

**IN THE COURT OF APPEAL OF THE DEMOCRATIC**  
**SOCIALIST REPUBLIC OF SRI LANKA.**

C.A No: 445/99 (F)

D.C Colombo 377/DR

M.Y.A Roomi,  
"Samsunvilla"  
Yonakapura,  
Dickwella.

**DEFENDANT-**  
**APPELLANT**

Vs.

Pepoles Bank,  
No: 75, Sir Chittampalam  
A Gardinar Mawatha,  
Colombo 02.

**PLAINTIFF -**  
**RESPONDENT.**

Before: A.W.A Salam, J

Counsel : Manori Pathirana with Hashika Ariyadasa for the  
Defendant-Appellant. Rasika Dissanayake for the Plaintiff -  
Respondent.

Argued on : 01.11.2012.

W/S Tendered on: 01.11.2012.

Decided on : 08.11.2012.

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A.W.A Salam, J

This appeal has been preferred against the judgment of the learned District Judge dated 21<sup>st</sup> April 1999 refusing an application made by the Defendant- Appellant seeking leave of court to defend the action filed against him by the Plaintiff-Respondent under and in terms of Recovery of Loans ( Special Provisions ) Act No: 2 of 1990 as amended by Act No: 9 of 1994.

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Debt Recovery (Special Provisions) Act has conferred no right of appeal against an order making the decree *nisi* absolute. It was so held in the case of Banda vs. Peoples Bank 2002 (3) SLR 25.

Since the purported appeal has been preferred against a decree entered under the Provisions of the Debt Recovery (Special Provisions) Act, I am of the opinion that the Defendant-Appellant is not entitled in law to maintain the present appeal.

Appeal dismissed subject to costs.

JUDGE OF THE COURT OF APPEAL

VKG/-