

## 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 2<sup>nd</sup> day of June 1999

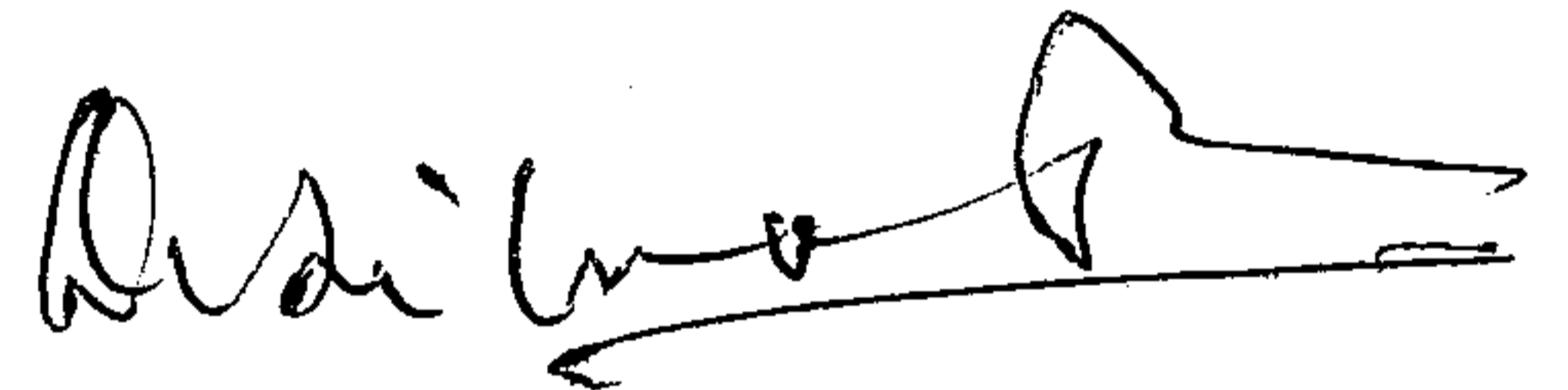
The Petition of the Plaintiff, appearing by J.W.D. Perera, practising under the name and style of DE SILVA & PERERA, his Attorneys-at-law, states as follows:

1. The Plaintiff on 03.05.1999, made Application under Section 94 [read with Section 97] of the Civil Procedure Code, to deliver through Court Interrogatories for the examination of the 2<sup>nd</sup> Defendant Company through its Chairman, D.Y. Liyanage.
2. The Court having been satisfied, made Order on 05.05.'99, that the said Interrogatories be served on the said Chairman of the 2<sup>nd</sup> Defendant Company.
3. The said Chairman of the 2<sup>nd</sup> Defendant Company without complying with Section 99 of the Civil Procedure Code, filed Objections on 31.05.1999, which is not in conformity with Section 98 of the Civil Procedure Code.
4. The said Chairman of the 2<sup>nd</sup> Defendant Company 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 said Chairman of the 2<sup>nd</sup> Defendant Company 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 said Chairman of the 2<sup>nd</sup> Defendant Company to answer all the Interrogatories by *viva voce* examination or by Affidavit.

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

- f) issue Notice on the said Chairman of the 2<sup>nd</sup> Defendant Company,
- g) reject the Statement of Objections of the said Chairman of the 2<sup>nd</sup> Defendant Company,
- h) make Order requiring the said Chairman of the 2<sup>nd</sup> Defendant Company to answer the said Interrogatories by *viva voce* examination or by Affidavit in terms of Section 100 of the Civil Procedure Code;
- i) order Costs, and
- j) such other and further relief as to Your Honour's Court shall seem meet.



Attorney-at-law for Plaintiff

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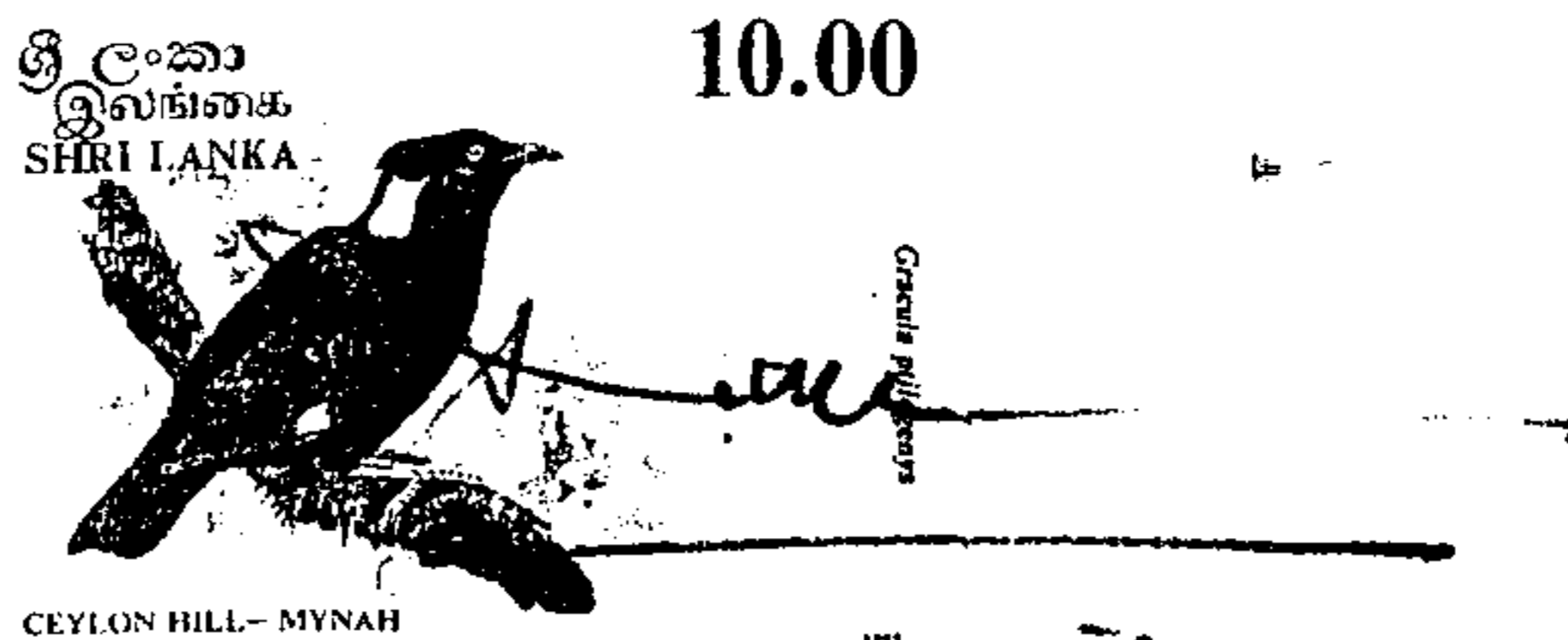
**DEFENDANTS**

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 03.05.1999, I made Application under Section 94 [read with Section 97] of the Civil Procedure Code, to deliver through Court Interrogatories for the examination of the 2<sup>nd</sup> Defendant Company through its Chairman, D.Y Liyanage.
3. The Court having been satisfied, made Order on 05.05.'99, that the said Interrogatories be served on the said Chairman of the 2<sup>nd</sup> Defendant Company.
4. The said Chairman of the 2<sup>nd</sup> Defendant Company without complying with Section 99, of the Civil Procedure Code, filed Objections on 31.05.1999, which I am advised is not in conformity with Section 98 of the Civil Procedure Code.
5. I am advised that the said Chairman of the 2<sup>nd</sup> Defendant Company 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 said Chairman of the 2<sup>nd</sup> Defendant Company 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 said Chairman of the 2<sup>nd</sup> Defendant Company 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 2<sup>nd</sup> day }  
of June 1999 .....



BEFORE ME

*R. Rajarajah*

**RAGURAJAH LL. B (Colombo)**  
**Attorney - at - Law**  
**Commissioner for Oaths**  
**31, Windsor Avenue,**  
**Oshiwala. T. P. - 077 311829**