

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

**CA Writ 191/2012**

- (1) A. Sunil Upananda Silva  
The President
- (2) W. Chandra Sriyani De Silva  
The Secretary
- (3) P. Sumanthi Sujatha Rodrigo  
Treasurer

All functioning in the name, style &  
association of

Women & Child Development Foundation  
No: 433,  
Sri Rathnajothe Mawatha,  
Kuda Waskaduwa,  
Waskaduwa.

**PETITIONERS**

**Vs.**

1. Bank of Ceylon  
No: 04,  
Bank of Ceylon Mawatha,  
Colombo 01.

**RESPONDENT**

**C.A. Writ Application No.191/2012**

Before : **S.Sriskandarajah, J (P,C/A)**  
**Deepali Wijesundera, J**

Counsel: Nagananda Kodituwakku for the  
Petitioner.  
Ramani Gunaratne for 4<sup>th</sup> Respondent.

Argued &

Decided on: 19.07.2012.

**S.Sriskandarajah, J. (P,C/A)**

Counsel for petitioner heard in support.

The petitioner in this application is seeking a writ of mandamus to compel the Respondent Bank to release funds from the petitioner's account. The Bank by its letter dated 09.03.2012 informed the petitioner's organization Women & Child Development Foundation that the Veza International has informed the Bank to refund the transaction amounts to the Cart Holders Bank immediately as the said transaction has reported as fraudulent. The Respondent Bank also has informed the petitioner's Attorney-at-Law that the Bank has already informed the Criminal Investigation Department to take appropriate legal action against the said organization. In these circumstances the petitioner does not have a legal right

to claim the said money deposited in the account at the same time the bank does not have corresponding legal duty to release this fund.

Therefore notice to respondents is refused.

**PRESIDENT OF THE COURT OF APPEAL**

**Deepali Wijesundera, J**

I agree

**JUDGE OF THE COURT OF APPEAL**

**KLP/-**