

**IN THE COURT OF APEAL OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA**

**CA (PHC) 221/01**

CA/HR/RA53/99

MC Ratnapura 3529/98

1. Saliya Unamboowa  
Competent Authority,  
Ceylon Petroleum Corporation,  
No: 109,  
Rotunda Tower,  
Galle Road,  
Colombo 03.

**APPLICANT**

**Vs.**

1. A.D.R.A.W.G Ranasinghe  
35, Goodshed Road,  
Ratnapura.

**RESPONDENT**

**AND**

1. A.D.R.A.W.G Ranasinghe  
No: 35,  
Goodshed Road,  
Ratnapura.

**RESPONDENT PETITIONER**

**Vs.**

1. Saliya Unamboowa  
Competent Authority,  
Ceylon Petroleum Corporation,  
No: 109,  
Rotunda Tower,  
Galle Road,  
Colombo 03.

**APPLICANT RESPONDENT**

2. General Manager  
Ceylon Government Railway,  
Colombo 10.

**RESPONDENT**

**AND NOW BETWEEN**

Saliya Unamboowa  
Competent Authority,  
Ceylon Petroleum Corporation,  
109, Rotunda Tower,  
Galle Road,  
Colombo 03.

**APPLICANT RESPONDENT  
APPELLANT**

**Vs.**

1. A.D.R.A.W.G Ranasinghe  
35, Goodshed Road,  
Ratnapura.

**RESPONDENT PETITIONER  
RESPONDENT**

2. General Manager  
Ceylon Government Railway,  
Colombo 10.

**RESPONDENT-RESPONDENT**

Before : **Rohini Marasinghe, J.**  
**Deepali Wijesundera, J.**

Counsel : Sanjeewa Jayawardena PC with Niroshika Dissanayake for  
the Applicant-Respondent- Appellant

A.S.M.Perera PC with Neville Ananda for the 1<sup>st</sup>  
Respondent-Petitioner-Respondent.

Milinda Gunathilake SSC for the 2<sup>nd</sup> Respondent-  
Respondent.

Decided on : 11. 12.2012.

**Rohini Marasinghe, J.**

The Applicant-Respondent-Appellant made an application to the Magistrates' Court of Ratnapura on 30.10.1998 under Section 5 of the State Land(Recovery of Possession) Act No.7 of 1979 acting as the Competent Authority of the Ceylon Petroleum Corporation to evict the Respondent-Petitioner-Respondent from the premises situated at 35, Goodshed Road, Ratnapura. . After the inquiry the order has been made on 20.04.1999 , wherein relief has been granted in favour of the Applicant-Respondent-Appellant but differed the execution of the said order for two months. Being aggrieved by the said order of the learned Magistrate the 1<sup>st</sup> Respondent has filed application for revision in the High Court of Ratnapura. The learned High Court Judge by his order dated 15.10.2000 allowed the application of the 1<sup>st</sup> Respondent and set

aside the order dated 20.04.1999 made by the learned Magistrate. Being aggrieved by the said order of the learned High Court Judge the appellant appealed to this this on 10<sup>th</sup> November,2000.

Preliminary objection is raised by the 1<sup>st</sup> Respondent -Petitioner-Respondent that this appeal has been filed contrary to Rule 21A of the Appellate Court Jurisdiction. Counsel for the Applicant-Respondent-Appellant also concedes that this appeal has been filed out of time.

We up hold the preliminary objections raised by the 1<sup>st</sup> Respondent-Petitioner-Respondent that the appeal is out of time and dismiss the appeal

JUDGE OF THE COURT OF APPEAL

Deepali Wijesundera, J.

I agree.

JUDGE OF THE COURT OF APPEAL

KLP/-