

FORM NO. 16

[See rule 43] [HEADING AS IN FORM NO. I]

Company Petition No o/ 19 ..

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

Petition under section 579 for confirming the substitution of memorandum and articles for a deed of settlement

The petition of A.B. & Co .. Ltd .. the petitioner herein. showeth as follows :-

1. The above-named company was constituted under a deed of settlement dated and expressed to be made between . of the first part •..... of the second part and . of the third part. etc. The said company was registered in pursuance of Part IX of the Companies Act, 1956. as a company limited by shares/limited by guarantee/ unlimited company (omit what is not required).

2.The registered office of the company is situated at... .

3.The capital of the company is Rs divided into shares of Rs each. of which shares have been issued and fully paid-up [omit what is not appropriate. Any further particulars as to share capital of the company and/ or liability of the members as may be appropriate. should be set out.]

4. The objects for which the company was established were set forth in clause of the deed of settlement. and were as follows :-

[Here set out the objects]

5. Shortly after its incorporation. the company commenced business and has been and is still carrying on business in accordance with the said deed of settlement and the regulations subsequently made and now in force.

6. By a special resolution of the company, duly passed in accordance with section 189 of the Companies Act. 1956. at a general meeting thereof, held on the day of... 19 , after due notice as provided in the Act. it was resolved unanimously (or. by a majority of... votes against..votes). as follows :-

[Here set out the resolution]

7. The objects of the company as set out in the memorandum of association referred to in the said special resolution are the same as those contained in the deed of settlement. and set out in para 4 above, except for a purely verbal alteration in clause necessitated by the difference in the form of the two documents [or, if there is an alteration in the objects. set out the proposed alterations and give reasons for the same.]

8. [Set out whether the company has issued or agreed to issue any debentures and whether the company has other debts, and. if so. the nature and extent of such debts.]

9. The company is/is not in good financial condition. and has/has not sufficient working capital. The following summary. extracted from its last balance sheet for the period ending 19 . indicates its financial position:-

Capital paid-up	Rs.
Reserve Fund	Rs.
Undivided profits	Rs.

	Rs.

The assets of the company amounted to Less: liabilities

Excess of assets over liabilities [or, as the case may be]

Rs. Rs. Rs.

10. No one will be prejudiced by the proposed alteration in the constitution of the company by the substitution of the memorandum and articles referred to in the special resolution for the deed of settlement and the regulations now in force [and in the objects of the company] and it is just and equitable that the alteration should be confirmed by the Court.

11. The Petitioner, therefore, prays :-

(1) That the alteration of the constitution of the company sought to be effected by the special resolution set out in paragraph 6 above and passed at a general meeting of the company held on the day of.. 19 , by the substitution of the memorandum and articles of association annexed hereto for the deed of settlement dated and for all the regulations of the company subsequently made and now in force, be confirmed.

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

DatedAdvocate for petitioner

Petitioner

'To be inserted where there is an alteration of objects.