

# TRANSLATION - Proceedings

## IN THE DISTRICT COURT OF COLOMBO

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

Case No : 21819/MR  
Nature : Money Recovery  
Value : Rs. 100,000,000/-  
Procedure : Regular

**PLAINTIFF**

Vs

1. Gamini Lakshman Peiris  
of "Visumpaya", Staples Street  
Colombo 2, and also of  
37 Kirula Place  
Colombo 5.
2. Hotel Developers (Lanka) Ltd.  
C/o Colombo Hilton Sports Complex  
Echelon Square, Lotus Road  
Colombo 1.

**DEFENDANTS**

Before Addl. District Judge S.P.K. Ekaratne Esquire

Recorded by Stenographer, Renuka Kumari

DISTRICT COURT, COLOMBO

DATE : 19.02.1999

CASE NO. 21819/MR

Plaintiff present. President's Counsel Mr. Kanag-Isvaran with Messrs Harsha Cabral, M.A. Sumanthiran, Attorneys-at-Law instructed by Messrs De Silva & Perera, Attorneys-at-Law appear on behalf of the Plaintiff.

1<sup>st</sup> Defendant absent. President's Counsel Romesh de Silva with Mr. Harsha Amarasekera instructed by Paul Ratnayake Associates, Attorneys-at-Law appear on his behalf.

2<sup>nd</sup> Defendant's absent. Mr. E.D. Wickramanayake, Attorney-at-Law with Mr. U.A. Hafeen instructed by Mr. Arulpragasam, Attorneys-at-Law appear on its behalf.

When this Case was called today to fix it for trial, as the 1<sup>st</sup> Defendant had filed a Motion in connection therewith, this Case was taken up for Inquiry in that regard. What President's Counsel appearing for the Plaintiff states on behalf of his Client is that, since the 1<sup>st</sup> Defendant in this Case is a person well known to me, who hears Cases in this Court, he objects to my hearing this Case.

At this stage, Mr. E.D. Wickramanayake, Counsel who appears today on behalf of the 2<sup>nd</sup> Defendant, states that he objects to such application, since the grounds adduced on the above matter are grossly inadequate to warrant the transfer of the Case to another Court.

President's Counsel, Romesh de Silva appearing on behalf of the 1<sup>st</sup> Defendant submits that, this Case being heard by any Court is of no question to his Client or to him and that he has no objection to its hearing by this Court or any other Court in Sri Lanka. His states, he and his Client have utmost trust on all Courts in Sri Lanka.

Nevertheless, he states that, if there be any personal embarrassment to the Hon. Judge in hearing this Case, he has no objection to the Case being transferred to another Court. At the same time, he states that, he is in complete agreement with the objection raised that there is no sufficient cause adduced to warrant the transfer of this Case to another Court.

At this stage, Mr. E.D. Wickramanayake appearing on behalf of the 2<sup>nd</sup> Defendant states that when the Case was called this morning, he had requested that the letter received by the Registered Attorney of the Plaintiff from the Plaintiff on this matter be submitted in open Court, shown to the Counsel for the other parties and be filed of record.

What President's Counsel Mr. Kanag-Isvaran states is that, the said letter was produced in open Court, having come up to the Court Bench, shown to Court and thereafter, the proposal made thereby submitted to the Counsel appearing on behalf of the Defendants.

He states that, the said letter had been solely referred to President's Counsel Mr. Kanag-Isvaran and that it was shown purely as a matter of respect and courtesy to Court and as such, he objects to the application made by the 2<sup>nd</sup> Defendant.

### **ORDER**

Submissions made by Counsel appearing for parties having been recorded, I refer the Case to Court No. (1) for appropriate action.

SGD/. S.P.K. Ekaratne  
Addl. District Judge – Court No. 2  
19.02.1999

### **BEFORE A.W.A. SALAM ESQUIRE, DISTRICT JUDGE**

Recorded by A.M. Chandima Vithana  
DISTRICT COURT - COLOMBO

CASE NO. 21819/MR

DATE : 19.02.1999

President's Counsel Mr. Kanag-Isvaran with Messrs Harsha Cabral, M.A. Sumanthiran, Attorneys-at-Law instructed by Messrs De Silva & Perera, Attorneys-at-Law appear on behalf of the Plaintiff.

President's Counsel Romesh de Silva with Mr. Harsha Amarasekera instructed by Paul Ratnayake Associates, Attorneys-at-Law appear on behalf of the 1<sup>st</sup> Defendant.

Mr. Thushan Alwis instructed by Mr. Arulpragasam, Attorney-at-Law appears on behalf of the 2<sup>nd</sup> Defendant.

President's Counsel Mr. Romesh de Silva draws attention of Court to Motion dated 16.02.1999 and moves for a date to support the same.

Mr. Wickramanayake, Attorney-at-Law, has no objection to this application.

Though the President's Counsel and Mr. Harsha Cabral have no objection thereto, they move that the Case be fixed for trial under Section 80.

### **ORDER**

I direct that the matters in the aforesaid Motion of the 1<sup>st</sup> Defendant be supported on 24.02.1999. I fix the Case for trial in this Court on 17.05.1999.

Should the Court observe that matters in the Motion dated 16.02.1999 have been successfully proved and should the Court accordingly dismiss the Plaintiff *in-limine*, it is to be understood that the necessity would not arise to take up the Case for trial on 17.05.1999.

SGD/. A.W.A. Salam  
District Judge, Colombo

### **TRANSLATION – Journal Entries**

(8) 19.02.1999

- i. Defendant files Motion and moves that the Case be called in open Court on 19.02.1999 to support the matters contained in the Motion.
- ii. File
- iii. Already mentioned on 19.02.1999.

(9) 19.02.1999

Called as per J.E. (7)

Due to be fixed for trial.

President's Counsel, Mr. Kanag-Isvaran for Plaintiff present.

Vide proceedings.

I refer the Case to Court No. 1 for appropriate action.

Sgd./A.D.J.

Vide proceedings.

Support matters in Motion on 24.02.1999

Trial 17.05.1999.

(10) 24.02.1999

Called as per J.E. (9).

Matters in Motion to be supported.

Moves for dated on personal grounds of President's Counsel.

Support on 15.03.1999 – 2.15.p.m.