**PETITION BY A CREDITOR TO DECLARED INSOLVENT**

IN THE COURT OF \_\_\_\_\_\_\_

Insolvency Petition No\_\_\_\_\_\_\_ of 20 \_\_\_\_\_\_\_

………………., aged….., resident of. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Creditor-Applicant;

Versus

……………, aged \_\_\_\_\_, resident of…………………………………..…. Debtor-Opposite Party.

In the matter of the Provincial Insolvency

Act and the matter of the insolvency of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ abovenamed.

The humble petition of the Creditor-Applicant, abovenamed under the provisions of Section 7 of the Provincial Insolvency Act most respectfully sheweth:

1. That the abovenamed ………………………………………………………. (Debtor-Opposite Party) is indebted to your applicant and the aggregate amount of debts owing to your applicant amount to Rs \_\_\_\_\_\_\_\_\_\_\_\_, detail whereof is given in the Schedule hereto.

2. That the debts aforesaid consist of advances made by your applicant to the opposite party on the security of pronotes, payment at sight and repeated demands for the liquidation of which have received no response from the said opposite party.

3. That one of the aforesaid debts consist of a simple money decree of the Court of the Judge, Small Causes at \_\_\_\_\_\_\_\_\_\_\_\_\_\_(or Suit No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, decided on \_\_\_\_\_\_\_\_\_\_\_\_\_), which said decree was put in execution and the movable property of the Debtor-Opposite Party is under attachment in Ex. Case No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_, of the said Court.

4. That the above subsisting attachment is an act of insolvency within the meaning of Section 6 of the Provincial Insolvency Act.

Wherefore your applicant prays that this Court may be pleased to adjudge the said Debtor-Opposite Party an insolvent.

Dated.\_\_\_\_\_\_\_ Sd. ……………………..

**VERIFICATION**

I, ………………..……………………..., the abovenamed creditor-applicant hereby at \_\_\_...................\_\_\_\_, verify that the contents of Paras \_\_\_\_\_\_\_of the above petition are true to my knowledge and that the contents of Paras \_\_\_\_\_\_\_ of the same petition are believed by me to be correct.

Signed, dated and verified at. \_\_\_\_\_\_\_ this day of \_\_\_\_\_\_\_ 20\_\_\_\_\_\_\_

SCHEDULE A: (Debts). Sd. ……………………….

**PETITION BY CREDITOR TO DECIED DEBTOR INSOLVENT**

In the Court of the District Judge of ………………............ at......................................

Insolvency Case No. ......................... ex parts AB the creditor

In re: A Name with address of the debtor

In the matter of decision for insolvency of the debtor under s. 13 (2) of the Provincial Insolvency Act

Respectfully sheweth:

1. That the above-named debtor CD who ordinarily residing at…………………………………………………..........(for doing business or personally working for gain at...............................................................................) is really  and justly indebted to applicant to the tune of Rs. ........................... for principal with Rs. ............... for interest due on a pronote executed by CD favouring the applicant on the .................. day of...............

2. That on the .................. day of .................. when the applicant calling at said premises and demanded payment of amount due under the promissory note, the said CD served notice to the applicant that the said CD has stoped payment of his debts.

3. That the said debtor has, by three months prior date of presentation of this petition, committed inter alia the following insolvency acts (describe shortly the action of insolvency), e.g.

(i) The said debtor has moved from his usual place of business/residence at …………………................. and/or kept or absented himself separated therefrom with intent to deprive his creditor of all types of correspondence.

(ii) Give other actions of insolvency, if any.

The applicant hence prays that this court may be pleased to decide CD an order realisation of all his assets/distribution the same between all his creditors.

**Verification**

I, AB, son of...................................................... aged ......... years by occupation business  resident at............................................................................................................................................ do hereby solemnly affirm and say as follows:

I am the petitioner named above. I know the facts/circumstances of this case and I am able to depose thereto.

The statements in paragraphs 1, 2 and 3 stated above are true to my best knowledge and believed and true. I have not suppressed any material fact.

 I signed this Verified on this ........... day of............ at the Court premises at…….(place).

Before me

Notary

Signature of A

Signature of the Advocate

Named in the Schedule in the presence of:

**PETITION BY DEBTOR TO BE DECIDED AN INSOLVENT**

In the Court of District Judge of........................

Insolvency Case No. .................. of...............

Expart the debtor

Per matter of debtor's petition for insolvency, per s. 13(1) of the Provincial Insolvency Act

The humble petition of A resident at................................................................. and lately of...........(give address where debts were incurred)

Respectfully showeth:

1. That the applicant, who is living and residing ordinarily (or doing business, or personally working for gain, or in custody) at ........................................................................................................................being unable to pay his debts exceeding Rs. 500 praying for order of decision against him in the circumstances stated hereunder.

2. That on or about............ day of .......... the applicant was arrested and sent to prison at....................... in executing a decree for Rs........................ dated ...................... made in suit No. …………….......... of………………………................) per order dated ................................ passed by.....................................or fas the case may be) the movable/immovable property of applicant as (give short details) stands attached, which attachment is still subsisting,

3. The amount/details of all financial claims against applicant, along with names/residences of his creditors, are given below:

4. The following being details of debts/claims outstanding against the applicant.

Names, occupation and address of creditors, details of amounts due with securities.

5. The following being the details of property belonging to applicant and their related values.

(1) Household furniture, utensils, etc., all worth about......................................
(2) One house at...................................... worth about…………………………...........

The whole of above property, which is located at, etc., has been truly stated for which applicant is willing to surrender and put them completely at the disposal of this court,

The applicant prays that the court may be pleased to decide him insolvent.

**Verification**

I, ………………………………………………………….. son of.................................................. aged about ............... years by occupation service residing at ................................................................................................ do hereby solemnly affirm and say as under:

I am petitioner No. 1 named above and I know and I have acquainted myself with the facts and circumstances of this case.

The statements in paragraphs 1 to 5 are true to my best knowledge and belief.

verified and signed on this ............... day of..................... at the Court House at............................

Before me

Notary

Signature of A

Signature of Advocate

**PETITION BY DEBTOR TO DECLARED INSOLVENT**

IN THE COURT OF District Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Insolvency Petition No. \_\_\_\_\_\_\_. of 20\_\_\_\_\_\_\_

…………………………….. aged. \_\_\_\_\_\_\_ years, son of. \_\_\_\_\_\_\_, resident………………………………

……………………………………………………………..Debtor-Applicant;

 Versus

1. ……………………………………………….….,

 aged\_\_\_\_\_\_\_ years,

 son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. ………………………………..,

aged \_\_\_\_\_\_\_ years,

son of \_\_\_\_\_\_\_,

resident of\_\_\_\_\_\_\_. etc.

……………………………………………………………Creditor—Opposite Party.

In the matter of the Insolvency of. . . . . . . .

The Provincial/Presidency

Towns Insolvency Act.

The abovenamed Debtor-Applicant begs to state under the provision of Section \_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_ Insolvency Act as hereunder:

1. That the petitioner is unable to pay his debts.

2. That the ordinary residency of the petitioner is (or that the petitioner carries on business or personally works for gain at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (or if he has been arrested). That the petitioner was arrested or imprisoned and is in custody at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. That in execution of a decree standing against your petitioner, (Execution Case No. \_\_\_\_\_\_\_of \_\_\_\_\_\_\_ of the Court of. \_\_\_\_\_\_\_\_\_\_\_\_\_\_), your petitioner was arrested and ordered to be sent to civil imprisonment (or that in execution of a decree standing against your petitioner) (Ex. Case No \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_ of the Court of \_\_\_\_\_\_\_) your petitioner’s property has been attached.

4. That the total extent of the indebtedness of your petitioner is Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_ detail whereof, together with the names and residences of his creditors so far as they are known or can, by the exercise of reasonable care and diligence, be ascertained by him given in Schedule ‘A’ hereto.

5. The entire assets of your petitioner consist of a cash sum of Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_ and property the value of which and the place or places at which such property is to be found is given in Schedule ‘B’ hereto.

6. That your petitioner hereby declares his willingness to place at the disposal of this court all such property save insofar as it includes such property as is exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

7. That the petitioner has not filed any application for adjudication as an insolvent in this or any other court. (If there has been any previous application give full particulars and result.)

The petitioner, therefore, prays for an order of adjudication as an insolvent.

Sd. ………………………..

Dated. \_\_\_\_\_\_\_

Petitioner.

**VERIFICATION**

I, ………………………….……………………….., the petitioner named in the above application, do hereby at \_\_\_\_\_\_\_, verify that the contents of Paras \_\_\_\_\_\_\_ of the above application are true to my knowledge and that the contents of Paras \_\_\_\_\_\_\_ of the same application are believed by me to be correct.

Signed, dated and verified at.\_\_\_\_\_\_\_ the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20 \_\_\_\_\_\_\_

SCHEDULE A:

Sd. …………………………..

SCHEDULE B:

Petitioner.

**PETITION FOR DISCHARGE OF INSOLVENT**

IN THE COURT OF THE DISTRICT JUDGE,\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Civil Misc. Petition No \_\_\_\_\_\_\_of 20 \_\_\_\_\_\_\_

……………………………………….……………………………………………\_\_\_\_\_\_\_ Debtor-Petitioner;

Vs.

1. ……………………………………………………………………………………………

2. …………………………………………,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,…….. Creditor-Respondents.

Petition under Section 41, Provincial Insolvency Act.

The Petitioner-Insolvent states as under:

1. That the petitioner was declared and adjudged insolvent by this court under orders dated \_\_\_\_\_\_\_ in the present insolvency case. Under the same orders the petitioner was directed to apply for discharge within a period of one year from the date of the order aforesaid.

2. That during the period of 10 months from the date of the order aforesaid, the petitioner has been able to pay off all the creditors’ debts, to the extent of 90 paise in a rupee.

3. That during the said period the petitioner has been endeavouring to pay off the debts of the creditors as much as he could possibly do.

It is, therefore, prayed that an order of discharge be passed in favour of the petitioner in respect of the earnings and income which may hereafter become due to the petitioner and with respect to the property to be acquired by the petitioner hereafter.

Dated. \_\_\_\_\_\_\_ Petitioner.

VERIFICATION

Petitioner.