

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

CA PHC APN MISC 01/2015

Jayantha Evantius Fernando alias Jay Evantius Fernando
No.4, Julie Street
Blackburn North
3130 Victoria
Australia.

(Appearing by his attorney
Christopher Jebaratnam Senathirajah
of No. 74, 1st Lane, Ratmalana)

Petitioner

Vs.

Registrar-General of Companies
Department of the Registrar of Companies,
"Samagam Medura"
No. 400, D. R. Wijewardane Mawatha,
Colombo 10.

Respondent

CA/APN/MISC No: 01/2015

Before : Vijith K. Malalgoda, PC,J (P/CA)

P. Padman Surasena, J

Counsel : Amrith Rajapakse for the Petitioner.

Janak de Silva Senior DSG for the Respondent

Argued &

Decided on : 14.06.2016

Vijith K. Malalgoda, PC, J (P/CA)

In this matter it is brought to the notice of court by the Petitioner as well as the respondent that they have agreed the terms of settlement to settle this matter. Learned State counsel submits the terms of settlement as follows:

The Registrar General of Companies does not object for the incorporation of a company of the petitioner under the name THON LANKA (Pvt) Ltd; subject to the following conditions:

1. Company should not have been registered under the name Thon Lanka (Pvt) Ltd; or under the name identical to that name at the time the petitioner applies for the approval of the company name under the Companies Act.
2. The name Thon Lanka (Pvt) Ltd; or a name identical to that name should not have been reserved under and in terms of the

Companies Act and as a name reserved for a company to be incorporated under the said act by any party other than the petitioner at the time the petitioner applies for the approval of the name of the company.

3. With the petitioner or his representative is to become a shareholder of the new company to be incorporated under the said name such party should become such shareholder subject to Exchange Control Regulations.

Subject to the above conditions, parties agreed to settle this matter. In view of the above settlement, counsel for the petitioner moves to withdraw this application. Application for withdrawal is allowed and accordingly dismissed. No cost is ordered.

President of the Court of Appeal

P. Padman Surasena, J

I agree

Judge of the Court of Appeal

Na/-