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

In the matter of an application for mandates in the nature of Writs of Certiorari and Prohibition in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA/WRIT/422/2020

1. Prof. D.G. Harendra de Silva
   No. 25, Elias Place,
   Colombo 09.

2. Dr. W.M. Sunil Rathnapriya
   No. 7/1A, 3rd Lane,
   Battaramulla.

3. Dr. U.M. Gunasekara
   No. 7/4/1/1,
   Perakum Mawatha,
   Maharagama.

Petitioners

Vs.

1. Hon. Pavithra Wanniarachchi
   Minister of Health, Nutrition and Indigenous Medicine,
   Ministry of Health, Nutrition and Indigenous Medicine,
   Suwasiripaya,
   No.385, Rev.Baddegama Wimalawansa Thero Mawatha,
   Colombo 10.

1A. Hon. Dr. Keheliya Rambukwella
Minister of Health, Nutrition and
Indigenous Medicine,
Ministry of Health, Nutrition and
Indigenous Medicine,
Suwasiripaya,
No.385, Rev.Baddegama
Wimalawansa Thero Mawatha,
Colombo 10.

2. Dr. Hemantha Perera
Purported Chairman,
Purported Committee appointed by the
Ministry of Health,
No.385, Rev.Baddegama
Wimalawansa Thero Mawatha,
Colombo 10.

3. Dr. Prashantha Wijesinghe
Purported Member,
Purported Committee appointed by the
Ministry of Health,
No.385, Rev.Baddegama
Wimalawansa Thero Mawatha,
Colombo 10.

4. Prof. Anula Wijesundara,
Purported Member,
Purported Committee appointed by the
Ministry of Health,
No.385, Rev.Baddegama
Wimalawansa Thero Mawatha,
Colombo 10.

5. Dr. Maithri Chandrarathna,
   Purported Member,
   Purported Committee appointed by the
   Ministry of Health,
   No.385, Rev.Baddegama
   Wimalawansa Thero Mawatha,
   Colombo 10.

6. Dr. Dharshana Sirisena
   Purported Member,
   Purported Committee appointed by the
   Ministry of Health,
   No.385, Rev.Baddegama
   Wimalawansa Thero Mawatha,
   Colombo 10.

7. Prof. Vajira Dissanayake
   Council Member,
   Sri Lanka Medical Council,
   No. 31, Norris Canal Road,
   Colombo 10.
   Also at
   No. 30/901, Malalasekara
   Mawatha,
   Colombo 07.

8. Sri Lanka Medical Council
   No. 31, Norris Canal Road,
   Colombo 10.

9. Prof. Bandula Wijesiriwardane
   No. 721/54, Birds Park Residences, Sri
   Nanada Mawatha, Madinnagoda,
   Rajagiriya.

10. Dr. Dilrukshi Ruberu
    No. 175/81, John Rodrigo Mawatha,
    Katubedda, Moratuwa.

11. Dr. Vajira Senaratne
    No. 19A, 2nd Lane,
    Koswaththa, Nawala.

12. Prof. Jayantha Jayawardene
    No. 2A, 6th Lane,
    Pagoda Road,
    Nugegoda.

Respondents

Before : Sobhitha Rajakaruna J.

Dhammika Ganepola J.

Counsel : Upul Jayasooriya PC with Sachira Andrahennadi for the Petitioners.

Nerin Pulle PC, ASG with I. Randeny, SC for the 1A Respondent.

Romesh de Silva PC with Niran Ankatell for the 2nd to 6th Respondents.

Naveen Marapana, PC with Ravindranath Dabare, Uchitha Wickremesinghe for the 7th and 8th Respondents.

Shavindra Fernando PC with M. Skandarajah and Bashini Hettiarachchi for the 9th, 10th, 11th & 12th added Respondents.

Supported on: several dates as mentioned below

Synopsis of Submissions: tendered on behalf of Petitioners: 24.12.2021

tendered on behalf of the 1A Respondent: 20.12.2021

tendered on behalf of the 2nd to 6th Respondents: 21.12.2021

tendered on behalf of the 7th and 8th Respondents: 16.12.2021

Decided on: 01.02.2022

Sobhitha Rajakaruna J.

The Petitioners filed this application on 03.12.2020 seeking, inter alia, for a mandate in the nature of a;

i. writ of certiorari quashing the decision of 1st Respondent Minister revoking the appointment of the 1st Petitioner as President/as a member of Sri Lanka Medical Council (SLMC) as reflected in letter dated 27.11.2020, marked P8
ii. writ of certiorari quashing the decisions of the 1st Respondent Minister revoking the appointment of the 2nd & 3rd Petitioners as council members of the SLMC as reflected in the letters dated 27.11.2020, marked P9 and P10
iii. writ of certiorari quashing the decision of the 1st Respondent appointing the 7th Respondent as President of the SLMC
iv. writ of certiorari quashing the report of the Committee comprising of the 2nd to 6th Respondents who inquired in to the alleged complaints related to SLMC dated 10.11.2020, marked P7.

This matter was taken up in open Court on the following dates;

1) 07.12.2020
2) 14.12.2020
3) 18.12.2020
4) 18.01.2021
5) 03.02.2021
6) 15.02.2021
7) 22.02.2021
8) 02.03.2021

9) 29.03.2021
10) 30.04.2021
11) 05.05.2021
12) 13.07.2021
13) 04.08.2021
14) 05.08.2021
15) 06.08.2021
16) 11.10.2021
17) 02.11.2021
18) 09.11.2021
19) 25.11.2021
20) 07.12.2021
21) 10.12.2021
22) 16.12.2021

The learned Counsel who appears for several parties made their respective submissions on 9 days and submissions were concluded on 16.12.2021. The learned Counsel agreed to file a synopsis of their submissions on or before 17.12.2021.

The learned Counsel for 2nd to 6th Respondents have kept in sight of the following averments in their synopsis of submissions:

> *"We note with regret the submissions by learned President's Counsel for the Petitioners in CA Writ 440/2020 casting aspersions on counsel for the Respondents for delaying this matter……it is unfair and unseemly to blame the Respondent's counsel."*

I am not inclined to examine as to whether there was any delay in concluding submissions in respect of the matters relating to an order for issuance of notice and interim relief. However, I am of the view that the misconception on the process of issuing notice in an application for judicial review may cause delays in deciding, by learned Counsel, the scope or the length of their submissions on behalf of the respective parties. A better approach in making applications for leave at the threshold stage would pave way to save a considerable amount of judicial time which can be eventually utilized at the argument stage for a fuller and final scrutiny of the issues in a case. No Respondent should be misunderstood that issuing notice in a judicial review application is a defeat for the Respondent; but it is obviously for the best interest of justice. The Court of Appeal Rules in its clause 3(4)

stipulates that where upon an application, filed under Articles 140 and 141 of the Constitution, being supported, the Court orders the issue of notice. Other than the said provision, no guidelines have been prescribed in view of the issuance of notice by Court in a judicial review application.

I am mindful that I am not called upon to decide the intrinsic issue in this application instantly as the question that the Court should pay attention at this threshold stage is whether formal notice on the Respondents should be issued or not. In order to determine the question of notice, it is important to consider the principles that needs to be adopted by a judge who is granting permission (Permission Judge) in view of satisfying himself that there is a proper basis for claiming judicial review. The 'arguability principle' can be considered as one such main principle.

Professor Johannes Chan of University of Hong Kong (Faculty of Law), in his article ***"Application For Leave For Judicial Review: A Practical Note" published in Law Lectures for Practitioners 1999 p.*****165 *(at page 167)*** states that;

> *"The leave application must be commenced in the standard form (Form 86A), accompanied by a supporting affirmation.* ***It is an ex parte application, which means that the potential respondent, even if he is put on notice, has no right to address the court without permission.*** *As many leave applications involve issues of general public interest, the court may decide to deal with the applications in open court. Leave may be granted, and increasingly so, without a hearing.* ***The test for granting leave is potential arguability, that is, whether the materials before the trial judge disclose matters which might, on further consideration, demonstrate an arguable case for the grant of the relief claimed[1].*** *It is not necessary to show an arguable case at the leave stage."*
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> (Emphasis added)

Micheal Fordham QC *Blackstone Chambers* in his article on ***'Arguability Principles' [Judicial Review Volume 12, 2007 – Issue 4, pages 219- 220 (published online: 29 April***

[1] R vs. Direction of Immigration, ex parte Ho Ming-sai (1993) 3 HKPLR 157

2015)] has suggested, among others, the following principles relating to the question of arguability, which applies at the stage of permission for judicial review:

1. The permission judge needs to be satisfied that there is a proper basis for claiming judicial review, and it is wrong to grant permission without identifying an appropriate issue on which the case can properly proceed[2]. **However voluminous the papers, or complex the putative issues, the task remains the same.**[3] (Emphasis added)

2. It is not enough that a case is potentially arguable, said to justify permission on a speculative basis.[4] It is not sufficient[5] for the papers to disclose what might on further consideration turn out to be an arguable case.[6] The court should, however, bear in mind that the picture may be materially incomplete, if disclosure by the defendant has not yet occurred.

3. The concept of "arguability" can be unduly lax and vague, since lawyers can argue almost any point. What is meant is an arguable ground for judicial review having a realistic prospect of success.[7] There must be a real, or a sensible, prospect of success.[8]

4. Whether there is an arguable ground for judicial review includes whether there is some properly arguable vitiating flaw such as unlawfulness, unfairness, or unreasonableness. Where multiple grounds are relied on, permission can be restricted on those grounds which are considered arguable (CPR 54.12(1)(b)). The vitiating ground must have been arguably material to the impugned decision. That decision must arguably amenable to judicial review.[9] There must be a realistic prospect that the court would give a remedy in the exercise of its discretion.[10]

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[2] R vs. Social Security Commissioner ex p. Pattni (1993) 5 Admin LR 219 at 223G.
[3] R vs. Local Government Commissioner ex p. North Yorks County Council (unreported) 11 March 1994, per Laws J; R vs. London Docklands Development Corporation ex p. Frost (1997) 73 P & CR 199 at 204, per Keene J.
[4] Sharma vs. Brown-Antoine [2006] UKPC 57 [2007] 1 WLR 780 at [14](4), per Lord Bingham.
[5] Cf. R vs. IRC ex p. National Federation [1982] AC 617 at 644A, per Lord Diplock.
[6] R vs. Legal aid Board ex p. Hughes (1993) 5 Admin LR 623 at 628 D-G, per Lord Donaldson MR.
[7] Sharma vs. Brown-Antoine [2006] UKPC 57 [2007] 1 WLR 780 at (14)(4), per Lord Bingham.
[8] R vs. Legal aid Board ex p. Megarry [1994] PIQR 476; of Swain v Hillman [2001] 1 All ER 91.
[9] R vs. Chief Rabbi ex p. Wachmann [1992] 1 WLR 1036 at 1037H.
[10] R(Rhodes) vs. Kingston upon Hull City Council [2001] ELR 230.

5. The approach to arguability is flexible. Even if the case is not considered to have a real prospect of success, permission for judicial review can be appropriate because of the importance of the issues.[11] Thus, it can be sufficient that there is an "other reason" warranting a substantive hearing.[12] Where a serious allegation is made against a public authority, the strength or quality of the evidence adduced may in practice be adjusted.[13] The court does not engage in full-scale dress-rehearsal of the case.[14] But the court can in practice impose a higher hurdle if required by the circumstances, such as the nature….

The Administrative Court Judicial Review Guide 2021 (sixth edition of the Judicial Review Guide- July 2021) which applies to cases heard in the Administrative Court wherever it is sitting and in the Administrative Court Offices ("ACOs") across England and Wales deals in its paragraph 9 on 'The Permission stage of the Judicial Review Procedure'.

> **9.1.3.** The judge will refuse permission to apply for judicial review unless satisfied that there is an arguable ground for judicial review which has a realistic prospect of success.[15]
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> **9.1.4.** Even if a claim is arguable, the judge must refuse permission:
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> > **9.1.4.1.** unless he or she considers that the applicant has a sufficient interest in the matter to which the application relates (see para 6.3.2 of this Guide); and
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> > **9.1.4.2**. if it appears to be highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred.[16]

[11] R (Gentle) vs. Prime Minister [2006] EWCA Civ 1078 at [23]; cf. CPR 52.3(6)(b).
[12] Law Com No.226,p.118;Access to Justice (1996), p.253.
[13] Sharma vs. Brown-Antoine [2006] UKPC 57 [2007] 1 WLR 780 at (14)(4), per Lord Bingham.
[14] R (Mount Cook) vs. Westminster City Council [2003] EWCA Civ 1346 [2004] 1 PLR 29 at [71], per Auld LJ.
[15] See Sharma vs. Brown-Antoine [2006] UKPC 57, [2007] 1 WLR 780, [14(4)]; Attorney General of Trinidad and Tobago vs. Ayers-Caesar [2019] UKPC 44, [2]; Maharaj vs. Petroleum Company of Trinidad and Tobago Ltd [2019] UKPC 21; Simone vs. Chancellor of the Exchequer [2019] EWHC 2609 (Admin), [112].
[16] s.31(3C)-(3F) of the Senior Courts Act 1981

9.1.5. If the Court considers that there has been undue delay in bringing the claim, the Court may refuse permission.[17] (Delay is discussed further at para 6.4 of this Guide.)

9.1.6. Other reasons for refusing permission include an adequate alternative remedy (para 6.3.3) and that the claim is or has become academic (para 6.3.4).

I will now consider the scope of the Petition and affidavit of the Petitioners vis-`a- vis the reliefs sought by the Petitioners. When this matter was taken up for support on 07.12.2020, the learned President's Counsel, Mr. Sanjeewa Jayawardane informed this Court that he would be appearing for the two Petitioners in the application bearing no. CA Writ 440/2020 which is similar to the instant application and moved that both matters be taken up together for support. Therefore, the said application CA Writ 440/2020 was also mentioned along with this application right through out and submissions made by all learned Counsel in respect of the instant application were adopted in CA Writ 440/2020.

At the initial stage, the learned President's Counsel appearing for the 7th & 8th Respondents and also the learned Additional Solicitor General (ASG) appearing for the 1A Respondent raised Preliminary Objections regarding the maintainability of this application and moved that the application of the Petitioners be dismissed *in limine*. Apart from raising the preliminary objections, the Respondents filed their limited Statement of Objections as well.

The learned ASG has raised the following preliminary objections;

i. there is suppression of material facts and grave misinterpretation of facts
ii. the Petitioners have acquiesced in the process
iii. necessary parties are not before Court

The learned President's Counsel for 7th & 8th Respondents also raised the same preliminary objections and additionally, contended that the Petitioners are guilty of laches and of abusing the process of this Court.

The Petitioners' main contention is that the revocation of their appointments have not been made in terms of any provisions of law and there has been a total usurpation of power

[17] s.31(6)(a) of the Senior Courts Act 1981.

and authority and in any event, abuse of power and transgression of jurisdiction and violation of all basic tenets of law. In opposition to the said argument, the learned ASG asserts that the 1st Respondent (Minister) has removed five members of SLMC who were nominees of the Minister after taking in to consideration the findings of the committee inquired in to the affairs of the SLMC and pursuant to the powers vested in the Minster under Section 14 (f) of the Interpretation Ordinance. The learned President's Counsel for the 7th & 8th Respondents submitted that the Petitioners were appointed at the pleasure of the Minister and therefore can also be removed at the pleasure of the Minister without following the audi alteram partem and therefore, the removal of the Petitioner was in terms of law & the Medical Ordinance. The learned President's Counsel for the 2nd to 6th Respondents submitted that the said Committee made the following, inter alia, specific recommendations to the Minister;

a. officers and council members who are responsible should be terminated to restore the independence and functioning of SLMC
b. to consider appointing medical professionals of high caliber and integrity as President SLMC and as Minster's nominee under Section 12(f) of the Medical Ordinance with immediate effect.

Based on the submissions made by learned Counsel and material provided before this Court, several questions of law can be identified as follows;

1. Whether the Minister has the legal power in terms of governing law and the Medical Practitioners, Pharmacists, Mid wives and Nurses Ordinance No. 26 of 1927 (as amended) to appoint a committee of inquirers or to inquire in to the complaints against the SLMC, listed in the letter marked P5?
2. Whether the said Committee has given a fair and equitable hearing to SLMC or to the Petitioners?
3. Whether the Minister has power to make appointments as members of SLMC without a vacancy being created as provided for under the Medical Ordinance?

4. Whether the Minister has the power to appoint the 7th Respondent as the President of the SLMC?
5. Whether the removal of the 5 members of the SLMC including the Petitioners is arbitrary, illegal, ultra vires and unreasonable?

In the circumstances, this Court takes the view that this matter raises questions of law that has to be assayed and evaluated along with the merits of the arguments in this application. Therefore, this Court is of the view that the Petitioners have satisfied the initial threshold requirement which warrants this Court to issue formal notice of this application on the Respondents. Depending on the nature and the strength of the preliminary objections raised by the Respondents, those objections should be fully considered at the final hearing of this Case after entertaining the full affidavits of the Respondents.

Having considered the issuance of notice, the question arises whether this Court can grant interim reliefs that the Petitioners have sought in the prayer of the Petition.

Now, I advert to the tests applicable to the grant of interim reliefs.

'The whole purpose of granting interim restraining relief is to preserve the status quo which existed prior to the purported exercise of power complained of. The effect of an interim restraining order is twofold: firstly, an exercise of power in violation of it is a nullity; secondly, any purported exercise of power or any physical act or omission, done in violation of it is an act of contempt of court punishable as such'. (**Vide~ Sunil F.A. Cooray, Principles of Administrative Law in Sri Lanka , 4th edition, Vol. II, chapter 23, p.1428.)**

As discussed in ***Duwearatchi & another vs. Vincent Perera & others (1984 2 SLR 94)***, an interim stay order in a writ application is an incidental order made in the exercise of the inherent or implied powers of the Court and the Court should be guided by the following principles;

(i) Will the final order be rendered nugatory if the petitioner is successful?

(ii) Where does the balance of convenience lie?

(iii) Will irreparable and irremediable mischief or injury be caused to either party?

The above mentioned, **The Administrative Court Judicial Review Guide 2021** deals with Interim relief as well. Its clause 16.6 stipulates the criteria for deciding applications for interim relief;

> **16.6.1.** When considering whether to grant interim relief while a judicial review claim is pending, the judge will consider whether there is a real issue to be tried and whether the balance of convenience lies in favour of granting the interim order.[18] This involves balancing the harm to the claimant that would be caused if interim relief is not granted and the claim later succeeds against the harm to the defendant, any third parties and the public interest that would be caused if interim relief is granted and the claim later fails.
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> **16.6.2**. The strength of the public interest in permitting a public authority's decision to remain in force will depend on all the circumstances. Where interim relief is sought to prevent the enforcement of primary legislation, there is a strong public interest in allowing the public authority to continue to enforce an apparently authentic law pending the determination of the challenge.[19] Where subordinate legislation[20] or policy is challenged,[21] the public interest weighing against interim relief may also be strong, albeit less so than where the target is primary legislation.
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> **16.6.3.** Where a claimant seeks to restrain publication of information by a public authority which is obliged or empowered to do so, the court must consider the rights of those who would otherwise be entitled to receive the information. These rights are protected by Article 10 ECHR and s. 12 of the Human Rights Act 1998. This means that interim relief will only be granted for "the most compelling reasons" or in "exceptional circumstances".[22]
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> **16.6.4.** In all cases the procedure for dealing with applications for interim relief will be controlled by the Court, and will be such as the Court deems appropriate to achieve a fair determination of issues. For example, sometimes, the Court may

[18] R (Medical Justice) vs. Secretary of State for the Home Department [2010] EWHC 1425 (Admin), [6]-[13], applying American Cyanamid Company vs. Ethicon Limited [1975] AC 396.
[19] R vs. Secretary of State for Transport ex p. Factortame [1991] 1 AC 603, 674C-D; R (Medical Justice) v Secretary of State for the Home Department [2010] EWHC 1425 (Admin), [12]-[13].
[20] R vs. HM Treasury ex p. British Telecommunications plc [1994] 1 CMLR 621, [41].
[21] R (Medical Justice) vs. Secretary of State for the Home Department [2010] EWHC 1425 (Admin), [13].
[22] R (Barking and Dagenham College) vs. Office for Students [2019] EWHC 2667 (Admin), [30]-[39]; R (Governing Body of X School) vs. Office for Standards in Education [2020] EWCA Civ 594, [2020] EMLR 22, [77]-[79].

respond to an application for interim relief by ordering expedition of the substantive claim instead of hearing the application for interim relief separately.

Having set out the respective legal position, I now proceed to consider the quintessential issues in this case in order to decide on the issuance of an interim relief as prayed for in the prayer of the Petitioner. By virtue of the letter dated 17.11.2020, marked P8, the 1st Petitioner's appointment as President was revoked with immediate effect. Similarly, by virtue of letters marked P9 & P10, the appointments of the 2nd & 3rd Petitioners respectively as members of the SLMC were revoked with immediate effect. Almost 1 year has lapsed from the 1st date of this case up to the final date of submissions by the learned Counsel.

The learned President's Counsel appearing for the Petitioners in CA/Writ/440/2020 has brought to the attention of this Court the order of the Supreme Court in ***SC/FR/209/2020 (SC minutes 01.12.2021)*** where the Court has granted an interim relief not withstanding the fact that the case had been filed more than a year ago. Hence the learned President's Counsel urged this Court to examine the matter on the test whether final relief is rendered nugatory if interim relief denied to the Petitioners. (*vide*- synopsis of submission of the Petitioners in CA/Writ/440/2020 – page 5).

Meantime, the learned ASG on behalf of the 1A Respondent argues that an irreparable damage would be caused to the SLMC if the Court grants an interim relief suspending the appointment of the new members of the SLMC. The learned ASG asserts that the 5 year term of Prof. Narada Warnasuriya (1st Petitioner in CA/Writ/440/2020) has already lapsed and the new appointees have assumed office in the SLMC and also have been appointed to various sub-committees in the SLMC. He further submitted that the functioning of these sub committees is essential for the maintenance and for proper discharge of the medical profession as a whole. A suspension of these sub-committees, according to his assertions, would in turn collaterally damage, inter alia, registration, disciplinary proceedings of medical practitioners, dentists and other officials falling within the purview of the Ordinance.

I am of the view that the nature of the pertinent issues and the circumstances surrounding each case play a prominent role when deciding the grant of an interim relief although the Petitioner has established a prima facie case at the threshold stage.

The balance of convenience helps to preserve the status quo pending a trial. If a Respondent can show that the damage and inconvenience caused by granting an interim

relief outweigh the benefits and justice for the Petitioner (Applicant), it is unlikely that an interim relief/ stay order will be granted.

In my order in the case of ***N and A Engineering Services and another vs. People's Bank and others CA/Writ/603/2021 (decided on 17.12.2021),*** I have expanded the scope that is to be considered in respect of the 'balance of convenience'. Accordingly, in deciding whose favour the balance of convenience would lie, it is not only the 'damages' that should be taken in to consideration. If the circumstances and the evidence placed before Court provides an opportunity, prima facie, for the Court to consider the conduct and conscience of a particular party, then the Court should take such 'conduct' and 'conscience' also in to consideration in view of assessing the balance of convenience and also the test to ascertain whether the final order be rendered nugatory.

This application eventually could be rendered nugatory if this Case proceeds beyond the date that the Petitioners' term of office would be ended. However, issuing a stay order in a judicial review application where the appointment or revocation of an appointment is being challenged can be taken as an undue advantage by any of the parties. That is merely because the party in whose favour, the interim relief is being granted, might not take due diligence to expedite the proceedings of the case until the expiration of the term of office of the Petitioners or vice versa, the term of office of the Respondents.

Therefore, I am of the view that this is a fit case for this Court to consider the potential 'conduct' and 'conscience' of each party before issuing such order. As mentioned above the purpose of granting an interim relief is to preserve the status quo which existed prior to the purported exercise of power complained of. Therefore, on a careful consideration of the whole matter, a question arises as to whether there is a probability to make an order to maintain the original status quo converting drastically the events taken place for a period of more than a year. I have come to this conclusion considering the special circumstances of this case including the inordinate length of the time taken at the threshold stage of this Case.

In ***Billimoria vs. Minister of Lands, Land Development and Mahaweli Development and Others (1978-1979) 1 SLR 10 (at p.15)***, Neville Samarakone CJ stated that:

> *"The interests of justice therefore required that a stay order be made as an interim measure. It would not be correct to judge such orders in the same strict manner as final order. Interim*

orders by their very nature must depend a great deal on a judge's opinion as to the necessity for interim action."

Thus, I am of the view that the circumstances and the evidence placed before this Court do not warrant this Court to issue an interim order as prayed for in the prayer of the Petition, although there is a question of law to be looked in to in this application. Accordingly, the application for interim relief is refused. Furthermore, I strongly observe that this is a fit case to order expedition of the substantive claim expeditiously instead of lending more weight to the issuance of an interim relief.

Judge of the Court of Appeal

Dhammika Ganepola J.

I agree.

Judge of the Court of Appeal