

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

**Court of Appeal Case No : CA WRIT 258 / 2017**

Segusahib Mohamed Aswar,  
No: 01, Habarana Road,  
Ganewalpola,  
Kekirawa

**Petitioner**

**Vs.**

Hon. Galan Suriya,  
The Learned Magistrate,  
Magistrate Court,  
Kandy.

**Respondents**

**C.A (Writ ) Application No: 258/2017**

**BEFORE :** L.T.B. DEHIDENIYA, J (P/CA) &  
A.L. SHIRAN GOONERATNE, J.

**COUNSEL :** A.Mohammed Farook for the Petitioner.

**DECIDED ON:** 27.10.2017

**L.T.B. DEHIDENIYA J (P/CA)**

Heard the counsel for the Petitioner. We see no reason to issue notice in this matter. The complaint filed in the Magistrate court is that the offer letter marked P1 indicates the interest that will be charged is 15% and the mortgage bond is marked P2 the interest is 26 %. We considered the offer. The bank has offered 15% interest and it is subject to fluctuation on discretion of the bank. Therefore when entering into the mortgage bond the interest gone up to 26%. We see no reason to interfere with the findings of the learned Magistrate who has very correctly decided. Therefore, we see no reason to issue notice. We refuse to issue notice.

**PRESIDENT OF THE COURT OF APPEAL.**

**A.L. SHIRAN GOONERATNE J.**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Vkg/-