

11 NOV 1991

HIGH COURT
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IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CAUSE NO. 1103 OF 1990

IN THE MATTER OF GENERAL AGENCIES (CA) LTDPETITIONER

- and -

IN THE MATTER OF COMPANIES ACT OF THE
LAWS OF MALAWI.....RESPONDENT

CORAM: MKANDAWIRE, J.

For the Petitioner, Mbendera
For the Respondent,
Law Clerk, Kadyakale
Court Reporter, Phiri

HIGH COURT OF MALAWI
29 JUL 1992
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J U D G E M E N T

In this petition the petitioner is praying for the winding up of a company known as General Agencies (CA) Limited, hereinafter referred to as the company. This company was incorporated on 29th July, 1952 under the Companies Acts of 1908 and 1913 as applied to the Nyasaland Protectorate by section 2 of the Companies Ordinance.

The company did not appear and it was not represented. I am satisfied that the company was duly served. Apart from the company being served through one of its directors, the petition was published in the Government Gazette of 14th December, 1990. It also appeared in the Daily Times of 18th December, 1990. There was, therefore, ample notice to the public, but no one gave notice of his intention to object. A memorandum containing two affidavits verifying the petition was filed. These affidavits were sworn by senior officers of the petitioner.

This petition is presented by a creditor, the National Insurance Company Limited. It is in evidence that the company was indebted to the petitioner to the extent of K39,868.56. On 20th April, 1989, through its legal practitioners, the petitioner sent a letter of demand. The company was only able to pay K11,341.65 and K28,526.91 still remains unpaid todate. The company has made several promises to settle the debt, but this has ended up being lip service. This debt has, therefore, been outstanding for over a year. It is under these circumstances that the petitioner prays this Court that the company be wound up. I am satisfied, in terms of section 213(3) of the

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Companies Act, that the company is indeed unable to pay its debts. I, therefore, order that the company be wound up as prayed.

It was submitted that the company ceased to be operational for sometime and that there may not be enough assets to meet the debt. In the circumstances, I appoint the Administrator General to be both the liquidator and official receiver.

PRONOUNCED in open Court this 11th day of November, 1991, at Blantyre.



M P Mkandawire

JUDGE

