

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 Colombo Hilton Sports
Complex,
Echelon Square,
Lotus Road,
Colombo 1

On this 15th day of July 1999

The statement of objections of the 1st Defendant above named appearing by James Henry Paul Ratnayeke, Uswatteliyanage Sudath Nilupul Prasansa Perera and Punyakanthi Navaratne practising in partnership under the name style and firm of **PAUL RATNAYEKE ASSOCIATES** and their assistants Chandrani Sooriyarachchi Gamage, Ruchira Anthony, Amali Alawwe, Sureni Wirasinha, Iresha Fernando, Charmalee Weerasekera, Shantha Hewa Kosgodage, Gamini Balasuriya and Rozani Rodrigo its Attorneys-at-Law states as follows:

1. The 1st Defendant states that
 - a) the 1st Defendant filed a motion dated 16th February 1999 praying, inter alia, that the Court be pleased to reject the plaint and/or dismiss the action;
 - b) the order on the said motion was delivered on or about 17th May 1999;
 - c) the case was originally fixed for trial on or about 17th May 1999
2. In the circumstances, in any event, this application dated 1st June 1999 cannot be entertained at this stage until the Court determines the preliminary objections taken by the 1st Defendant in his answer dated 22nd January 1999.
3. The 1st Defendant's position taken hereinafter is strictly without prejudice to the aforesaid.

4. The 1st Defendant states that in law he is not obliged to answer the said interrogatories numbered 1 to 45 for, inter alia, the reasons set out hereinafter.
5. The 1st Defendant states that the filing of the said 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.
6. The 1st Defendant states that
 - a) the plaint does not disclose a cause of action against the 1st 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 1st Defendant cannot be called upon to answer the same.
7. The 1st Defendant states that the Plaintiff is guilty of laches and/or undue delay in making the application.
8. The 1st Defendant states that the said interrogatories have not been put bona fide for the purposes of the purported action.
9. The 1st Defendant states that the said interrogatories are irrelevant.
10. The 1st Defendant states that the said interrogatories are in law scandalous.
11. The 1st Defendant states that in any event the said interrogatories are of a speculative nature.
12. The 1st Defendant states that the matters inquired by the alleged interrogatories are not sufficiently material at this stage of the action.
13. The 1st Defendant states that the said interrogatories delivered are unreasonable and/or vexatious and/or of improper length.
14. The 1st Defendant states that several of the said interrogatories and the answers thereto are privileged.
15. The 1st Defendant states that the set of interrogatories as a whole are prolix and/or oppressive and/or unnecessary.
16. In any event, the 1st Defendant states that the said interrogatories are not germane to the issues in this action.

17. In inter alia the aforesaid circumstances, the 1st Defendant respectfully moves that the said interrogatories be struck off and/or the application of the Plaintiff that the same be answered be dismissed.
18. The affidavit of the 1st Defendant is annexed in support of the averments morefully contained herein.

WHEREFORE the 1st 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 further and other relief as to this Court shall seem meet.

Sgd. Paul Ratnayake Associates
Sgd. Paul Ratnayake Associates
Registered Attorneys-at-Law
for the 1st Defendant

Documents annexed

1. Affidavit of the 1st Defendant

Sgd. Paul Ratnayake Associates
Registered Attorneys-at-Law for
the 1st Defendant

Settled by

Mr. Harsha Amarasekera
Attorney-at-Law

Mr. Romesh de Silva
President's Counsel

Mr. H.L. de Silva
President's Counsel