Winding up of Chits (32 to 35)

Chapter IV

Winding up of Chits

32. From of petition for winding up and presentation: A petition for winding up of a chit shall contain the following particulars namely:-

(1) Full name, description, occupation and address of the petitioner;

(2) Address of his advocate, if any, for the service of all notices, process, etc.,

(3) Address of the foreman;

(4) Particulars of the chit-

(i) Number the date of registration of the chit agreement;

(ii) Office where the chit agreement was registered;

(iii) The chit amount;

(iv) The total number of tickets;

(v) The number of subscription and the number of tickets subscribed by each subscriber;

(vi) The number of non-prized subscribers on the date of the petition; and

(vii) The number of unpaid prized subscribers, if any;

(5)Facts on which the petitioner relies in support of the petition;

(6) particulars relation to the award and execution of other process which has been returned unsatisfied in whole or in part, if the ground of the petition is that execution of other process issued on an award of order of the Registrar in favour of any subscriber in respect of the amounts due to him from the foreman was returned unsatisfied in whole or in part;

(7) Full details to show that the condition prescribed in clause (a) of the proviso to Section 49 is satisfied if the winding up of the chit is applied for under clause (d) of Section 48;

(8) Whether the previous sanction of the State Government has been obtained, if clause (b) of the proviso to Section 49 applies. (A copy of the relevant order of the State Government shall be attached).

33. Proposals for collection and distribution of chit assets:- (1) The Receiver shall as soon as possible settle and submit to the Registrar a statement (hereinafter referred to as the “Provisional Statement”) showing-

(a) The names of subscribers and other persons from whom money are due to the chit;

(b) The names of the subscribers and other persons to whom moneys are due from the chit;

(c) Proposals as to how the chit assets are to be collected and applied in the discharge of its liabilities; and

(d) The amount proposed to be paid to each of the persons specified in clause (b).

(2) Notice of the preparation of the provisional statement accompanied by a copy there of shall be published and be served on the petitioner, the subscribers and other persons mentioned by the Receiver in such manner as the Registrar may direct. If the number of persons on whom notice is to be served is large, the notice may, in the discretion of the Registrar, be served on the petitioner only and advertised in one or more daily newspapers. The notice shall specify the date on which objections to the provisional statement will be herd and shall call upon any person
having such objections,

(i) to submit his statement of objections and the grounds there for supported by an affidavit before the date appointed by the Registrar in this behalf; and

(ii) to appear in person or by advocate on the date of hearing with all the evidence in support of his objections.

34. Set –off to be allowed:- When money is due from the foreman to a subscriber and also from the subscriber to the foreman, the subscriber shall be allowed the benefit of a set-off.

35. Hearing of objections to the provisional statement: - On the date fixed for the hearing of the objections under sub-rule (2) of Rule 33, the Registrar shall enquire into the objections and after considering the evidence, if any, adduced in support there of pass orders on the objections and call upon the Receiver to revise if

necessary, the provisional statement in accordance with his orders. The Registrar shall fix a date by which such revision is to be made and intimate orally or in writing such date to the persons who have appeared in person or through their advocated on the date of the hearing.

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