

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

Court of Appeal Case No : CA PHC/29/2010

M.G.M.M.Fernando.

No. 317,

Helan Mawatha,

Wennappuwa.

Petitioner

Vs.

Hon Attorney General.

Attorney General's Department,

Colombo 12.

Respondents

C.A. (PHC) 29/2010 - PHC Chilaw Case No.27/2007
M.C. Marawila Case No:7309/C

BEFORE : S. DEVIKA DE L. TENNEKOON J AND
S. THURAIRAJA PC J

COUNSEL : Appellant is absent and unrepresented
Varunica Hettige DSG for the Respondents

ARGUED AND
DECIDED ON : 26.09.2017

S. THURAIRAJA PC J

When this case was originally came up before this Court on 26.08.2011 the appellant was absent and represented by Counsel. Throughout she was absent. On 30.11.2015 the Counsel and the appellant were absent and the Court issued notice on the appellant. Thereafter, notices were issued on the more than five occasions but neither the appellant nor her Counsel were present in Court. Hence, the Court decided to take up this matter for argument.

Learned Counsel for the respondents the Deputy Solicitor General Mrs. Varunica Hettige took up a preliminary objection stating that this Court has no jurisdiction because the original matter was in the Magistrate's Court. From there it was appealed to the High Court and the appellant has preferred an appeal to this Court against the High Court order.

Considering the provisions of the Constitution, relevant law and decided cases, we hold with the learned Deputy Solicitor General and conclude that this Court has no jurisdiction. Accordingly, the appeal is dismissed.

Registrar is hereby directed to return the case record to the Registrar of the High Court of Chilaw.

JUDGE OF THE COURT OF APPEAL

S. DEVIKA DE L. TENNEKOON J

I agree.

JUDGE OF THE COURT OF APPEAL

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