

FORM NO. 12

[See rule 38] [HEADING AS IN FORM NO.1]

Company Petition No of 19 ..

A.B. & Co. [Ltd.]-Petitioner

Affidavit In support of the petition and the summons for directions

I, X, Y., etc., solemnly affirm and say as follows :-

1. I am the chairman of the Board of Directors/ a Director / of the above-named company,

and I have been a director of the company since .. .19 [The capacity in which the deponent swears to the affidavit should be set out].

2. I have read the petition now shown to me and marked 'A', and state that the statements made in paragraphs 1 to 10 thereof are correct and true to my knowledge.

3. The printed copy of the memorandum and articles of association with a copy of every special resolution of the company now in force and annexed thereto (other than the special resolution referred to in the petition), now shown to me and marked 'B', is a true and correct copy of the said memorandum and articles.

4. The general meeting referred to in paragraph 6 of the petition was duly convened in pursuance of the notice now shown to me and marked 'C'. A copy of this notice was duly sent out to all the shareholders in accordance with the provisions of the Act and the articles of association. [If the notice was advertised in any newspaper, it may be so stated, and a copy of the issue in which the advertisement appeared annexed.].

5. I was the chairman (or was present) at the meeting held in pursuance of the said notice at which the special resolution referred to in para 6 of the petition was passed (or Shri was the chairman of the meeting). The said resolution was duly passed in accordance with section 189 of the Companies Act, 1956, unanimously (or by a majority ofvotes against... votes).

The book now produced and shown to me and marked 'D' is the minute book of the company, containing minutes of proceedings at general meetings of the company, and the proceedings of the meeting held on the said day of19 .., have been correctly recorded therein.

6. It is prayed that directions may be given as to the date of hearing and the advertisement of the petition.

Solemnly affirmed, etc. (Sd.) X. Y. Note: Necessary alterations should be made where the petition is for confirming an alteration in the form of the constitution of the company by substituting a memorandum and articles for a deed of settlement under section 579.