



(Folio 1)

HCA [REDACTED]/2008

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

High Court Accounts Office

COURT OF FIRST INSTANCE  
ACTION NO. [REDACTED] OF 2008

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BETWEEN

[REDACTED] CAPITAL LIMITED  
[REDACTED] LIMITED  
and

1<sup>st</sup> Plaintiff  
2<sup>nd</sup> Plaintiff

[REDACTED] ASSETS LIMITED

Defendant

\*\*\*\*\*

To the Defendant [REDACTED] Management Limited whose address is [REDACTED]  
Discovery Bay, Lantau Island, New Territories.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the back.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the High Court the accompanying ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued from the Registry of the High Court this [REDACTED] 2008.



Note : This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

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**INDORSEMENT OF CLAIM**

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The 1<sup>st</sup> and 2<sup>nd</sup> Plaintiff claim against the Defendant for :

1. The sum of HK\$45,491,022.20 being amount of loan advanced by the 1<sup>st</sup> Plaintiff to the Defendant and accrued interest as of [REDACTED] 2002;
2. The sum of HK\$5,695,814.03 being amount due and owing to the 2<sup>nd</sup> Plaintiff;
3. Interest on the sum of HK\$45,491,022.20 at such rate and for such period as the court may think fit;
4. Interest on the sum of HK\$5,695,814.03 at such rate and for such period as the court may think fit;
5. Costs; and
6. Further and/or other relief.

[REDACTED]  
Solicitors for the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs

Where the Plaintiff's claim is for a debt or liquidated demand only. If, within the time for returning the Acknowledgement of Service, the Defendant pays the amount claimed and HK\$ for costs and, if the Plaintiff obtains an order for substituted service, the additional sum of HK\$500, further proceedings will be stayed. The money must be paid to the Plaintiff or his Solicitor.

This Writ was issued by [REDACTED] & Co. of [REDACTED]

[REDACTED] Des Voeux Road Central, Hong Kong, Solicitors for the Plaintiffs whose registered office is situated at [REDACTED] Central, Hong Kong.

[REDACTED]

Acknowledgment of Service of Writ of Summons

(Order 12 rule 3)

**Directions for Acknowledgment of Service**

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the High Court at the following address:-

**LG1, High Court Building, No. 38 Queensway, Hong Kong.**

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings MUST ALSO file a DEFENCE which must be written in either the Chinese or the English language with the registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear at the top of the back), the Defence must be filed and served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence need not be filed and served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to file and serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A STAY OF EXECUTION against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgement is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must within that time, ISSUE A SUMMONS for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

**See attached Notes for Guidance**

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the High Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him and a writ served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceeding without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian ad litem.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

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IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

COURT OF FIRST INSTANCE

ACTION NO. [REDACTED] OF 2008

Issued the [REDACTED] 2008 at [REDACTED]

發出日期 2008 年 [REDACTED] 月 [REDACTED] 日

WRIT OF SUMMONS  
傳訊令狀

BETWEEN

[REDACTED] CAPITAL LIMITED 1<sup>st</sup> Plaintiff  
( [REDACTED] 財務有限公司) (第一原告人)

[REDACTED] LIMITED 2<sup>nd</sup> Plaintiff  
( [REDACTED] 有限公司) (第二原告人)

*and*

[REDACTED] ASSETS LIMITED 被告人

