
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

PARTS 1 TO 4 COMPANY INSOLVENCY; COMPANIES WINDING UP

PART 4

COMPANIES WINDING UP

CHAPTER 3

PETITION TO WINDING-UP ORDER

(NO CVL APPLICATION)

(NO APPLICATION TO PETITION BY CONTRIBUTORIES)

Substitution of creditor or contributory for petitioner

4.019.—(1) This Rule applies where a person petitions and is subsequently found not entitled to so do, or where the petitioner—

- (a) fails to advertise his petition within the time prescribed by the Rules or such extended time as the court may allow, or
- (b) consents to withdraw his petition, or to allow it to be dismissed, consents to an adjournment, or fails to appear in support of his petition when it is called on in court on the day originally fixed for the hearing, or on a day to which it is adjourned, or
- (c) appears, but does not apply for an order in the terms of the prayer of his petition.

(2) The court may, on such terms as it thinks just, substitute as petitioner any creditor or contributory who in its opinion would have a right to present a petition, and who is desirous of prosecuting it.

(3) An order of the court under this Rule may, where a petitioner fails to advertise his petition within the time prescribed by the Rules, or consents to withdraw his petition, be made at any time.

[E.R.4.19]