

## 10.10 LIQUIDATION

1. The applicant should seek a final winding-up order in the notice of motion.
2. The court may nonetheless in the exercise of its discretion grant a provisional order and direct that service and publication of the provisional order be affected.
3. The service referred to in para 2 could include -
  - 3.1 service of the order on the company or close corporation at its registered office;
  - 3.2 publication of the order in the government gazette;
  - 3.3 publication of the order in a newspaper circulating in the area where the company or close corporation carries on business;
  - 3.4 service on all known creditors. This will only be ordered where the applicant has ready access to the identity and address of the creditors. Depending on the information that the applicant has as to the creditor's address such service can be ordered to be effected by e-mail, facsimile transmission or pre-paid registered post.
4. If a provisional order of liquidation is granted, proof of compliance with the service ordered must be provided on the return date. Such proof is provided by filling an affidavit setting out the manner in which the ordered service was complied with. The presiding judge will only accept the affidavit of service from the bar in exceptional circumstances made out in an affidavit.
5. If an extension of the return date of a provisional order of liquidation is sought, the party seeking such an extension must deliver an affidavit motivating such an extension.
6. Where a company or a close corporation seeks its own winding-up, it is not necessary for the application or for any provisional order that may be granted to be served on the company or close corporation.
7. Where the applicant seeking a winding-up order is a shareholder of a company or member of a close corporation, he shall serve the application on all interested parties, such as a co-shareholder or joint member. Failing such service the applicant should indicate in the founding affidavit why such service is not necessary.