



IN THE DISTRICT COURT OF COLOMBO

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

PLAINTIFF

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No:3231/Spl

Vs.

Hotel Developers (Lanka) Limited,  
formerly known as Lanka Japan  
Hotels Limited, and of No.16  
Alfred Place, Colombo 3.

DEFENDANT

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AND

In the matter of an Application  
for addition of Parties under  
Section 18 of the Civil Procedure  
Code.

BETWEEN

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

PLAINTIFF-PETITIONER

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AND

1. Hotel Developers (Lanka) Ltd.  
formerly known as Lanka Japan  
Hotels Limited and of No.16  
Alfred Place, Colombo 3 and  
presently of 1000, Echelon  
Square, Colombo 1.

DEFENDANT-RESPONDENT

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2. Gamini Christopher Bernard  
Wijeyesinghe of 8A, Gregory's  
Road, Colombo 7.

3. Rajanavagam Nalliah Asirwatham,  
of 27/1, Unity Place, Colombo 3

(2)

4. Anthony Nirmal Fernando,  
of 10/2, Gower Street, Colombo 5.
5. Ranjeevan Seevaratnam,  
of 17, Rheinland Place,  
Colombo 3.
6. Saravanapavan Sirikananathan,  
of 7, Ramakrishna Road,  
Colombo 6.
7. Mohamed Revaz Mihular of  
7, St Kilda's Lane, Colombo 3.
8. (Ms) Marie Premila Senewiratne  
of 102/5, Cotta Road, Colombo 8.
9. Pathiranage Yohan Srineth Perera  
of 251, Kewalapitiya Road,  
Hendala, Wattala.
10. Chandranath Priyanka Jayatilaka,  
of 15, Park Avenue, Colombo 8 and

All of whom are carrying on business  
in partnership under the name, style  
and firm of FORD, RHODES THORNTON &  
CO, at 32A, Sir Mohamed Macan Markar  
Mawatha, Colombo 3.

RESPONDENTS  
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I RAJANAYAGAM NALLIAH ASIRWATHAM of 27/1, Unity Place,  
Colombo 3 being a Christian do hereby make oath and state as  
follows:-

1. I am a Partner of Messrs Ford Rhodes Thornton & Co. and  
the 3rd Respondent in the above case. I speak to the facts here-  
inafter set forth from my personal knowledge and from knowledge  
acquired from the documents and records of the said Company in  
my possession and at my disposal.

2. I deny all and singular the averments contained in the

(3)

Petition save and except those which are expressly admitted herein.

3. I admit the averments contained in paragraphs 1(a), (b), (c) and (d) **Of** the Petition. Answering paragraph 1(e) of the Petition I state that I am unaware of the details in the pleadings and/or as to the exact enjoining order issued in this action and state that as auditors the 2nd and 4th to 10th Respondents and I have duly audited the accounts of the Company and issued the necessary endorsements (details contained in the pleadings of this action).

4. I am unaware of the details contained in the pleadings of this action and thus I am also unaware of the averments contained in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the Petition.

5. Answering paragraph 11 of the Petition, I state that Ford Rhodes Thornton & Company:-

(a) were invited to be present at several Board meetings of the 1st Respondent Company and consequent upon such invitation were present at the said meetings at which the Plaintiff as Director was also present;

(b) received certain letters and/or memos from the Plaintiff; and

(c) took necessary action and/or action that need be taken on the said letters.

(4)

6. Subject to the aforesaid, I deny the averments contained in paragraphs 12, 13 and 14 of the Petition.

7. I expressly deny that the 2nd and 4th to 10th Respondents and I are necessary parties to this action.

8. I state that this application has been made mala fide and for extraneous purposes.

Signed and Sworn to by )  
the declarant abovenamed )  
✓ at Colombo on this 24 )  
day of March 1994. )

*Rasiratham*

Before me

*Herbert P. M. Mendis*

Justice of the Peace.

HERBERT P. M. MENDIS  
Justice of the Peace  
Colombo District  
175/8, Sri Gnanendra Mawatha  
NAWALA, RAJAGIRIYA

Mc/