

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

Pussellawa Plantations Limited
168, Negombo Road,
Peliyagoda.

PETITIONER

C.A. 228/2012 (Writ)

Vs.

1. Minister of Plantation Industries
55/75, Vauxhall Lane,
Colombo 2.
And 4 others

BEFORE: Anil Gooneratne J. &
Malinie Gunaratne

COUNSEL: Thishya Weragoda for the Petitioner
Milinda Gunatilleke D.S.G., for 1st, 3rd and 4th Respondents
S. Sahabandu P.C., for the 2nd Respondent

ARGUED ON: 26.02.2014

DECIDED ON: 06.03.2014

GOONERATNE J.

This is an application to amend the caption and to file amended petition since in the original petition filed of record the 1st Respondent was the Minister of Lands and Land Development and whereas the impugning order in terms of the prayer to the petition was in fact made by Minister in charge of Plantation Industries. When the motion dated 22.10.2012 was supported on 26.2.2014 learned Deputy Solicitor General who appeared for the 1st, 3rd & 4th Respondents had no objection, for the amended petition. However learned President's Counsel for the 2nd Respondent, the Land Reform Commission ^{for} objection to such amendment.

The Land Reform Commission (2nd Respondent) has not filed written objections to above amendment but objected in open courts when the matter was taken up for inquiry on 26.2.2014. Nor did learned President's Counsel, state precisely the grounds of objection, other than observing that it is carelessness on the part of the Petitioner. If that be so and if the party concerned has not been properly identified the proper course of action would be to withdraw this application and file afresh application.

However considering all the above facts and circumstances this court take the view that no substantial prejudice would be caused to the Respondent by the ^{suggested} supported amendment. As such we overrule objections and allow the amended petition to be filed of record.

Application to amend the petition allowed.



JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunaratne

I agree.



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The Land Reform Commission (2nd Respondent) has not filed written objections to above amendment but objected in open courts when the matter was taken up for inquiry on 26.2.2014. Nor did learned President's Counsel, state precisely the grounds of objection, other than observing that it is carelessness on the part of the Petitioner. If that be so and if the party concerned has not been properly identified the proper course of action would be to withdraw this application and file a fresh application.

However considering all the above facts and circumstances this court take the view that no substantial prejudice would be caused to the Respondent by the suggested amendment. As such we overrule objections and allow the amended petition to be filed of record.

Application to amend the petition allowed.



JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunaratne

I agree.



JUDGE OF THE COURT OF APPEAL