

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 under and in terms of Article 140 of the Constitution.

Rathnapura Hospitals and Laboratories (Pvt) Ltd
No. 23, Charles Circus,
Colombo 03.

Petitioner

Case No.CA/WRIT/0470/2022

Vs.

DFCC Bank PLC,
No. 73/5, Galle Road,
Colombo 03.

Respondent

Before:

N. Bandula Karunaratna J. P/CA

&

M. Ahsan R. Marikar J.

Counsel:

G. Alagaratnam PC, with Suren Fernando AAL for the Petitioner.

N.R. Sivendran, AAL with Fathima Hanifa for the Respondent.

Written Submissions:

By the Petitioners – 04.05.2023

By the Respondent – 09.05.2023

Supported on :

04.04.2023

Decided on :

10.07.2023.

N. Bandula Karunarathna J. P/CA

Heard both counsel in regard to this application for notices as well as an interim relief to be granted. After considering the Written Submissions and documents tendered by both parties, we are of the view that there is an important matter to be decided in this case. In the circumstances, this court is satisfied that there is a *prima facie* case to be looked into, by this court.

We are of the view that at the same time, the Preliminary Objection could be considered after the Respondent files their Objections and the Petitioner files their Counter Objections if necessary. When the arguments concluded, this court would be able to address all issues along with the Preliminary Objection and this application will be finally decided after considering all legal arguments raised by both parties.

Accordingly, we direct the registrar of this court to issue notices on the respondent. The application for an interim relief is also granted under prayer (e) and (f) of the petition dated 08.12.2022.

Registrar is further directed to serve a copy of the said interim order to the respondent immediately via telephone, fax, email and courier service. The expenses of the communication should be borne by the Petitioner.

Notice returnable on 13.09.2023.

President of the Court of Appeal

M. Ahsan R. Marikar J.

I agree.

Judge of the Court of Appeal