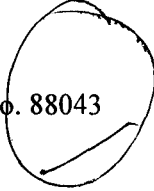


**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC  
OF SRI LANKA**

In the matter of an application for Revision under Article 138 of the Constitution read with Section 11 of the High court of the Provinces (special Provisions) Act No. 19 of 1990.

C.A. PHC Application No. 24/12  
Badulla Provincial High Court  
Case No. REV 95/2010  
Welimada Primary Court Case No. 88043



Seiyadu Mohommed Mohommed Najeem,  
Sathmal Watta, Karagasthenna,  
Guruthalawa.

**INTERVENIENT-PETITIONER-  
PETITIONER**

VS

1. Future In Our Hands Development Fund,  
325/A/3, Kanupelella, Badulla.
2. Godewatte Arachchige Prabhath Kumara  
Chief Coordinator,  
Future In Our Hands Development Fund,  
Karagasthenna, Guruthalawa.

**PETITIONER-PETITIONER-  
RESPONDENT-RESPONDENT**

3. Danial Anthony Fairweather,  
Old address:  
The Manager,  
St. James Estate, Hali Ela and/or Micklefield  
Farm. Guruthalawa.

New address:  
Karagasthenna, Guruthalawa.  
(Presently migrated, address unknown)

**1<sup>st</sup> RESPONDENT-RESPONDENT -  
RESPONDENT-RESPONDENT**

And/Or  
Matharage Don Ananda Alias Livlin  
James Kavirathne,  
No. 145, Church Road, Weliwita,  
Kaduwela.



And/or  
Chandana Punchihewa,  
No. 36/55, Edmonton Road,  
Colombo 6.

**Power of Attorney holders of Danial  
Anthony Fairweather**  
And/or

B. Ruwan K. Basnayake,  
Attorney-at-Law  
No. 06/43, St. Thomas Road,  
Bandarawela.

Or  
No. 15, Weimada Road,  
Bandarawela.

**Registered Attorney of Danial Anthony  
Fairweather**

4. B.T. Gauder, "Little Thatch"  
Golflink Road, Bandarawela.  
**2<sup>nd</sup> RESPONDENT-RESPONDENT  
RESPONDENT-RESPONDENT**
5. Annie Fairweather,  
Karagasthenna, Guruthalawa.

**INTERVENIENT PARTY OF THE 01<sup>ST</sup>  
RESPONDENT-RESPONDENT-  
RESPONDENT-RESPONDENT**

And/or  
B. Ruwan K. Basnayake,  
Attorney-at-Law,  
No. 06/43,  
St. Thomas Road,  
Bandarawela.

Or  
No. 15, Weimada Road,  
Bandarawela.

**Registered Attorney of Danial Anthony  
Fairweather**

**C.A.(PHC)APN 24/2012**

**HC REV. BADULLA CASE  
NO. 95/2010**

**Before** : SISIRA DE ABREW, J.  
K.T. CHITRASIRI J.

**Counsel** : Faiz Musthapa P.C. with C.R. Rashid and  
H.M.G. Senanayake for Petitioners.  
Maduranga Rathnayake for Power of Attorney  
Holder of 1<sup>st</sup> Respondent.

**Decided on** : 27.03.2012.

**SISIRA DE ABREW J.**

Heard learned President Counsel for the Petitioner and the learned Counsel for the 1<sup>st</sup> Respondent. The Petitioner S.M.M. Najeem in this case has made an application in the High Court to intervene in Revision Application No. 95/2010 filed in the High Court of Badulla. The learned High Court Judge had dismissed this application for intervention on the basis of the said S.M.M. Najeem was not a party in the case filed in the Primary Court Case No. 88043. His application to the learned High Court Judge was to intervene in the revision application. We therefore, note that the reasons given by the learned High Court Judge in his order dated 13.12.2011 are unacceptable.

We therefore, set aside the order of the learned High Court Judge dated 13.12.2011. The Petitioner S.M.M. Najeem is at liberty to re-agitate his application before the High Court based on X15 filed in the High Court. The learned High Court Judge is directed to consider the application for intervention filed by S.M.M Najeem, produced as X15 in the High Court. The respondents are entitled to file objections to the said application for intervention X15 in the High Court. In view of this order the learned President's Counsel for the Petitioner moves to withdraw the Petition filed in this court. Accordingly, proceedings are terminated.

Petitioner is entitled to obtain a certified copy of this order on payment of usual charges.

JUDGE OF THE COURT OF APPEAL.

**K.T. CHITRASIRI J.**

I agree.

JUDGE OF THE COURT OF APPEAL

Mm/-