

THE REPUBLIC OF UGANDA

**IN THE HIGH COURT OF UGANDA AT KAMPALA
(COMMERCIAL DIVISION)**

IN THE MATTER OF MUDDU AWULIRA ENTERPRISES LTD

AND

**IN THE MATTER OF SECTIONS 212(a), 222(e), (f) NAD 223(a) & (c) OF
THE COMPANIES ACT (CAP 110)**

COMPANY CAUSE NO. 14 OF 2004

UNPAID CREDITORS PETITION FOR WINDING UP

BEFORE; THE HON. MR. JUSTICE GEOFFREY KIRYABWIRE

R U L I N G :-

Having heard all the counsel to parties before court, it is apparent that the hearing of this Petition requires to be managed to see to its expeditious disposal. A further supplementary affidavit by the Respondent Company has been put on the Court record this morning. While Court exercises its discretion to accept its filing it is clear that it raises matters that require a response by the other parties. Court has also been informed of the presence of an Interlocutory Application for security for costs pending before the Registrar, to be heard on the 4th June 2004. All these have to be taken into account. The case management of this petition shall therefore be as follows.

- All affidavits in reply, in respect of the new creditors appearing in court and affidavits in rejoinder by the petitioner shall be filed in court by 2nd June 2004.
- No further affidavits shall be permitted on court record thereafter without prior leave of court. The said affidavits shall be served on all parties on court record by that same date.
- The Respondent Company shall furnish for the court record with copies to the other parties, its first quarter 2004 management account and its current assets register by the 11th June 2004.

In the meantime the parties are encouraged to carry out dialogue on how best to expeditiously prosecute this petition with regard to issues to be agreed for courts attention – documents, submissions, etc., as should normally happen at a scheduling. In particular the proposed objection relating to whether the firm of Lex Uganda or its partner Mr. Nalyanya should be excluded, can be handled at this time. This is a professional matter that though court can handle need not unduly take up court's time.

Finally I wish to draw the Respondent company to sections 227 of the Companies Act. Since winding up has commenced within the meaning of section 229(2) of the Act, no disposition of property, transfer of shares or alteration of the status of the members of the company can take place without leave of court. Creditors are also drawn to section 228 to desist from any attachment, distress or execution without leave of court.

Any violations of these sections should be brought to the immediate attention of court pending its final decision on the petition. Hearing is adjourned to the 17th June 2004 at 9.00 a.m.

Kulogabernis
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A7. JUDGE
25/05/2004.