

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

Application (Transfer) No.420/2012

Magistrate's Court Vavuniya Case No. 83051

Jayalath Pathirana Lal de Silva,
No.20,
Beliatta Road,
Tangalle.

Petitioner

Vs.

- 1) Officer-in-Charge,
Police Station,
Vavuniya.
- 2) Hon. Attorney-General,
Attorney-General's Department,
Colombo-12.

Respondents

C.A. Transfer Application No.420/2012

BEFORE : **S. Sriskandarajah, J. (P/CA) &
P.W.D.C. Jayathilaka, J.**

COUNSEL : P.K. Prince Perera for the Petitioner.

DECIDED ON : 29.01.2013

S.Sriskandarajah, J. (P/CA)

The learned Counsel for the Petitioner supports this application and moves for transfer of this case from Magistrate's Court, Vavuniya to Magistrate's Court, Colombo or Balapitiya. The ground on which the Petitioner is seeking for transfer is that the proceedings in the Magistrate's Court of Vavuniya is held in Tamil Language and therefore the Petitioner is in difficulty to understand the said proceedings because he is not conversant in Tamil Language. The Petitioner also submits to Court that it is causing inconvenience for him to travel from Tangalle to Vavuniya to attend to this case and therefore he moves that this case be transferred as requested.

On the first ground it is the duty of Court to provide adequate translations to the parties appearing before Court to understand the proceedings of that Court and therefore the Petitioner is entitled to seek translations and it is the duty of Court to provide adequate translators or

interpreters for the Petitioner to understand the proceedings.

On the second ground, the case was filed in the Magistrate's Court of Vavuniya as that Court has the jurisdiction and the inconvenience of the Petitioner's submission is that causes inconvenience to him as he is living in Tangalle. But if this case is transferred out of Vavuniya Magistrate's Court which has jurisdiction, the witnesses will be affected and they will be undergoing inconvenience. In these circumstances, this Court is of the view that this application cannot be entertained and therefore this Court dismisses this application.

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. Jayathilaka, J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-