

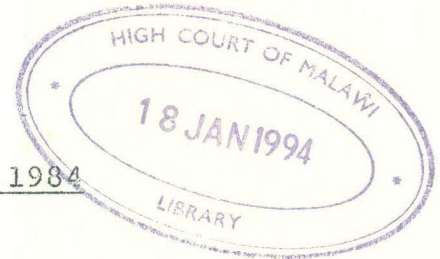
IN THE HIGH COURT OF MALAWI, BLANTYRE
PRINCIPAL REGISTRY

CIVIL CAUSE NO. 33 OF 1987

IN THE MATTER OF KUMCHENGA INDUSTRIES LIMITED
(IN RECEIVERSHIP)

AND

IN THE MATTER OF THE COMPANIES ACT 1984



Coram: MTEGHA, J.

Pitman, Counsel for the Petitioner
Kaliwo, Counsel for the Respondent
Namvenya, Official Interpreter
Phiri, Court Reporter

O R D E R

This petition has been brought before me for the purpose of an order winding up a company known as Kumchenga Industries Limited (Under Receivership) hereinafter referred to as the Company under s.212 of the Companies Act, Act No.19 of 1984, hereinafter called the Act.

The petitioner in the matter is Press Steel and Wire Limited, hereinafter referred to as the Petitioner. S.213(d) of the Act stipulates that the court may order the winding up of a company if the company fails to pay its debts. Accordingly the petition states that the company owes the petitioner the sum of K83,266.08 and the affidavit goes on to say that on 9th December 1986 the petitioner served the company, at the company's registered office, a notice demanding the payment of the money. This was, of course, in conformation with s.213(3)(a) of the Act and that after 21 days no payment had been made. It was deemed, therefore, that the company was unable to pay its debts. Necessary notices for the winding up of the company were published in the newspapers and Malawi Gazette of 13th February. In consequence of those notices, a notice of intention to appear at the hearing of the petition was made by Indian Ocean Export Company (PTY) Limited as one of the creditors, to oppose the application. However, the opposition was dropped and through their legal practitioners, they registered no objection in Court.

Since the affidavits were clear and the receiver/manager of the company had no objection, and no one else has objected, it became unnecessary for me to hear oral evidence. The evidence is clear; the company cannot pay its debts, it is therefore proper that it should be wound up. I consequently make the following order.

- (1) Kunchenga Industries Limited
(in receivership) be wound up
under the provision of the Act.
- (2) I order that the manager/receiver
of the Company, Mr. Gaunt, be
appointed Receiver and Liquidator
in terms of s.223 of the Act.

MADE in Chambers this 6th day of March, 1987 at
Blantyre.


H.M. Mtegha
H.M. Mtegha
JUDGE