

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

**CA PHC 155/2002**

P.Chandrasena  
No. 3/189, Veherayaya,  
Ethiliwewa.

**Appellant**

**-Vs-**

Deputy Commissioner  
Agrarian Service Center,  
Badulla .

The Inquiry Office,  
Agrarian Service Center,  
Hali Ela.

P.A. Jinadasa  
No. 3/189,  
Weherayaya,  
Ethiliwewa.

**Respondents**

C. A. (PHC) No.155/2002

PHC Badulla No.(writ) 99/2000

BEFORE : K.T.CHITRASIRI, J. &  
W.M.M. MALINIE GUNARATNE,J.

COUNSEL : Widura Ranawaka with S Rajapakse and Menaka  
Warnapura for the petitioner –appellant.  
Nayomi Kahavita SC for the 1<sup>st</sup> and 2<sup>nd</sup> respondent-  
respondents.  
David Weeraratne for the 3<sup>rd</sup> applicant-respondent.

ARGUED AND

DECIDED ON : 28<sup>th</sup> October, 2014.

K.T.CHITRASIRI, J.

It is brought to the notice of Court that the appellant, in his appeal dated 19<sup>th</sup> July 2002, has not prayed for any particular relief. In the prayer to the petition, it is stated that the appellant be granted the reliefs prayed for in the petition. However, the said prayer does not indicate or mention any relief that the appellant is seeking to have implemented. Therefore, it is clear that the appellant has not prayed for any relief in the petition of appeal.

Moreover, the petition of appeal has not been properly addressed to the Court of Appeal, as required by Rule 2(1)(a) of the Court of Appeal (Procedure for Appeals from the High Courts ) Rules 1988. Adherence to the aforesaid rules is also important like the importance attached to the substantive law. In this instance, the appellant has not followed the procedure

referred to in the aforesaid Rule 2(1)(a). The petition of appeal also does not indicate the provision of law upon which this appeal is filed which is usually being mentioned as the recital to the petitions, as a practice of Court.

The matters referred to above show that the petition of appeal filed in this case is defective and not in conformity with the law applicable in filing and proceeding with an appeal. Therefore this Court is not in a position to proceed with this appeal due to the aforesaid defects found in the petition of appeal.

At this stage learned Counsel for the appellant moves that this Court be exercised its inherent powers and then consider the merits of this appeal. Having considered the facts of the case, we do not see, that it is appropriate to exercise inherent powers of this Court at this stage and to consider the merits of the appeal.

For the aforesaid reasons this appeal is dismissed without costs.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

W.M.M. MALINIE GUNARATNE,J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=