

FORM NO. 43

[See rule 88] [HEADING AS IN FORM NO.1]

Company Petition No .....of 19 .

[Name(s)]. Petitioner! s

Petition by minority shareholders under section 397

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 .... Co. Ltd., above-mentioned (hereinafter called 'the company') was incorporated on ....under the provisions of the (Companies Act, 1956).

3.The registered office of the company is situate at.. .

4.The nominal capital of the company is Rs ..... divided 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 under section 399(1) or (4)].

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 woundup, to do so would unfairly prejudice the petitioner(s) and that part of the members.

The petitioner(s), therefore, prays (pray) as follows:-

1.(here set out the remedy sought)

2.Or, such other 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 <i>or</i> other sums due on shares have been
1	2	3	4	5

*Advocate for the petitioner(s).* 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.