

DE SILVA & PERERA  
SOLICITORS ATTORNEYS—AT—LAW & NOTARIES PUBLIC

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YOUR REF:

OUR REF:

34/64, 65 & 1/49, New Lawyers Complex,  
San Sebastian Hill, Colombo 12.

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18<sup>th</sup> February 1999

Mr. K. Kanag-Isvaran, P.C.,  
104, Isipathana Mawatha,  
Colombo 5.

Dear Sir,

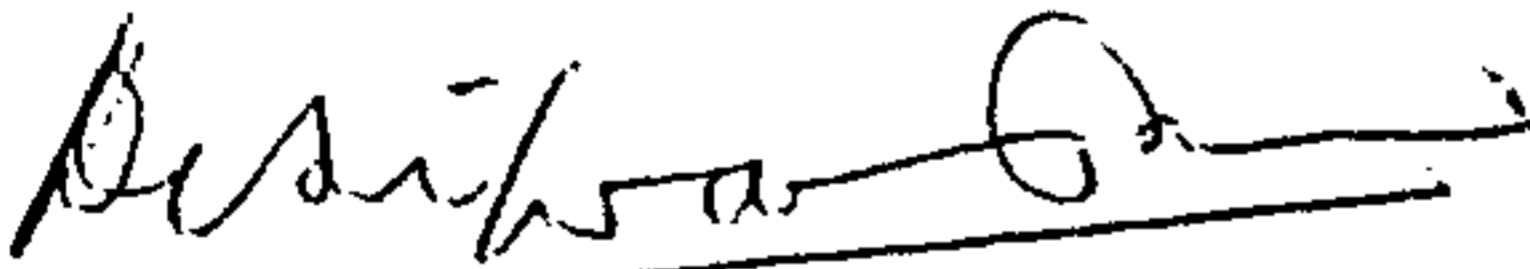
**D.C. Colombo Case No. 21819/MR**  
**Motion dated 16.2.1999 filed by the 1<sup>st</sup> Defendant – Mr. G.L. Peiris**

We enclose a copy of a Letter of even date forwarded to us by our Client, Mr. Nihal Sri Ameresekere, the Plaintiff in the above Case; the contents of which Letter are self-explanatory.

We shall be grateful, if you could have the said Case transferred to be heard before another Judge.

Thanking you,

Yours sincerely,

  
Attorney-at-Law

18<sup>th</sup> February 1999

Mr. J.W.D. Perera, Attorney-at-Law,  
De Silva & Perera,  
34/64, 65 & 1/49, New Lawyers Complex,  
San Sebastian Hill, Colombo 12.

Dear Mr. Perera,

**D.C. Colombo Case No. 21819/MR**  
**Motion dated 16.2.1999 filed by the 1<sup>st</sup> Defendant – Mr. G.L. Peiris**

As you are aware, the above-mentioned Case is to be called on Friday, 19.2.1999 to be fixed for **Trial** – vide Journal Entry No. 7 of 5.2.1999. In the meanwhile, the above-mentioned Motion dated 16.2.1999 had been tendered by the 1<sup>st</sup> Defendant requesting that the said Case be called on 19.2.1999 also to support the said Motion.

**Are not the matters referred to in the said Motion generally taken up and considered at the Trial ?**

-The 2<sup>nd</sup> Defendant has not denied the cause of action and in paragraph 25 of its Answer has stated that I do not have a legal right, unless I can establish that the directors have deliberately and in bad faith failed to act in the best interest of the Company. However, the Company has prayed that my Action be dismissed, which is clear evidence of wrong-doing to the detriment of the Company. In D.C. Colombo Case No. 5095/Spl. the Company has admitted the losses caused to the Company, based upon which losses this Case D.C. Colombo 21819/MR has been instituted

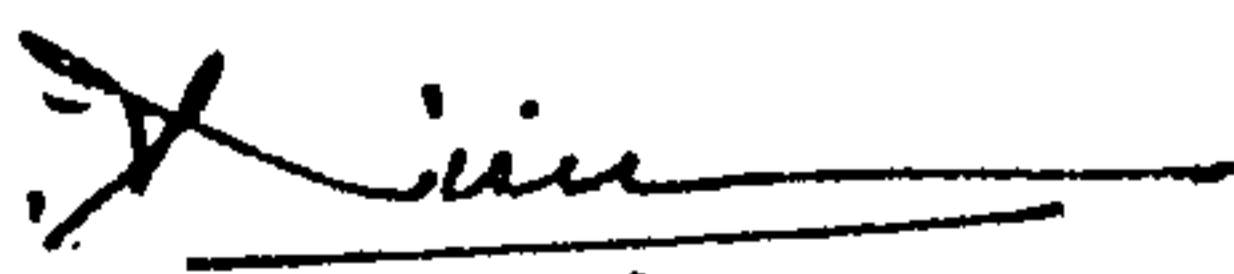
I understand the said Case is to be called in D.C. Colombo Court No. 2 before the Addl. District Judge Kumar Ekaratne Esqr. I very reliably understand, that the Addl. District Judge Kumar Ekaratne is personally very well known to the 1<sup>st</sup> Defendant, Mr. G.L. Peiris, who had also intimated that a foreign opportunity could be arranged for said Addl. District Judge.

In the given circumstances, I do not wish the said Case to be heard by the said Addl. District Judge, as there may be a question of bias arising. Nevertheless, I do not wish to cause any embarrassment to the said Addl. District Judge, nor cause any jeopardy to his future career.

Hence, I shall be very grateful, if Senior Counsel, Mr. Kanag-Isvaran P.C., is requested to handle this matter with discretion and ensure that the said Case be transferred to be heard before another Judge.

Thanking you,

Yours sincerely,



Nihal Sri Ameresekere

cc: Mr. K. Kanag-Isvaran, P.C.