

Proceedings by or against Directors, Promoters, and Officers

58. Application by or against delinquent directors, officers and promoters

- (1) An application under any of the following provisions— *(28 of 2012 ss. 912 & 920)*
- (a) section 276 of the Ordinance;
 - (b) section 275(1), (2) or (4) of the Ordinance;
 - (c) section 168I of the Ordinance, where such application relates to a company in course of being wound up by the court; *(L.N. 201 of 1984; 46 of 2000 s. 40)*
 - (d) section 904(1) of the Companies Ordinance (Cap. 622), *(28 of 2012 ss. 912 & 920)*

shall be made by a summons returnable in the first instance in chambers, in which summons shall be stated the nature of the declaration or order for which application is made, and the grounds of the application, and which summons, unless otherwise ordered by the court, shall be served, in the manner in which an originating summons is required by the Rules of the High Court (Cap. 4 sub. leg. A) to be served, on every person against whom an order is sought, not less than 8 days before the day named in the summons for hearing the application. Where the application is made by the Official Receiver or liquidator he may make a report to the court stating any facts and information on which he proceeds which are verified by affidavit, or derived from sworn evidence in the proceedings. Where the application is made by any other person it shall be supported by affidavit to be filed by him. *(25 of 1998 s. 2; E.R. 1 of 2014)*

A copy of every report and affidavit intended to be used in support of the summons shall be served on every person against whom an order is sought not less than 4 days before the hearing of the summons.

- (2) On the return of the summons the court may give such directions as it shall think fit as to the taking of evidence wholly or in part by affidavit or orally, and the cross-examination either before a judge on the hearing in court or in chambers of any deponents to affidavits in support of or in opposition to the application and as to any report it may require the Official Receiver or liquidator to make and generally as to the procedure on the summons and for the hearing thereof.