



IN THE DISTRICT COURT OF COLOMBO

Nihal Sri Ameresekere
of 167/4, Sri Vipulasena Mawatha
Colombo 10.

PLAINTIFF

Case No. 19849/MR

Vs.

Gamini Lakshman Peiris,
of "Visumpaya", Staples Street,
Colombo 2 and also of 37, Kirula
Place, Colombo 5.

DEFENDANT

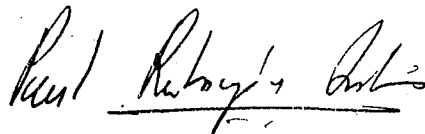
On this 17th day of March 1998

The Statement of Objections of the Defendant above named appearing by James Henry Paul Ratnayeke and Uswatteliyanage Sudath Nilupul Prasansa Perera, Attorneys-at-Law of the Honourable Supreme Court of the Democratic Socialist Republic of Sri Lanka, carrying on business under the name, style and firm of PAUL RATNAYEKE ASSOCIATES and their assistants Ms. Punyakanthi Navaratne, Ms. Shalindri Jayasinghe, Ms. Indralogini Rajagopalan, Ms. Chandrani Suriyaarachchi, Mr. Kolitha Susantha Bandara Wijeratne, Ms. Amali Deepani Alawwa, Ms. Ruchira Anthony and Mr. Prasanna de Silva his Attorneys-at-Law states as follows:

1. The Defendant states that the notice requiring the discovery of documents is vague and/or wide in scope.
2. The Defendant states that there are no documents in his possession and/or power relating to any matter in question in this action in that inter alia, the plaint does not disclose a cause of action against this Defendant.
3. The Defendant further states that the alleged notice dated 10th March 1998 has been issued per incuriam and/or any order made has been made per incuriam.
4. In any event and without prejudice to the aforesaid the Defendant states that the documents referred to in the notice are documents not in his possession in his personal capacity and
 - a) no order can be made for their discovery in this action; and/or
 - b) in any event they are privileged.
5. In any event and without prejudice to the aforesaid the Plaintiff, is on the face of the notice not entitled to discovery of documents as set out therein.
6. In any event, in law, no order for discovery as set out in the notice, can be made.

WHEREFORE THE DEFENDANT PRAYS

- a) the application of the Plaintiff purportedly made under Section 102 of the Civil Procedure Code be dismissed and/or disallowed.
- b) for costs, and
- c) for such further and other reliefs as Your Honour's Court shall seem meet.



REGISTERED ATTORNEYS-AT-LAW FOR THE DEFENDANT

Settled by:

Mr. Harsha Amarasekera, Attorney-at-Law
Mr. Romesh de Silva, President's Counsel