

**IN THE DISTRICT COURT OF COLOMBO**

Nihal Sri Amarasekere  
of 167/4, Sri Vipulasena  
Mawatha,  
Colombo 10

**PLAINTIFF**

Case No. 21819/MR

Vs.

1. Gamini Lakshman Peiris  
of "Visumpaya", Staples  
Street, Colombo 2  
and also of 37, Kirula  
Road,  
Colombo 05
2. Hotel Developers  
(Lanka) Ltd.,  
C/o of Colombo Hilton  
Sports Complex,  
Echelon Square,  
Lotus Road,  
Colombo 01

**DEFENDANTS**

On this 28<sup>th</sup> day of May 1999

**The Objections** of the **1<sup>st</sup> Defendant** above named appearing by James Henry Paul Ratnayeke Uswatteliyanage Sudath Nilupul Prasansa Perera and Punyakanthi Navaratne Attorneys-at-Law of the Honourable Supreme Court of Sri Lanka practicing under the name style and firm of **Paul Ratnayeke Associates** and their assistants Shalindri Jayasinghe, Indralogini Rajagopalan, Chandrani Sooriyarachchi Gamage, Ruchira Anthony, Amali Alawwa, Sureni Wirasinha, Iresha Fernando, Charmalee Weerasekera, Shantha Hewa Kosgodage, Gamini Balasuriya and Rozani Rodrigo states as follows:

1. The 1<sup>st</sup> Defendant states that in law he is not obliged to answer the interrogatories numbered 1 to 45 for, inter alia, the reasons set out hereinafter.
2. The 1<sup>st</sup> Defendant states that the filing of the interrogatories and the steps taken thereafter by the Plaintiff in connection with the same has been an abuse of the process of Court and/or with a view to delaying the determination of this action.
3. The 1<sup>st</sup> Defendant states that
  - a) the plaint does not disclose a cause of action against this 1<sup>st</sup> Defendant,
  - b) the plaint is prescribed on the face of it,
  - c) and thus in any event, no interrogatories could have been served and/or the 1<sup>st</sup> Defendant cannot be called upon to answer the same.
4. The 1<sup>st</sup> Defendant states that the Plaintiff is guilty of laches and/or undue delay in making the application.

5. The 1<sup>st</sup> Defendant further states that the interrogatories have not been put bona fide for the purposes of the purported action.
6. The 1<sup>st</sup> Defendant states that the interrogatories are irrelevant.
7. The 1<sup>st</sup> Defendant states that the said interrogatories are in law scandalous.
8. The 1<sup>st</sup> Defendant states that in any event the interrogatories amount to "fishing".
9. The 1<sup>st</sup> Defendant states that the matters inquired by the alleged interrogatories are not sufficiently material at this stage of the action.
10. The 1<sup>st</sup> Defendant states that the interrogatories delivered are unreasonable and/or vexatious and/or of improper length.
11. The 1<sup>st</sup> Defendant states that several of the interrogatories and the answers thereto are privileged.
12. The 1<sup>st</sup> Defendant states that the set of interrogatories as a whole are prolix and/or oppressive and/or unnecessary.
13. In any event, the 1<sup>st</sup> Defendant states that the interrogatories are not germane to the issues in this action.
14. In inter alia the aforesaid circumstances, the 1<sup>st</sup> Defendant respectfully moves that the said interrogatories be struck off and/or the application of the Plaintiff that the same be answered be dismissed.
15. The affidavit of the 1<sup>st</sup> Defendant is annexed in support of the averments morefully contained herein.

**WHEREFORE the 1<sup>st</sup> Defendant prays**

- a) that the set of interrogatories filed by the Plaintiff be struck off; and/or
- b) that the Plaintiff's application that the said interrogatories be answered be dismissed;
- c) for costs; and
- d) for such other and further relief as to this Court shall seem meet.

Sgd. Paul Ratnayake Associates

**REGISTERED ATTORNEYS-AT-LAW FOR THE 1<sup>ST</sup> DEFENDANT**

**Settled by**

Mr. Harsha Amarasekera  
Attorney-at-Law

Mr. Romesh de Silva  
President's Counsel