



Claim No: CR-2019-006092

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURT OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (CH D)

CR-2019-006092

BEFORE: THE HONOURABLE MRS JUSTICE FALK
DATED this 12th day of September 2019.

IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:

BARCLAYS BANK UK PLC

Applicant

- and -

(1) ZIV AVISHAI
(2) NII, OTOM ANEGE AKWEI

Respondents

ORDER

PENAL NOTICE

MR ZIV AVISHAI AND MR NII, OTOM ANEGE AKWEI

IF YOU DISOBEY THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND
MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS
OR PERMITS THE RESPONDENTS TO BREACH THE TERMS OF THIS ORDER MAY
ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR
HAVE HIS ASSETS SEIZED. IN THE CASE OF A CORPORATE PERSON, IT MAY BE
FINED, ITS DIRECTORS MAY BE IMPRISONED OR FINED OR IT MAY HAVE ITS
ASSETS SEIZED.

UPON the Respondents having served on the Applicant on 23 August (i) a
statutory demand dated 13 August 2019 ("the Statutory Demand") and (ii) a Letter
before Claim dated 13 August 2019 ("the Letter before Claim").

AND UPON the statutory demand stating that the First Respondent's claim against the Applicant has been assigned to the Second Respondent.

AND UPON the Letter before Claim attaching a Letter of Authority actually or purportedly signed by the First Respondent in favour of the Second Respondent.

AND UPON the Applicant's Application dated 11 September 2019 ("the Application").

AND UPON the Second Respondent having agreed not to present a winding up petition against the Applicant (i) on his own behalf and/or (ii) actually or purportedly, on behalf of the First Respondent.

AND UPON the Court having reviewed the Witness Statement of David McAndrew and Exhibit DM01 ("the Witness Statement") in support of the Application.

AND UPON the Court having heard Counsel for the Applicant on an *ex parte* basis and in private, the Second Respondent having informal notice of the hearing.

AND UPON the Applicant confirming that it will take all reasonable steps to effect prompt service of this Order and supporting documents on the First and Second Respondents.

AND UPON the Applicant confirming that it will promptly inform the Court office upon the completion of service on the First Respondent.

AND UPON the Court noting that the Application discloses a serious issue to be tried, and that the presentation of a winding-up petition following the Statutory Demand would cause obvious prejudice to the Applicant.

AND UPON the Court noting the apparent consent of the Respondents to injunctive relief being granted.

AND UPON the Court noting the urgency of the Application.

IT IS ORDERED THAT:

1. The Respondents be restrained from presenting a petition to wind up the Applicant on the basis of the Statutory Demand dated 13 August 2019 and/or on the basis of the disputed debt set out in that Statutory Demand.

2. Permission is granted to serve this Order on the First Respondent out of the jurisdiction.
3. A further hearing of this matter be listed for the first available date, not before 14 days following service of this Order on the First Respondent (“the Return Date”).
4. The injunction in paragraph 1 of this Order be effective until the Return Date or further Order.
5. No order as to costs.

SERVICE of this Order to be effected by TLT LLP, Solicitors for the Applicant:

Ref: 701A/DM26/096587/001857

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