

IN THE DISTRICT COURT OF COLOMBO

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

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 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

On this 1st day of June 1999


The Petition of the Plaintiff, appearing by J.W.D. Perera, practising under the name and style of DE SILVA & PERERA, his Attorneys-at-law, states as follows:

1. The Plaintiff on 28.04.1999, made Application under Section 94 [read with Section 95] of the Civil Procedure Code, to deliver through Court Interrogatories for the examination of the 1st Defendant.
2. The Court having been satisfied, made Order on 29.04.'99, that the said Interrogatories be served on the 1st Defendant through his Registered Attorneys-at-Law.
3. The 1st Defendant without complying with Section 99 of the Civil Procedure Code, filed Objections on 26.05.1999, which is not in conformity with Section 98 of the Civil Procedure Code.
4. 1st Defendant has not specifically objected to answering any particular Interrogatory on any particular ground in terms of Section 98 of the Civil Procedure Code.

5. Accordingly, the Plaintiff respectfully states that the Court having no material grounds placed before it to determine, whether the 1st Defendant should not answer any particular Interrogatory, the Plaintiff is entitled to an Order in his favour under Section 100 of the Civil Procedure Code, requiring the 1st Defendant to answer all the Interrogatories by *viva voce* examination or by Affidavit.

WHEREFORE, the Plaintiff prays that Your Honour's Court be pleased to:

- a) issue Notice on the 1st Defendant,
- b) reject the Statement of Objections of the 1st Defendant,
- c) make Order requiring the 1st Defendant to answer the said Interrogatories by *viva voce* examination or by Affidavit in terms of Section 100 of the Civil Procedure Code;
- d) order Costs, and
- e) such other and further relief as to Your Honour's Court shall seem meet.


Attorney-at-law for Plaintiff

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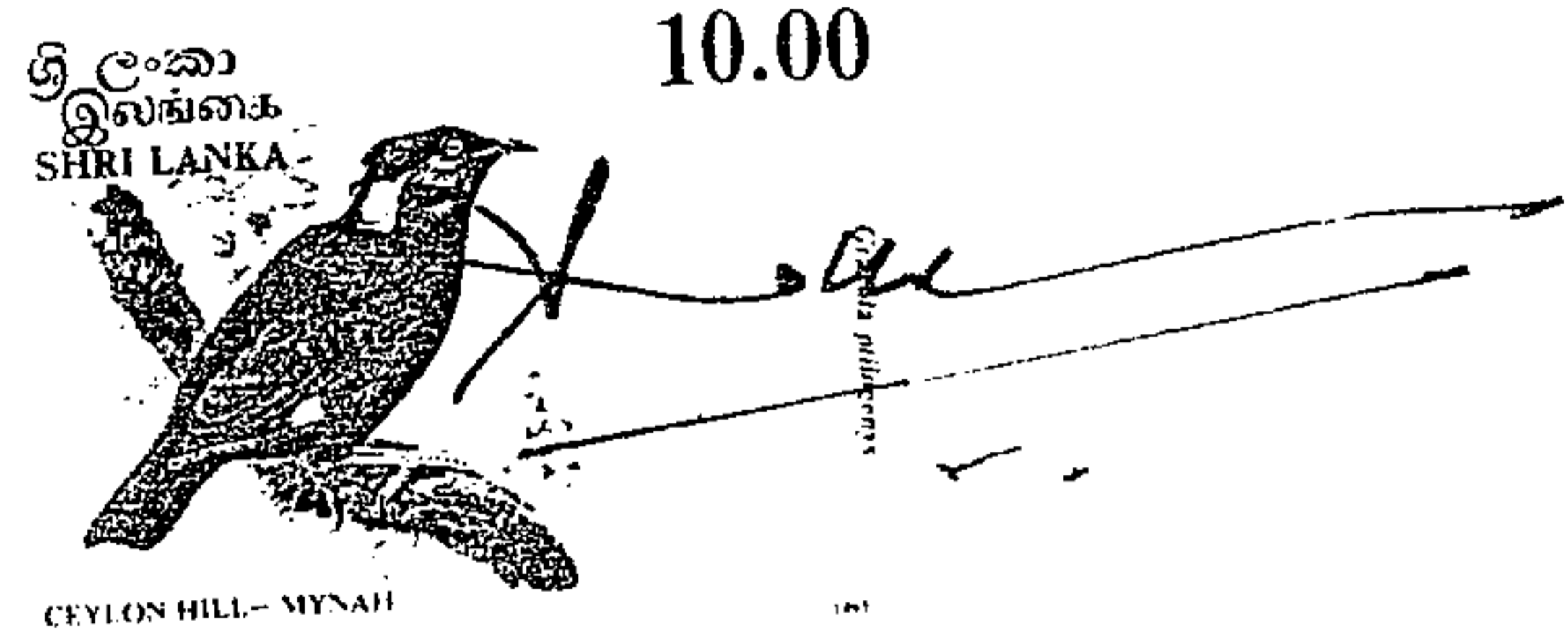
DEFENDANTS

I, Nihal Sri Ameresekere of 167/4, Sri Vipulasena Mawatha, Colombo 10, being a Buddhist, do hereby solemnly, sincerely and truly declare and affirm as follows:

1. I am the Plaintiff and the affirmant abovenamed.
2. On 28.04.1999, I made Application under Section 94 [read with Section 95] of the Civil Procedure Code, to deliver through Court Interrogatories for the examination of the 1st Defendant.
3. The Court having been satisfied, made Order on 29.04.'99, that the said Interrogatories be served on the 1st Defendant through his Registered Attorneys-at-Law.
4. The 1st Defendant without complying with Section 99, of the Civil Procedure Code, filed Objections on 26.05.1999, which I am advised is not in conformity with Section 98 of the Civil Procedure Code.
5. I am advised that the 1st Defendant has not specifically objected to answering any particular Interrogatory on any particular ground in terms of Section 98 of the Civil Procedure Code.

6. Accordingly, I am advised to respectfully state that the Court having no material grounds placed before it to determine, whether the 1st Defendant should not answer any particular Interrogatory, I am entitled to an Order in my favour under Section 100 of the Civil Procedure Code, requiring the 1st Defendant to answer all the Interrogatories by *viva voce* examination or by Affidavit.

The foregoing Affidavit having been }
read and understood by the affirmant }
within-named, affirmed to and signed }
the same at Colombo on this 1st day }
of June 1999 }



BEFORE ME

Handwritten signature of G. S. Herat Gunaratne.

G. S. HERAT GUNARATNE
Attorney-at-Law & Notary Public
31/2, 1, State Bank of India Building
Mudalige Mawatha
Colombo - 1.