

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

CA.PHC.174/08

PHC. Ratnapura 133/08

M.C. Palmadulla : 26354

Arpico Finance Company Limited,
No. 146, Havelock Road,
Colombo 05.

Applicant-Appellant-Appellant

Vs.

Officer in Charge,
Police Station,
Kahawatte.

**Plaintiff - Respondent -
Respondent**

And 04 others

Respondents-Respondents

CA (PHC) 174/08

PHC Rathnapura 133/08

M.C. Pelmadulla 26354

BEFORE : K.T. Chitrasiri, J. &
W.M.M. Malinie Gunaratne, J.

COUNSEL : Amila Palliyage with Eranda Sinharage for
the claimant-petitioner-appellant.
Nayomi Kahawita SC for the respondents.

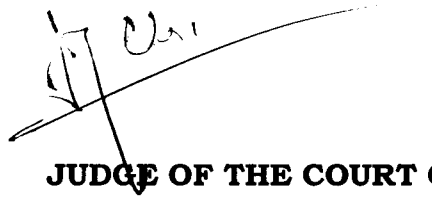
ARGUED &
DECIDED ON : 07.08.2014

K.T. CHITRASIRI, J.

Mr. Amila Palliyage submits that this is an application to claim a vehicle by its absolute owner who is the appellant in this appeal, pursuant to a confiscation order made by the Magistrate in an action filed under the Animals Act. He further informs Court that in view of the decision in Orient Financial Services Corporation Limited Vs. Range Forest Officer, Ampara, (SC Appeal 120/2011) absolute owner cannot claim a vehicle confiscated by a Magistrate upon conviction for an offence committed under the Law.

In view of the aforesaid decision in the Supreme Court, the appellant being the absolute owner, he cannot claim the vehicle subjected to in this case. Accordingly, this appeal is dismissed.

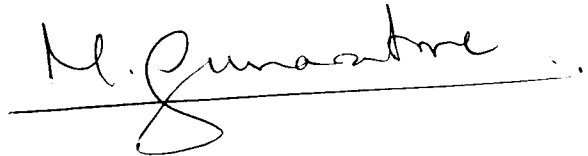
Appeal is dismissed.

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JUDGE OF THE COURT OF APPEAL

W.M.M. MALINIE GUNARATNE, J.

I agree.

A handwritten signature in black ink, reading 'W.M.M. Gunaratne', is written over a horizontal line.

JUDGE OF THE COURT OF APPEAL

KRL/-