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Arbitration clauses and the just and equitable winding up jurisdiction (Japanese)

Insights - 11/10/2021

[illegible]Court of Appeal[illegible]2020[illegible]4[illegible]23[illegible]Moses JA, Martin JA [illegible] Rix JA[illegible]

[illegible]Court of Appeal[illegible]

[illegible]

[illegible][1]

[illegible]

[illegible] 92(e) [illegible]

[illegible]

China CVS (Cayman Islands) Holding Corp ([illegible])[illegible]Ting Chuan (Cayman Islands) Holding Corporation (TC) [illegible] FamilyMart China Holding Co. Ltd ([illegible]FMCH) [illegible]2[illegible]

[illegible]

2018[illegible]10[illegible]12[illegible]TC[illegible]TC[illegible]FMCH[illegible]FMCH[illegible]

2019[illegible]2[illegible]25[illegible]Kawaley[illegible](TC[illegible]) [illegible] (1997[illegible]) (FAAEL) 4[illegible]TC[illegible]Kawaley[illegible]FAAEL[illegible]TC[illegible]

[illegible]Court of Appeal[illegible]

[illegible]3[illegible]

a. FAAEL 4[illegible] [2]

b. [illegible]95(2)[illegible][3] [illegible]

c. [illegible]

Court of Appeal[illegible] ([illegible])[illegible]

[illegible]Court of Appeal[illegible]Court of Appeal[illegible] ([115][illegible]) [illegible]

[illegible]95(3)[illegible] ([illegible]) [illegible]95(3)[illegible]CICA[illegible]

CICA[illegible]English Court of Appeal[illegible]*Fulham Football Club (1987) Ltd v Richards* [2011] EWCA Civ 855 [illegible]Patten LJ[illegible] (Hawkes v Cuddy[illegible])[illegible]

CICA[illegible] ([108][illegible]) [illegible]Fulham[illegible]

Court of Appeal[illegible]

□□Court of Appeal□□

a. Court of Appeal□□Kawaley□□

b. □□□*Gwembe Valley Development Co Ltd (No. 3) [2003] BCLC 131 at 151* □□□ *Movitex v Bulfield [1988]* BCLC 104□□□

c. Court of Appeal□□*Fortuna Development Corporation* [2004-5] CILR 197 □□□ *Rackind v Gross* [2005] 1 WLR 3505□□□□□□□ *R v Board of Trade, ex parte St Martins Preserving Co Ltd* (1965) 1 QB 603□□□□□□

d. □□□*Re Fildes Bros Ltd* [1970] 1 LWR 592□*Ross River v Waverly Commercial* [2014] 1 BCLC 545 □□□ *Sheikh Tahnoon Al Neyhayan v Kent* [2018] EWHC 333 □□□

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Court of Appeal□□

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[1] In the matter of China CVS (Cayman Islands) Holding Corporation [2019] (1) CILR 266 per Kawaley J.

[2] 4□□□[...]□□□□□□[...]□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□

[3] 95(2)□□□

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