

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

In the matter of an Appeal against an
order of the Provincial High Court in the
exercise of its revisionary jurisdiction.

C A (PHC) / 111 / 2006

Provincial High Court of Sabaragamuwa

holden at Ratnapura

Case No. HCRA 26 / 2013

Magistrate's Court Ratnapura

Case No. 14575

Pinwaththa Wedaralalage Wimalasekera

Weragama,

Uda Kiriella,

Nivithigala.

1ST RESPONDENT - PETITIONER

- APPELLANT

Vs

1. Damme Arachchilage Ubayasena,

Welgampalawaththa,

Weragama,

Uda Kiriella.

PETITIONER – RESPONDENT -

RESPONDENT

2. M U Nisa,

Paragahahena,

Uda Kiriella.

2ND RESPONDENT - RESPONDENT -
RESPONDENT

Before: K K Wickremasinghe J

P. Padman Surasena J

Counsel; Buddika Gamage for the 1st Respondent-Petitioner-Appellants.

Prabhash Semasinghe for the Respondents.

Decided on : 2017 - 08 - 03

JUDGMENT

P Padman Surasena J

Learned counsel for the 1st Party Petitioner Appellant and for the 2nd Party Respondent agreed when this case came up on 2017-02-20 and also on 2017-06-21 before this Court, to rely fully on their written submissions. They requested this Court to pronounce the judgment after considering the written submissions they had filled and informed this court that they do not

intend to make oral submissions. Therefore this judgment would be based on the material that have been adduced by parties in their pleadings and written submissions.

The 1st Respondent – Petitioner - Appellant (hereinafter sometimes referred to as the Appellant) had filed a revision application in the Provincial High Court of Sabaragamuwa holden at Ratnapura seeking to revise two orders dated 2003-01-06 and 2003-04-22 made by the learned Magistrate of Ratnapura.

The said orders by the learned Magistrate pertains to the enforcement of the final order in a case filed under the provisions of Primary Courts Procedure Act. Indeed, it is after the Provincial High Court had affirmed that the learned Magistrate's orders that the impugned orders had been made.

It could be seen that the revision application filed by the 1st Respondent-Petitioner-Appellant in the Provincial High Court does not aver any acceptable ground for revision of the impugned orders although the Appellant had been successful in obtaining a stay order also.

However, learned Provincial High Court Judge has correctly refused the said revision application for want of any basis for such an application.

Despite the absence of merits for an appeal the Appellant taking the case further has appealed to this Court as well. Thus, all what this Court has to say that there is no merit in this appeal. No plausible basis has been put forward by the Appellant in his written submissions either.

In these circumstances, this Court decides to dismiss this appeal. Further this Court makes order that the Appellant must pay a cost of Rs. 75,000/= to the Respondents.

Appeal is dismissed with costs fixed at Rs. 75,000/=.

JUDGE OF THE COURT OF APPEAL

K K Wickremasinghe J

I agree,

JUDGE OF THE COURT OF APPEAL