

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

CA PHCAPN 77/2007

HC Polonnaruwa 10/2006

P.C Polonnaruwa 17/6/36

R.G.Seelawathi

89, Kusumgama, Gallella.

PETITIONER/PETITIONER/PETITIONER

vs.

Sudharshini Siriwardana

Nelsonpura, Gallella.

RESPONDENT/RESPONDENT/RESPONDENT

Before : A.W.A. Salam J and Sunil Rajapakshe J.

Counsel : W. Dhayaratne PC with Shiroma Peiris for the
Petitioner/Petitioner/Petitioner.

A.S.M. Perera PC with Neville Ananda PC for the
respondent/respondent/respondent.

Argued on: 13.10.2013

Decided on: 02.12.2013.

A.W.A. Salam, J.

This is a revision application fled against the judgment of the learned high court judge dated 2nd November 2006. By the said judgment the learned high court judge dismissed the revision application filed by the

petitioner/petitioner/petitioner who challenged the impugned order of the learned magistrate restoring the respondent/respondent/respondent to the subject matter of the action. The learned magistrate in his carefully analyzed judgment has come to the conclusion that the respondent/respondent/respondent has been dispossessed 2 months prior to the date of information and therefore ordered that she be restored to possession.

The learned high court judge also has held the same view and dismissed the revision application. The background to the case and the documents produced are clearly favourable to the petitioner/petitioner/petitioner and therefore I am of the opinion that both the magistrate and the learned high court judge are correct in coming to the conclusion that the petitioner/petitioner/petitioner has had possession of the subject matter and that she had been forcibly evicted within a period of 2 months from the date of the information.

Hence, I see no reason to interfere with the judgement of the high court and the order of the magistrates court. Accordingly we dismiss this appeal subject to costs.



Judge of the court of appeal

I agree.

Sunil Rajapaksha J.

I agree.



Judge of the court of appeal