

IN THE DISTRICT COURT OF C OLOMBO

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 02. and also of
37, Kirula Place,
Colombo 05.
2. Hotel Developers (Lanka) Ltd.,
C/o. Colombo Hilton Sports Complex
Echelon Square,
Lotus Road,
Colombo 01.

DEFENDANTS

On this 16th day of February, 1999.

1. We respectfully bring to the notice of the Court that the Plaint has been accepted per incuriam and that the Plaint must be rejected and/or action dismissed, in that, inter alia.
 - (a) the Plaint does not disclose a cause of action, in that, inter alia,
 - (i) the Plaint ex facie does not disclose a derivative action.
 - (ii) in any event no action would have been available for Hotel Developers (Lanka Ltd.) on the facts set out in the Plaint.
 - (b) the Plaintiff's purported claim and/or purported cause of action is prescribed on the face of the Plaint.
 - (c) ex facie, no claim and/or relief is available against the Defendant in his personal capacity.
2. In the aforesaid circumstances we move that the court be pleased to reject the Plaint and/or dismiss the action.

We respectfully Move Your Honour's Court be pleased to call this case on the 19th February 1999, for the support of this Motion.

Sgd

**REGISTERED ATTORNEYS-AT-LAW
FOR THE 1ST DEFENDANT**

A copy of this Motion has been sent to the
Registered Attorneys-at-Law of the Plaintiff
and the 2nd Defendant, By Hand and by
Express Registered Post

Sgd.

**REGISTERED ATTORNEYS-AT-LAW
FOR THE 1ST DEFENDANT**

