

IN THE DISTRICT COURT OF COLOMBO

Nihal Sri Amarasekera of
No.167/4, Sri Vipulasena
Mawatha, Colombo 10.

PLAINTIFF

CASE NO.21819/MR

Vs.

1. Gemini Lakshman Peiris of
"Visumpaya", Staples Street,
Colombo 2 and also of No.37,
Kirula Road, Colombo 5.
2. Hotel Developers (Lanka)
Limited, C/o. Colombo Hilton
Sports Complex, Eshelon Square
Lotus Road, Colombo 1.

DEFENDANTS

On this 31st day of May, 1999.

The Statement of Objections of the 2nd Defendant above named
appearing by G.G. Arulpragasam its Attorney-at-Law states as
follows :-

1. By way of preliminary objections, the 2nd Defendant states that
the Plaintiff is not entitled in law to deliver interrogatories
on 2nd Defendant and/or require the 2nd Defendant to answer the
same inasmuch as no relief has been sought against the 2nd
Defendant in the Plaintiff.
2. The 2nd Defendant states that -
 - a] the Plaintiff does not disclose a cause of action against this
2nd Defendant;
 - b] the Plaintiff is prescribed on the face of it;

c] and thus in any event, no interrogatories could have been served and/or the 2nd Defendant cannot be called upon to answer the same.

3. Without prejudice to the aforesaid the 2nd Defendant states that in law the Defendant Company and/or its officers are not obliged to answer interrogatories numbered 1 to 46 for inter alia, the reasons set out hereinafter.

4. The 2nd Defendant states that the Plaintiff is guilty of laches and/or undue delay in making the application.

5. The 2nd Defendant states that the interrogatories are too wide.

6. The 2nd Defendant states that the said interrogatories are in law scandalous, vexatious and oppressive.

7. The 2nd Defendant states that in any event even the interrogatories amount to "fishing".

8. The 2nd Defendant states that the matters inquired by the alleged interrogatories are not sufficiently material at this stage of the action and/or only remotely connected with the Issues in this case.

9. The 2nd Defendant states that the interrogatories delivered are unreasonable and/or of improper length.

10. The 2nd Defendant states that several of the interrogatories and the answers thereto are privileged.

11. The 2nd Defendant states that in any event, the Plaintiff is not entitled to serve the said interrogatories on the 2nd Defendant, inasmuch as -

a] the Plaintiff is a Director of the 2nd Defendant Company; and

b] the matters sought to be interrogated are matters within the knowledge of the Plaintiff.

12. In the aforesaid circumstances, the 2nd Defendant respectfully moves that the said interrogatories be struck off and/or the application of the Plaintiff that the same be answered be dismissed.

13. The Affidavit of Mr. D. Linoyange, the Chairman of the 2nd Respondent Company is annexed in support of the averments morefully contained herein.

WHEREFORE the 2nd 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.



ATTORNEY-AT-LAW FOR 2ND DEFENDANT

Settled by :

1. Mr. A.M. Najeeb
Attorney-at-Law.
2. Mr. Kushan De Alwis
Attorney-at-Law.
3. Mr. E.D. Wickramanayake
Attorney-at-Law.

G.G. ARIULPRAGASAM
Attorney-at-Law-Commissioner of Oaths
& Notary Public
Office: No. 93, Hultsdorp Street,
Colombo 12, Sri Lanka

G. Anulpragasam

Attorney-at-Law & Notary Public

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Commissioner of Oaths

No. 93, Hulftsdorf Street,
Colombo-12.

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Lotus Road, Colombo 1.



DEFENDANTS

1. DAYA YASASIRI LIYANAGE of C/o, Colombo Hilton Sports Complex,
Echelon Square Lotus Road, Colombo 1, being a Buddhist do hereby
sincerely, solemnly and truly declare and affirm as follows :

1. I am the Chairman of the 2nd Defendant Company and the Affirmant
abovenamed.
2. I depose to the several matters hereinafter averred out of my own
personal knowledge and/or out of information extracted by me from
the books and records kept by the 2nd Defendant.
3. By way of preliminary objections, I state that the Plaintiff is
not entitled in law to deliver interrogatories on 2nd Defendant
and/or require the 2nd Defendant to answer the same inasmuch as no
relief has been sought against the 2nd Defendant in the Plaint.

4. I state that -
 - a] the Plaintiff does not disclose a cause of action against this 2nd Defendant;
 - b] the Plaintiff is prescribed on the face of it;
 - c] and thus in any event, no interrogatories could have been served and/or the 2nd Defendant cannot be called upon to answer the same.
5. Without prejudice to the aforesaid I state that in law the Defendant Company and/or its officers are not obliged to answer interrogatories numbered 1 to 46 for inter alia, the reasons set out hereinafter.
6. I state that the Plaintiff is guilty of laches and/or undue delay in making the application.
7. I state that the interrogatories are too wide.
8. I state that the said interrogatories are in law scandalous, vexatious and oppressive.
9. I state that in any event even the interrogatories amount to "fishing".
10. I state that the matters inquired by the alleged interrogatories are not sufficiently material at this stage of the action and/or only remotely connected with the Issues in this case.
11. I state that the interrogatories delivered are unreasonable and/or of improper length.
12. I state that several of the interrogatories and the answers thereto are privileged.
13. I state that in any event, the Plaintiff is not entitled to serve the said interrogatories on the 2nd Defendant, inasmuch as -
 - a] the Plaintiff is a Director of the 2nd Defendant Company; and
 - b] the matters sought to be interrogated are matters within the knowledge of the Plaintiff.

14. In the aforesaid circumstances, I respectfully move that the said interrogatories be struck off and/or the application of the Plaintiff that the same be answered be dismissed.

Affirmed and signed to by the)
affirmant at Colombo on this)
31st day of May, 1999.)



BEFORE ME,



JUSTICE OF THE PEACE.

S. M. K. GUNASEKARA
Justice of the Peace (All Island)
No: 36/43, Araliya Uyana,
Polwatta, Pannipitiya.