

IN THE DISTRICT COURT OF COLOMBO

**In the matter of a Notice of Order
under Section 102 of the Civil
Procedure Code.**

Nihal Sri Ameresekere
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 Place, Colombo 5.
2. Hotel Developers (Lanka) Ltd.,
C/o Colombo Hilton Sports Complex,
Echelon Square, Lotus Road,
Colombo 1.

DEFENDANTS

On this 1st day of June 1999

The Petition of the Plaintiff abovenamed, appearing by J.W.D. Perera, practising under the name and style of DE SILVA & PERERA, his Attorney-at-law, states as follows:

1. The Plaintiff on 28.04.'99 made Application to Court for an Order under Section 102(1) of the Civil Procedure Code, for the 1st Defendant to declare by Affidavit all documents, which are or have been in his possession or power relating to all matters in question in this Action.
2. The Court on 29.04.'99 made Order directing the 1st Defendant to do so.
3. The 1st Defendant, without complying in terms of Section 102 (2) of the Civil Procedure Code with the said Order of Court, filed a Statement of Objections on 21.05.'99, which is not in conformity with Section 108 of the Civil Procedure Code.

WHEREFORE the Plaintiff respectfully prays that Your Honour's Court be pleased to:

- a). issue Notice on the 1st Defendant,
- b) reject the Statement of Objections of the 1st Defendant,

- c). make Order directing the 1st Defendant to comply with the Order of Court made under Section 102 (1) of the Civil Procedure Code,
- d). grant costs and,
- e). grant such other and further reliefs as to Your Honour's Court shall seem meet.



Attorney-at-law for Plaintiff

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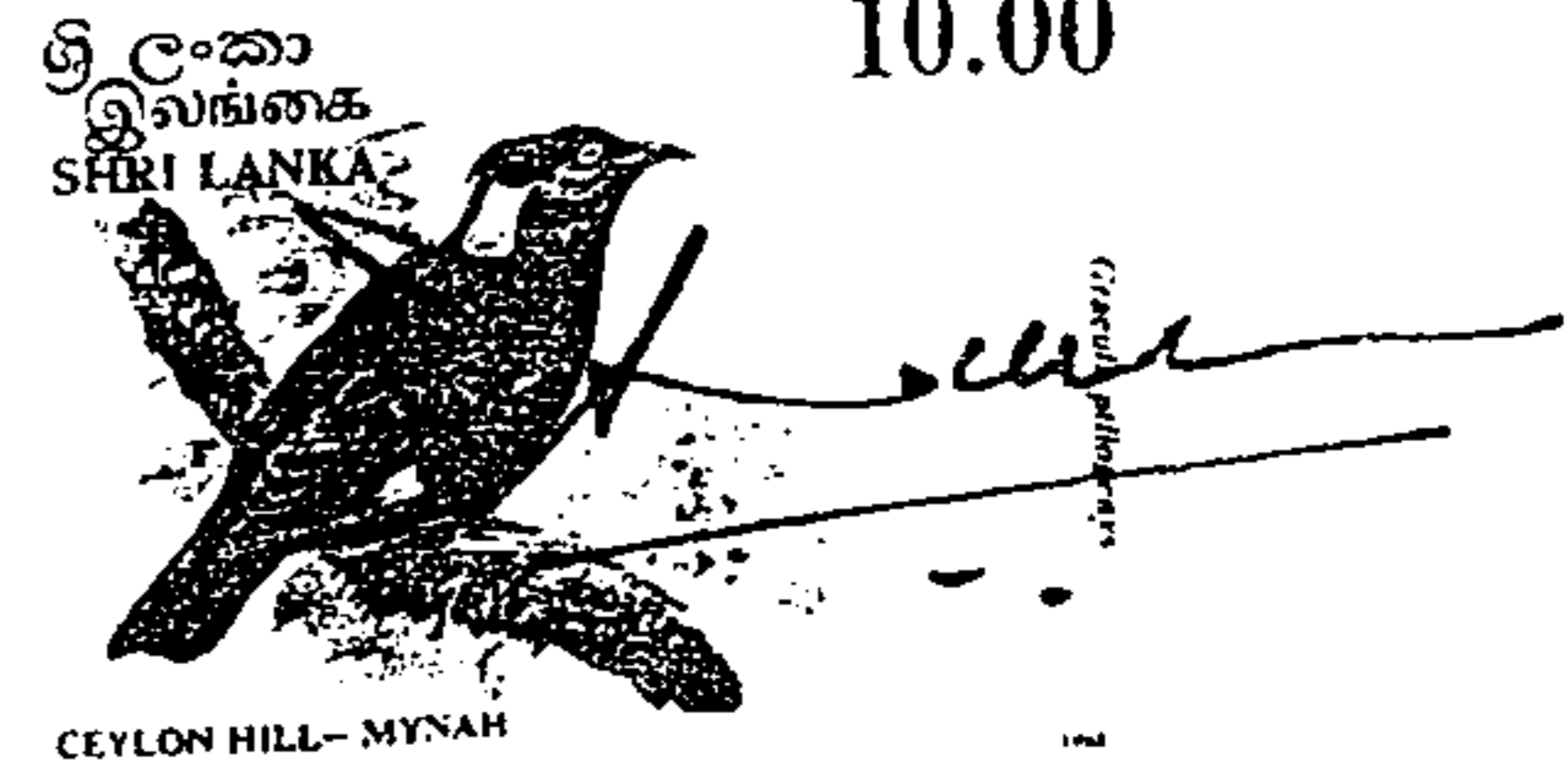
DEFENDANTS

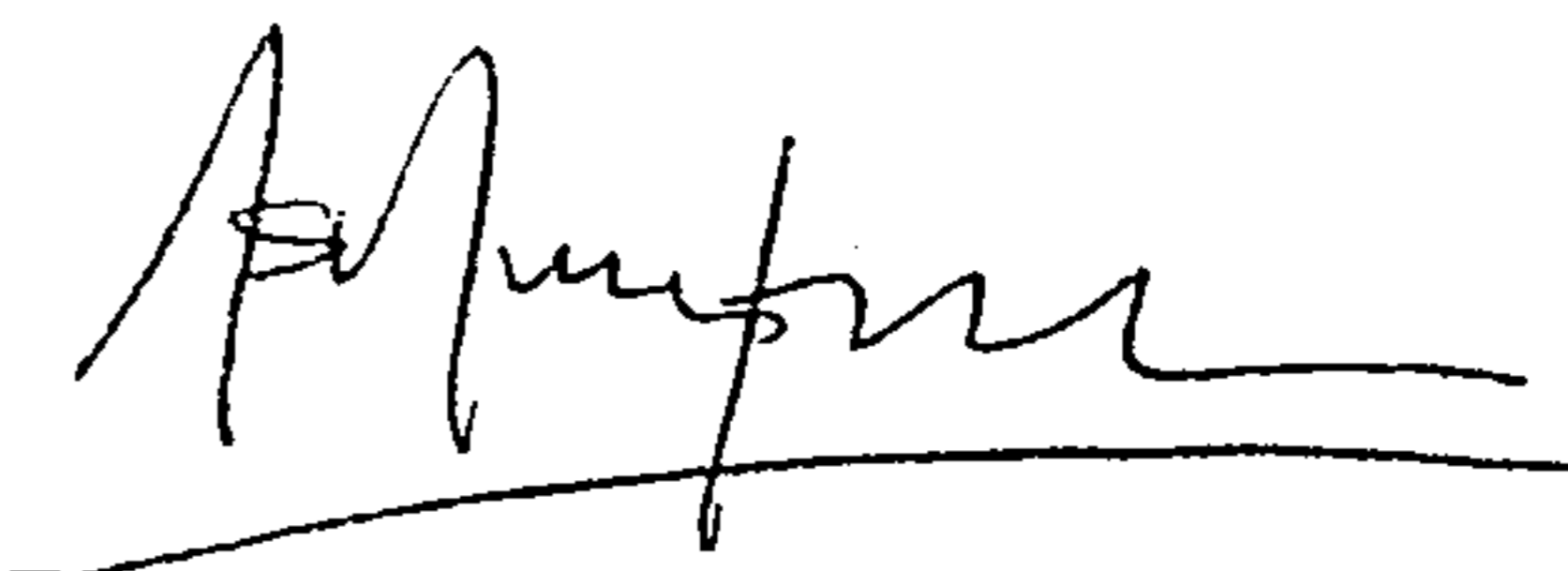
I, Nihal Sri Ameresekere of 167/4, Sri Vipulasena Mawatha, Colombo 10, being a Buddhist, do hereby solemnly, sincerely and truly declare and affirm as follows:

1. I am the Plaintiff and the affirmant abovenamed.
2. On 28.04.'99 I made Application to Court for an Order under Section 102(1) of the Civil Procedure Code, for the 1st Defendant to declare by Affidavit all documents, which are or have been in his possession or power relating to all matters in question in this Action.
3. The Court on 29.04.'99 made Order directing the 1st Defendant to do so.
4. The 1st Defendant, without complying in terms of Section 102 (2) of the Civil Procedure Code with the said Order of Court, filed a Statement of Objections on 21.05.'99, which I am advised is not in conformity with Section 108 of the Civil Procedure Code.

The foregoing Affidavit having been }
read and understood by the affirmant }
within-named, affirmed to and signed }
the same at Colombo on this 1st day }
of June 1999 }

BEFORE ME




G. S. HERAT GUNARATNE
Attorney-at-Law & Notary Public
31-2/1, State Bank of India Building
Mudalige Mawatha
Colombo - 1.