

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

C.A. (PHC) No. 186/05

P.H.C. Kalutara Rev. 04/2003

K. Somachandra

Appellant

Vs.

The Hon Attorney General
Attorney General's Department,
Colombo 12.

And Another

Respondent

C.A. (PHC) No. 186/05

P.H.C. Kalutara Rev. 04/2003.

Before : **A.W.A.Salam, J. and**
Sunil Rajapakshe, J.

Counsel : Appellant absent and unrepresented.
Anurdha Darmawardena for the Plaintiff-Respondent.

Argued and

Decided on : 18.02.2014

A.W.A.Salam, J.

This is an appeal preferred by the respondent- petitioner- appellant to have the judgment of the learned High Court Judge dated 31/8/2005 revised and set aside. The respondent- petitioner- appellant has filed the revision application in the High Court seeking to have the order of ejectment entered by the learned Magistrate set aside on the basis that the ejectment order has been entered contrary to law. The learned High Court Judge by the impugned order has dismissed the revision application mainly on the ground that the respondent-petitioner- appellant has failed to comply with Rule 3 of the Supreme Court, in that he has not produced any relevant material to except the order made by the learned Magistrate which was marked as X6. On a perusal of the brief, it is quite in evident that the respondent -petitioner- appellant has failed to produce the application,

affidavit and the notice to quit which constitute the material documents. In the circumstances, we are of the view that the learned High Court Judge cannot be faulted for his decision by which he came to the conclusion that there has no sufficient compliance of the Rule 3 of the Supreme Court by the respondent – petitioner -appellant . As such, We do not see any ground to interfere with the judgment of the learned High Court Judge or the ejectment order entered by the learned Magistrate. Hence the appeal stands dismissed.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-