



IN THE COUNTY COURT AT CENTRAL LONDON
DISTRICT JUDGE *A. J. M. Q.C.*

~~CHANCERY BUSINESS~~
CLAIM No. 711 of 2017

IN THE MATTER of XBL LIMITED
-and-
IN THE MATTER of THE COMPANIES ACT 2006

UPON THE APPLICATION by a Claim Form dated the 27 April 2017 of (1) Daveney Limited a co-Claimant and a member of the above named XBL Limited (hereinafter called "the Company") and (2) Fairacres Group Limited a co-Claimant and a proposed member of the Company and (3) Michael Phillip Rodney Kean a co-Claimant and a newly appointed director of the Company

AND UPON READING the evidence

AND IT APPEARING that there is no opposition on behalf of Her Majesty to the relief sought by this Claim as appears from the waiver letter from the Treasury Solicitor dated the 30 June 2017

AND on leave being given to amend the Claim Form by joining Fairacres Group Limited and Michael Phillip Rodney Kean as co-Claimants and re-service being dispensed with

AND UPON the First co-Claimant, Daveney Limited by its Solicitors undertaking that:

- (A) immediately upon the restoration of the Company to the Register they will file with the Registrar of Companies notification in the prescribed form resigning Colin Herbert Bothway and Thomas Edward Beckett as directors of the Company and Jonathon David Baird as Secretary thereof

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- (B) the Company, whilst they remain a member thereof, will not carry on business or operate in any way other than to take the necessary steps to facilitate the transfer or sale of its shares to Fairacres Group Limited the Second co-Claimant
- (C) it will inform the Registrar of Companies immediately on the conclusion of the transfer or sale of the shares that they hold in the Company

AND UPON the Second and Third co-Claimants Fairacres Group Limited and Michael Phillip Rodney Kean by their Solicitors undertaking that:

- (D) on the conclusion of the sale or transfer of the shares in the Company to Fairacres Group Limited and the resignation of Colin Herbert Bothway and Thomas Edward Beckett as directors of the Company and Jonathon David Baird as Secretary that the Company will not carry on business or operate in any way other than to take the necessary steps to:
 - (i) pursue a claim against K R Hannaford & Company Limited seeking damages as a result of alleged defective work referred to in paragraph 12 of the Witness Statement of Colin Herbert Bothway dated the 11 April 2017
 - (ii) receive the proceeds of any award of the Court arising out of the proceedings referred to in undertaking (D) (i) above
 - (iii) settle all outstanding debts to its existing creditors, if any
 - (iv) distribute the balance of any award of the Court(the actions) according to law
- (E) they will inform the Registrar of Companies of the title and Court reference number of the said proposed litigation referred to in undertaking (D) (i) above immediately after issue



- (F) they will inform the Registrar of Companies immediately on the conclusion of the said proposed litigation referred to in Undertaking (D) (i) above or of any appeal therefrom or the conclusion of the claim by any other means
- (G) they will notify the Registrar of Companies immediately on the conclusion of the actions
- (H) the director of the Company will immediately on the expiry of 3 months from the conclusion of the actions apply to the Registrar of Companies for the voluntary strike off of the company under Section 1003 of the Companies Act 2006 and comply with all the relevant requirements for such an application

AND UPON the Solicitors for the Claimants and the Registrar of Companies (the Defendant) both consenting to this Order

IT IS ORDERED THAT:

- (1) the name of the above named XBL Limited be restored to the Register of Companies
- (2) if at the date of registration of this Order with the Registrar of Companies the name of the Company is not available the Registrar of Companies shall pursuant to Section 1033(2)(a)(ii) and (b) of the Companies Act 2006 change the name of the Company to 03751786 Limited
- (3) an Office Copy of the Order be delivered to the Registrar of Companies and pursuant to the above mentioned Act the Company is thereupon to be deemed to have continued in existence as if its name had not been struck off
- (4) the Registrar of Companies do advertise notice of this Order in his official name in the "London Gazette"



DATED



day of

December

2017

DISTRICT JUDGE ALAN JOHNS QC

We consent to an Order being made in the terms of the above draft restoring the name of XBL Limited to the Register of Companies

Leathes Prior

Messrs Leathes Prior Solicitors
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Norfolk, NR1 4DR

Solicitors for the 1st co-Claimant
Daveney Limited

Treasury Solicitor

Treasury Solicitor
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Solicitor for the Defendant
The Registrar of Companies
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Messrs Wortley Byers LLP
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Solicitors for the 2nd co-Claimant
Fairacres Group Limited

Messrs Wortley Byers LLP
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Solicitors for the 3rd co-Claimant
Michael Phillip Rodney Kean

21/12/18

