

FORM NO. 46

[See rule 95] [HEADING AS IN FORM NO.1]

Company Petition No of J 9
..... -Petitioner

Petition by creditor

The petition of [insert full name, description, occupation and address of petitioner] showeth as follows:-
Paras 1 to 5 as in Form No. 45.

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] .•

7. The petitioner applied to the company for the payment of his debt by his notice of demand signed and dated served on the company at its registered office 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 in 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 theCo., [Ltd.] may be wound-up by the Court under the provisions of the Companies Act, 1956, and
- (2) Such other order may be made in the premises as shall be just.

Advocate for the petitioner Petitioner '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.