companies Liquidation Account in the State Bank of Pakistan,

Number on list of creditors	Name of the creditor to whom the dividend is due	Last known address of creditor	Date of declaration and rate of dividend		Total amount of dividend payable	Last date when payable	Amount paid into Companies Liquidation Account	Remarks
			Date	Rate				
1	2	3	4	5	6	7	8	9

Total

II Particulars of undistributed assets paid into the Companies Liquidation Account in the State Bank of Pakistan.

Number on list of creditors	Name of contributor	Last known address of creditor	Date of declaration and rate of dividend		Total amount of dividend payable	Last date when payable	Amount paid into Companies Liquidation Account	Remarks
			Date	Rate				
1	2	3	4	5	6	7	8	9

Total								
Total amount of unclaimed dividends paid into the Companies Liquidation Account								
Total amount of undistributed assets paid into the Companies Liquidation Account								
Total amount paid under both heads								

Dated the.....day of.....19 .

SD/-
Liquidator(s)

APPENDIX II

(Rule 17)

Enclosures to petition

S. No.	Section	Description of Petition	Enclosures
1	2	3	4

1	108	Petition to cancel any variation of the rights of the holder of any class of shareholders.	Memorandum and articles of association.
2.	152	Petition for Rectification of Register of Members	Memorandum and articles of association.
3.	265	Petition for order that the affairs of a company may be investigated.	(a) Memorandum and articles of association. (b) Latest copy of the balance sheet and profit and loss account.
4.	271	Petition of the Authority for action against the management of a company.	(a) Memorandum and articles of association. (b) Investigation report.
5.	284 & 287	Petition under section 284 and 287 to convene a meeting of creditors or members to consider a compromise or arrangement including one to sanctioning scheme of reconstruction, amalgamation or division of any two or more companies.	(a) Memorandum and articles of association ; (b) Proposed compromise or arrangement or scheme appertaining thereto ; (c) Latest balance sheet and profit and loss account ; of the company or each of such company.
6.	290	Petition for relief in case of oppression or mismanagement.	(a) Memorandum and articles of association. (b) Latest balance sheet and profit and loss account.
7.	309	Petition of Winding up.	(I) In the case of a petition by the Registrar of Companies. (a) memorandum and articles of association (b) latest balance sheet and profit and loss account ; and (c) order of the Authority sanctioning the filing of the petition. (II) In the case of a petition by the Authority (a) report of investigation of the affairs of the company ; (b) memorandum and articles of association ; (c) latest balance sheet and profit and loss account ; and (d) Authorisation of the Authority where the petition is

			<p>by a person so authorised.</p> <p>(III) In the case of a petition filed by a company ;</p> <p>(a) memorandum and articles of association ; and</p> <p>(b) prescribed particulars of assets and liabilities, business operations and the suits or proceedings pending against the company.</p>
8.	439	Petition to restore a company's name to the Register of Companies.	Order striking the company's name off the Register of Companies.