

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

In the matter of an application for revision
under Article 138 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

**Court of Appeal Application
No. C A (PHC) APN 94/2014
High Court Colombo
Case No.6498/2013**

B.M. Charlet Renuka Kumari,
Dekindayaya,
Welipatha Yaya,
Balangoda.

PETITIONER

VS

Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENT

And Between

1. A.G. Piyal Somadasa
2. A.G. Asanka Somadasa

SURETIES

BEFORE : K.T. Chitrasiri, J

W.M.M. Malinie Gunaratne, J.

COUNSEL : **Suranga Bandara for the Petitioner**
 Ms. Himali Jayanetti, S.C. for the Respondent

Argued on : 09.03.15

Decided on : 25.05.15

Malinie Gunaratne, J.

This is a Revision Application filed by the Petitioner to set aside the Order of the learned High Court Judge of Colombo dated 21/07/14.

It is important to note that on perusal of the entirety of the petition and affidavit, the petitioner has not prayed or averred warranting the intervention of this Court by way of revisionary power. This Court would not entertain a revision application, unless there are exceptional circumstances. The Court will exercise its revisionary powers if there are exceptional circumstances such as, something illegal about the order made or when the application discloses circumstances which shock the conscience of the Court (Seelawathie vs. Agosthinu Appuhamy (2008) BLR 251).

It is significant to note that the Petitioner has not complained anywhere in the petition or affidavit that the impugned order made by the learned Trial Judge is illegal or that the Judge has improperly exercised the discretion vested in him or miscarriage of justice has occurred.

Hence, no specific ground for revision has been stated in the Petition. The Petitioner has only narrated the facts and nothing more.

In the circumstances, I am of the view that the Petitioner has not made out a case for the exercise of revisionary powers of this Court over the impugned order.

As such the Revision Application under consideration stands refused.

JUDGE OF THE COURT OF APPEAL

I agree

JUDGE OF THE COURT OF APPEAL