

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

*In the matter of an Application for  
Revision under and in terms of Article  
138 of the Constitution of the  
Democratic Socialist Republic of Sri  
Lanka*

**Liyanarachchi Chiranth Prasad**  
No.10, Dhammathsara Mawatha  
Ambalangoda

**PLAINTIFF**

**CA/RI/13/2016**

DC (Elpitiya) Case No. M/981

-Vs-

**1. Kiringodage Samantha**

**Weerasuriya**

Alias Walawedirigodage Samantha

Weerasuriya

No.21 C, Batagawa North

Ja-Ela

**2. Ceylinco Insurance Company**

No.69, Janadipathi Mawatha

Colombo 01

**DEFENDANTS**

**Miyanaarachchi Chirantha Prasad**

No.10, Dhammathsara Mawatha

Ambalangoda

**PETITIONER**

**-Vs-**

**1. Kiringodage Samantha**

**Weerasuriya**

Alias Walawedirigodage Samantha

Weerasuriya

No.21 C, Batagawa North

Ja-Ela

**RESPONDENT**

**AND NOW BETWEEN**

**Kiringodage Samantha**

**Weerasuriya**

Alias Walawedirigodage Samantha

Weerasuriya

No.21 C, Batagawa North

Ja-Ela

Presently at Brunnenweg 29,

64297, Darmstadt

Germany

Appearing by his Power of

Attorney holder Pandi

Kankanamge Anoma

Priyadarshani of No.21 C,  
Batagawa North  
Ja-Ela

**RESPONDENT-PETITIONER**

**-Vs-**

**Liyanaarachchi Chirantha  
Prasad**  
No.10, Dhammathsara Mawatha  
Ambalangoda

**PETITIONER-RESPONDENT**

**Ceylinco Insurance Company**  
No.69, Janadipathi Mawatha  
Colombo 01

**RESPONDENT**

On this 7<sup>th</sup> day of March 2017

**TO: HIS LORDSHIP THE PRESIDENT AND THEIR LORDSHIPS THE  
OTHER HONOURABLE JUSTICES OF THE COURT OF APPEAL OF  
THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

The statement of objections of the Respondent abovenamed appearing by Chandrasiri Kotigala Attorney-at-Law together with his assistants R.M Perera, Chandana Madhavila, H.M Pethiyagoda, Sarana Lamabadusuriya and Dhammika Roshini Wickramasinghe their Attorney- at - Law respectfully state as follows:-

- 1) The Defendant-Respondent (hereinafter referred to as the "Respondent") denies to all and singular the several averments contained in the petition of

**DC (Elpitiya) M/981****CA/RI/13/2016****BEFORE : A.H.M.D. Nawaz, J.****COUNSEL :** Vijith Singh with Chithrananda Liyanage for the Petitioner  
Yasas de Silva for the Petitioner-Respondent  
M. Shaheem Wazeer for the Respondent**DECIDED ON : 09.05.2017****A.H.M.D. Nawaz, J.**

Having heard all the counsel in this case and having regard to the submissions made by Mr. Yasas de Silva who appears for the Petitioner-Respondent namely, Liyanarachchi Chiranth Prasath the Defendant in DC (Elpitiya) Case No.981/M, this Court takes the view that the order dated 07.07.2016, and all the directions contained in the said order of the learned District Judge of Elpitiya in DC 981/M should be set aside. This Court on 15.12.2016, suspended the aforesaid order dated 07.07.2016, which had ordered a travel ban on the Petitioner. This Court also suspended the order of the learned District Judge to arrest the Petitioner upon arrival in Sri Lanka consequent to a civil warrant issued by the learned District Judge of Elpitiya in his order dated 07.07.2016.

The Registrar of the Court of Appeal has already communicated the orders to the District Court as well as the Commissioner of Immigration and Emigration, Battaramulla. Both Counsel for the Petitioner-Respondent Mr. Yasas de Silva and Ceylon Insurance Corporation Mr. Shaheem Wazeer, have no objections to this Court making a final order setting aside the order of the learned District Judge dated 07.07.2016.

In the circumstances, this Court proceeds to set aside the order and the learned District Judge of Elpitiya is directed to continue with this case by taking steps that are spelt out in the Civil Procedure Code.

In the circumstances, this application is allowed.

**JUDGE OF THE COURT OF APPEAL**