

IN THE DISTRICT COURT OF COLOMBO

In the matter of an Application under
Section 100 of the Civil Procedure
Code.

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

Plaintiff.

Case No. 21819/MR.

Vs.

1. Gamini Lakshman Peiris,
'Visumpaya', Staples Street,
Colombo-2, and also of No. 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 ~~15~~¹⁴th day of July, 1999.

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

01. By way of preliminary objection, the 2nd Defendant states
that the Plaintiff is not entitled in law to make the above
styled application for an Order in terms of the Section 100
of the Civil Procedure Code, inasmuch as:-
 - (a) no relief has been sought against the 2nd Defendant in
the Plaintiff;
 - (b) no inquiry has been held into the objections raised by
the 2nd Defendant in respect of the Plaintiff's
entitlement in law to deliver interrogatories on the
2nd Defendant and/or require the 2nd Defendant to
answer the same.
02. Without prejudice to the foregoing averments, the 2nd
Defendant denies all and singular the several averments
contained in the Petition dated 2nd June 1999 and the

Affidavit of Nihal Sri Amarasekera dated 2nd June 1999, save and except such as are hereinafter specifically admitted.

03. The 2nd Defendant states that in terms of Section 98 of the Civil Procedure Code, and for the reasons set out in its Statement of Objections dated 31st May 1999 and the Affidavit dated 31st May 1999 of Mr. D.Y.Liyanaage, the 2nd Defendant is entitled to refuse to answer the said interrogatories.
04. Subject to the aforesaid, the 2nd Defendant denies the averments contained in paragraphs 1, 2, 3, 4 and 5 of the said Petition and the corresponding paragraphs thereof in the said Affidavit of the Plaintiff.
05. The Affidavit of Mr. D.Y.Liyanaage, the Chairman of the 2nd Defendant Company is annexed in support of the averments morefully contained herein.

WHEREFORE the 2nd Defendant prays that,

- (a) the application of the Plaintiff dated 2nd June 1999 be rjected and/or dismissed;
- (b) Court be pleased to make Order in favour of the 2nd Defendant as prayed for in its Statement of Objections dated 31st May, 1999.
- (c) Costs be granted; and
- (d) Such other and further relief as to this Court may seem meet.



Attorney-at-Law
for 2nd Defendant.

Settled by

A.M.Najeem Esqr.,
Kushan D'Alwis Esqr.,
E.D.Wickramanayake Esqr.,

Attorneys-at-Law.

G.G. ARULPRAGASAM
Attorney-at-Law-Commissioner of Oaths
& Notary Public
Office : N^o 93, Hulftsdorp Street,
Colombo 12, Sri Lanka

G. G. Arulpragasam

Attorney-at-Law & Notary Public

&

Commissioner of Oaths

No. 93, Hulftsdorf Street,
Colombo-12.

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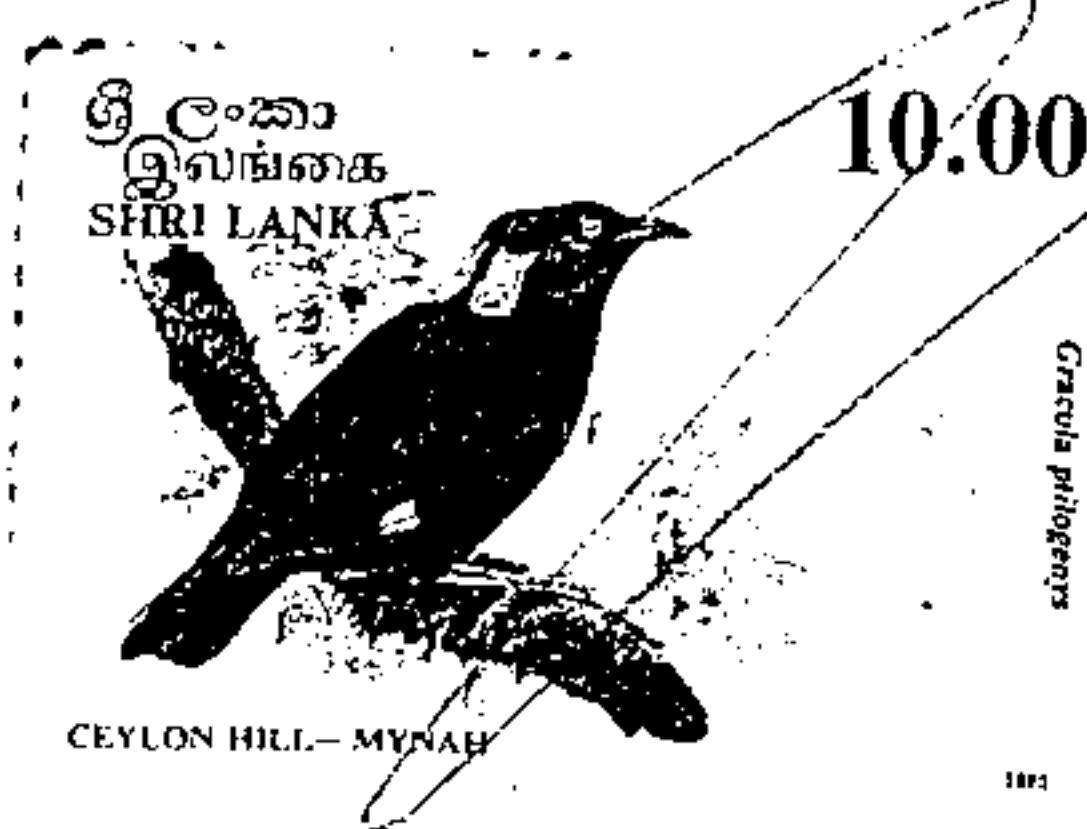
Nihal Sri Amarasekere of No. 167/4,
Sri Vipulasena Mawatha, Colombo-10.

Plaintiff.

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'Visumpaya', Staples Street,
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2. Hotel Developers (Lanka) Ltd.,
c/o Colombo Hilton Sports Complex,
Echelon Square, Lotus Road,
Colombo-1.



Defendants.

I, 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 :

01. I am the Chairman of the 2nd Defendant Company and the
affirmant herein named.
02. 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
Company.
03. By way of preliminary objections, I state that the 2nd
Defendant is advised that the Plaintiff is not entitled
in law to make the above styled application for an Order
in terms of the Section 100 of the Civil Procedure Code,
inasmuch as :-
 - (a) no relief has been sought against the 2nd Defendant
Company in the Plaint;
 - (b) no inquiry has been held into the objections raised by
the 2nd Defendant Company in respect of the Plaintiff's

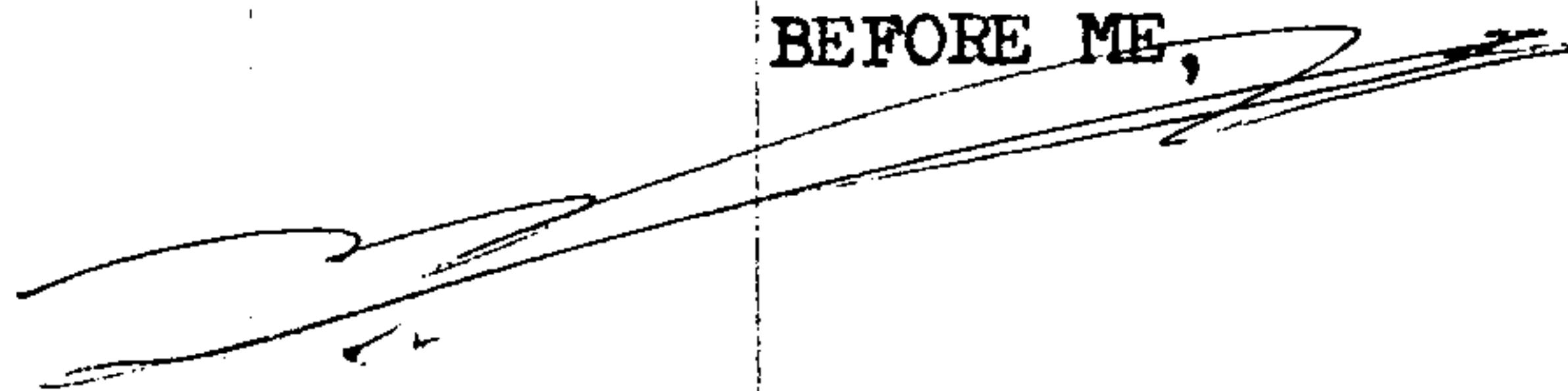
entitlement in law to deliver interrogatories on the 2nd Defendant Company and/or require the 2nd Defendant Company to answer the same.

- 04. Without prejudice to the foregoing averments, I state that the 2nd Defendant Company denies all and singular the several averments contained in the Petition dated 2nd June, 1999 and the Affidavit of Nihal Sri Amarasekera dated 2nd June 1999, save and except such as are hereinafter specifically admitted.
- 05. I state that the 2nd Defendant Company is advised that in terms of Section 98 of the Civil Procedure Code, and for the reasons set out in its Statement of Objections dated 31st May 1999 and my Affidavit dated 31st May, 1999 that the 2nd Defendant Company is entitled to refuse to answer the said interrogatories.
- 06. Subject to the aforesaid, the 2nd Defendant Company denies the averments contain in paragraphs 1, 2, 3, 4 and 5 of the said Petition and the corresponding paragraphs thereof in the said Affidavit of the Plaintiff.

Affirmed to and Signed by }
the affirmant abovenamed }
at Colombo on this 15th }
day of July, 1999.....)



BEFORE ME,



JUSTICE OF THE PEACE.

WIJE SURENDRAN OKUGE
Justice of the Peace
No. 121, Heliendorf Street
COLOMBO-12.