

DECREE

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**IN THE HIGH COURT OF THE  
WESTERN PROVINCE  
[SITTING IN COLOMBO]  
EXERCISING CIVIL JURISDICTION**

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NIHAL SRI AMERESEKERE of  
No.167/4, Sri Vipulasena Mawatha,  
Colombo 10.

PLAINTIFF

Case No. H.C. (Civil)116/96 (1)  
[D.C. Colombo Case No. 3155/Sp1.]

- VS -

1. MITSUI AND COMPANY LIMITED, a Company organized and existing under the Laws of Japan and having the Principal Place of business at 2-1, Ohtemachi 1-Chome, Chiyoda-Ku, Tokyo, Japan and having a Liaison office and/or a Place of business in Sri Lanka at No.315, Vauxhall Street, Colombo 02.
2. TAISEI CORPORATION, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka at No.65, High Level Road, Maharagama and presently of Colombo Hilton Hotel, Echelon Square, Colombo 1.
3. KANKO KIKAKU SEKKFISHA YOZO SHIBATA & ASSOCIATES, Architects & Designers, a corporation duly organized under the laws of Japan and having the Principal place of business at No.9, Mori Building, 1-2-2, Atago, Minato-ku, Tokyo, Japan.
4. HOTEL DEVELOPERS (LANKA) LIMITED, formerly known as LANKA JAPAN HOTELS LIMITED, and of No.16, Alfred Place, Colombo 03, with an Operational Office at 1000, Echelon Square, Colombo 1.
5. CORNEL LIONEL PERERA, Chairman/Managing Director, Hotel Developers (Lanka) Limited, of 16, Alfred Place, Colombo 03.
6. FREDERICK GERMAIN NOEL MENDIS, Director, Hotel Developers (Lanka) Limited, and of No.51/3, Dharmapala Mawatha, Colombo 03.
7. KAIRSHASP NARIMAN CHOKSY, Director, Hotel Developers (Lanka) Limited, of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.
8. DON PETER SEVERINUS PERERA, Director, Hotel Developers (Lanka) Limited, of No.696/2, Havelock Road, Colombo 06.
9. KAZUTAKA KOBOI, Director of Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.



10. KANAPATHIPILLAI SHANMUGALINGAM, Director, Hotel Developers (Lanka) Limited, and of No.4, Ramakrishna Avenue, Colombo 06 and presently of 75 1/1, Isipatana Mawatha, Colombo 5.
11. KOJI ITO, Director of Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.

DEFENDANTS

THIS ACTION COMING ON FOR FINAL DISPOSAL before P. Wijayarathne, Esquire, Judge of the High Court of the Western Province sitting in Colombo exercising Civil Jurisdiction on the 23rd day of October 1996 in the presence of Mr. K.Kanag-Isvaran President's Counsel with Mr. Harsha Cabral, Attorney-at-Law, instructed by Messers De Silva & Perera, Attorneys-at-Law on the part of the Plaintiff, Mr.R. Abdeen, Attorney-at-law, on the part of 1st and 2nd Defendants, Mr. D. Yogendra, Attorney-at-Law on the part of the 3rd Defendant and Mr. A.S.M. Perera, President's Counsel and Additional Solicitor General with Mr. Uditha Egodahewa, State Counsel instructed by Ms. Priyani Peiris, State Attorney on the part of the 4th Defendant and having considered the joint Consent Motion dated 22nd October 1996 and filed on behalf of the Plaintiff and the 1st to 4th Defendants and filed of record,

OF CONSENT IT IS ORDERED AND DECREED:-

- (a) that the Plaintiff instituted the above-styled Derivative Action in law in the District Court of Colombo, praying for reliefs against the 1st, 2nd, 3rd and 4th Defendants and sought and obtained Interim Injunctions against the said Defendants as prayed for in the Plaint
- (b) that Their Lordships of the Supreme Court on 2nd December 1992 by Judgment in Supreme Court Appeal Nos. 33/92 and 34/92 affirmed and upheld the Order of the Learned District Judge granting the said Interim Injunctions
- (c) that the Plaintiff, 1st, 2nd, 3rd and 4th Defendants and the Government of the Democratic Socialist Republic of Sri Lanka have entered into Agreements settling the several issues, including costs, in this Action
- (d) that the 5th to 11th Defendants were named as parties to this Action only in their capacity as the then Directors of the 4th Defendant and no reliefs were claimed against any of them

IT IS FURTHER ORDERED AND DECREED OF CONSENT that the aforementioned Interim Injunctions are hereby dissolved and this Action is hereby dismissed without costs

HIGH COURT JUDGE

Prepared by us:-

Attorneys-at-Law for Plaintiff

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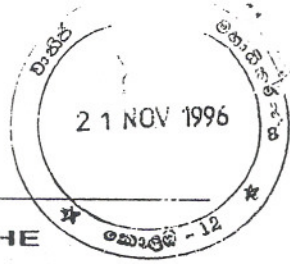
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DECREE



**IN THE HIGH COURT OF THE  
WESTERN PROVINCE  
[SITTING IN COLOMBO]  
EXERCISING CIVIL JURISDICTION**

NIHAL SRI AMERESEKERE  
No. 167/4, Sri Vipulasena Mawatha  
Colombo 10.

PLAINTIFF

Case No. H.C. (Civil) 134/96 (1)  
(D.C. Colombo Case N: 3231/Sp..)

- VS -

HOTEL DEVELOPERS (LANKA) LTD.,  
formerly known as Lanka Japan Hotel Co.,  
No. 16, Alfred Place, Colombo 3.

DEFENDANT

THIS ACTION COMING ON FOR FINAL DISPOSAL before P. Wijayarathne, Esquire, Judge of the High Court of the Western Province sitting in Colombo exercising Civil Jurisdiction on the 23rd day of October 1996 in the presence of Mr. K. Kanagiswaran, President's Counsel with Mr. Harsha Cabral, Attorney-at-Law, instructed by Messers De Silva & Perera, Attorneys-at-Law on the part of the Plaintiff and Mr. A.S.M. Perera, President Counsel and Additional Solicitor General with Mr. Uditha Egodaheewa, State Counsel, instructed by Ms. Priyani Peiris, State Attorney on the part of the Defendant and having considered the joint Consent Motion dated 22nd October 1996 and filed on behalf of the Plaintiff and the Defendant and filed of record

OF CONSENT IT IS ORDERED, AND DECREED:-

- (a) that the Plaintiff abovenamed instituted the above-styled Derivative Action in law, praying for reliefs against the Defendant and sought and obtained an Enjoining Order against the Defendant as prayed for in the Plaint
- (b) that the Plaintiff, the Defendant, other necessary parties and the Government of the Democratic Socialist Republic of Sri Lanka have entered into Agreements settling the several issues, including costs, pertaining to this Action
- (c) that the Defendant do appoint another firm of Chartered Accountants as the Auditors of the Defendant to have the Annual Accounts of March 1990 finalised and certified in the context of the aforesaid Agreements and the subject matter of this Action

IT IS FURTHER ORDERED AND DECREED OF CONSENT that the aforementioned Enjoining Order is hereby dissolved and this Action is hereby dismissed without costs

HIGH COURT JUDGE

Prepared by us:-

Attorneys-at-Law for Plaintiff

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