

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

In the matter of an application for  
mandate in nature of Writ of Certiorari in  
terms of Article 140 of the Constitution of  
the Democratic Socialist Republic of Sri  
Lanka.

Mohamed Thajudeen Mohamed  
Sadiq  
No. 250/2,  
Wennawatte,  
Wellampitiya.

Presently at  
No. B 121/1,  
Mosque Road,  
Hapugasthalawa.

Petitioner -

Court of Appeal Case No:  
CA/Writ /29/2020

Vs.

1. Fathima Afra  
No. 166/18/A,  
Layards Broadway,  
Grandpass,  
Colombo 14.

2. Hussain Azhar Sainoon  
Quazi Judge,

Quazi for Colombo East,  
No. 120/1,  
Kolonnawa Road,  
Kolonnawa.

Respondents

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Before : Hon. Justice. D.N. Samarakoon  
Hon. Justice Sasi Mahendran

Counsel: Yoosuf Nazar instructed by A.I.I. Fana for the Petitioner.  
Murshid Maharooof with Shoaib Ahamed and Jemiah Sourjah for  
the  
2<sup>nd</sup> Respondent.

Argued on: 03.02.2022

Written Submissions on: 24.02.2022 by the 2<sup>nd</sup> Respondent.

Decided on : 31.05.2022

D.N. Samarakoon,J

**Judgement**

The learned Quasi has by his order dated 22.11.2014 ordered maintenance for Rs. 15,000/- monthly to the 01<sup>st</sup> respondent and Rs. 10,000/- monthly for the

child against the petitioner. The petitioner has appealed to the Board of Quazis, which vacated the said order and directed an inquiry de novo.

In the subsequent inquiry the 02<sup>nd</sup> respondent Quazi has by order dated 16.09.2017 has ordered to pay Rs. 12,000/- monthly for the 01<sup>st</sup> respondent and Rs. 10,000/- monthly for the child.

The petitioner has again preferred an appeal to the Board of Quazis. But this fact was not known to the 02<sup>nd</sup> respondent who issued notice on the petitioner and thereafter an enforcement order which he directed to the Magistrate's Court. In the Magistrate's Court the petitioner has paid the arrears of maintenance.

The petitioner in this application seeks a writ of certiorari to quash the enforcement order of the 02<sup>nd</sup> respondent.

But it is admitted that although the petitioner has filed a motion before the Board of Quazis to issue an interim order against the 02<sup>nd</sup> respondent it has never been supported.

The 02<sup>nd</sup> respondent therefore did not have any impediment against exercising his jurisdiction under section 64(1) of Part VIII of Muslim Marriages and Divorce Act.

Hence there is no reason to issue a writ of certiorari in this application. The application is dismissed.

Judge of the Court of Appeal.

Hon. Justice Sasi Mahendran

I agree.

Judge of the Court of Appeal.