



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

Neutral Citation Number: [2025] CIGC (FSD) 15

FSD CAUSE NO. 23 OF 2025 (DDJ)

**IN THE MATTER OF SECTION 124 OF THE COMPANIES ACT (2025 REVISION)
AND IN THE MATTER OF UNUMX (IN VOLUNTARY LIQUIDATION)**

Before: The Hon. Justice David Doyle

Appearances: Peter Hayden and Jaclyn Pascoe of Mourant Ozannes (Cayman) LLP for the Joint Voluntary Liquidators

Heard: 20 February 2025

Ex tempore judgment delivered: 20 February 2025

Draft transcript circulated: 20 February 2025

Transcript approved: 25 February 2025

Supervision Order pursuant to section 124(1) of the Companies Act (2025) Revision – authorities in respect of Schedule 3 Powers of Liquidator Part 1 powers exercisable with sanction – need to present evidence to justify such powers – application of UCF Fund Limited 2011 (1) CILR 305 and subsequent authorities

250220 In the matter of UnumX (in voluntary liquidation) – FSD 23 of 2025 (DDJ) - Judgment

JUDGMENT

1. I shall now deliver a short judgment in respect of this matter.
2. I am grateful to Peter Hayden and Jaclyn Pascoe, who appear for John Paul Royle and John Paul Hennelly of Grant Thornton Specialist Services (Cayman) Limited in their capacity as joint voluntary liquidators (the “JVLs”) of UnumX (in voluntary liquidation) (the “Company”), for their assistance to the court.
3. When I first reviewed this file I was concerned that paragraphs 4 (recognition in other jurisdictions), 6 (power to bring or defend proceedings) and 7 (power to compromise) of the draft order went too far and were not justified in the evidence. I was also concerned with the inclusion in paragraph 9 of the words “including criminal proceedings” when the wording in section 97(1) of the Companies Act (2025 Revision) (the “Companies Act”) was “other than criminal proceedings”.
4. On the Schedule 3 Part 1 of the Companies Act powers, it was as if the drafts person of paragraphs 4, 6 and 7 was either not aware of or had deliberately ignored *UCF Fund Limited* 2011 (1) CILR 305 (the well known and much referred to judgment of Jones J) and my subsequent comments in for example *GTI Holdings Ltd* 2022 (1) CILR 472 at paragraph 69, *Aubit International* (FSD unreported judgment 16 October 2023) at paragraph 46 and *Asia Innovations Group* (FSD unreported judgment 10 June 2024) at paragraph 14.
5. It was unsatisfactory for the attorneys for the JVLs to have included paragraphs 4, 6 and 7 in the draft order presented to the court without any proper attempt to justify them by reference to the evidence. It was plainly a “try on” which flew in the face of *UCF Fund* and subsequent authorities. I think this was implicitly recognised in the last paragraph of page 2 of the letter dated 11 February 2025 from Mourant Ozannes (Cayman) LLP where it was stated:

“... if the Court is not prepared to include these paragraphs without further explanation or justification, we request that the order is finalised without these paragraphs and the proposed JOLs will apply for them in the future if necessary.”

It appears that the attorneys and the proposed JOLs were unsure if such powers were even necessary.

6. The papers filed in this case did not include a skeleton argument (concise or otherwise) or any authorities. There was simply a letter request to deal with the matters on the papers pursuant to O15 r5(1) of the Companies Winding Up Rules (2023 Consolidation).
7. I was not content with dealing with the matter on the papers as I was concerned over the inclusion of the offending paragraphs and words in the draft Order and wanted to highlight such concerns directly to the attorneys in court and to stress, yet again, the need to observe *UCF Fund*.
8. As it transpires once notice of the hearing had been given Liam Faulkner of Campbells LLP, who was engaged to act for Mr Amit Patel, stated to be a major creditor of the company, had discussions with the JVLs' attorneys and based on these discussions the draft Order was amended to remove the offending paragraphs and I am informed that Campbells are content for an order in this form to be made.
9. I make an order substantially in terms of the draft emailed to the court yesterday, such draft to include the amendments I specified during my exchanges with counsel and to be emailed to my PA before 3pm today. I am grateful to counsel for their continuing assistance.
10. I should add that if the profession think that Schedule 3 of the Companies Act is creating unnecessary difficulties then the answer is not to ignore *UCF Fund* but to seek to have amendments made to the legislation by the legislature. In the meantime I shall, in accordance with my judicial oath, continue to loyally apply the statutory provisions and *UCF Fund*.

David Doyle

THE HON. JUSTICE DAVID DOYLE
JUDGE OF THE GRAND COURT