

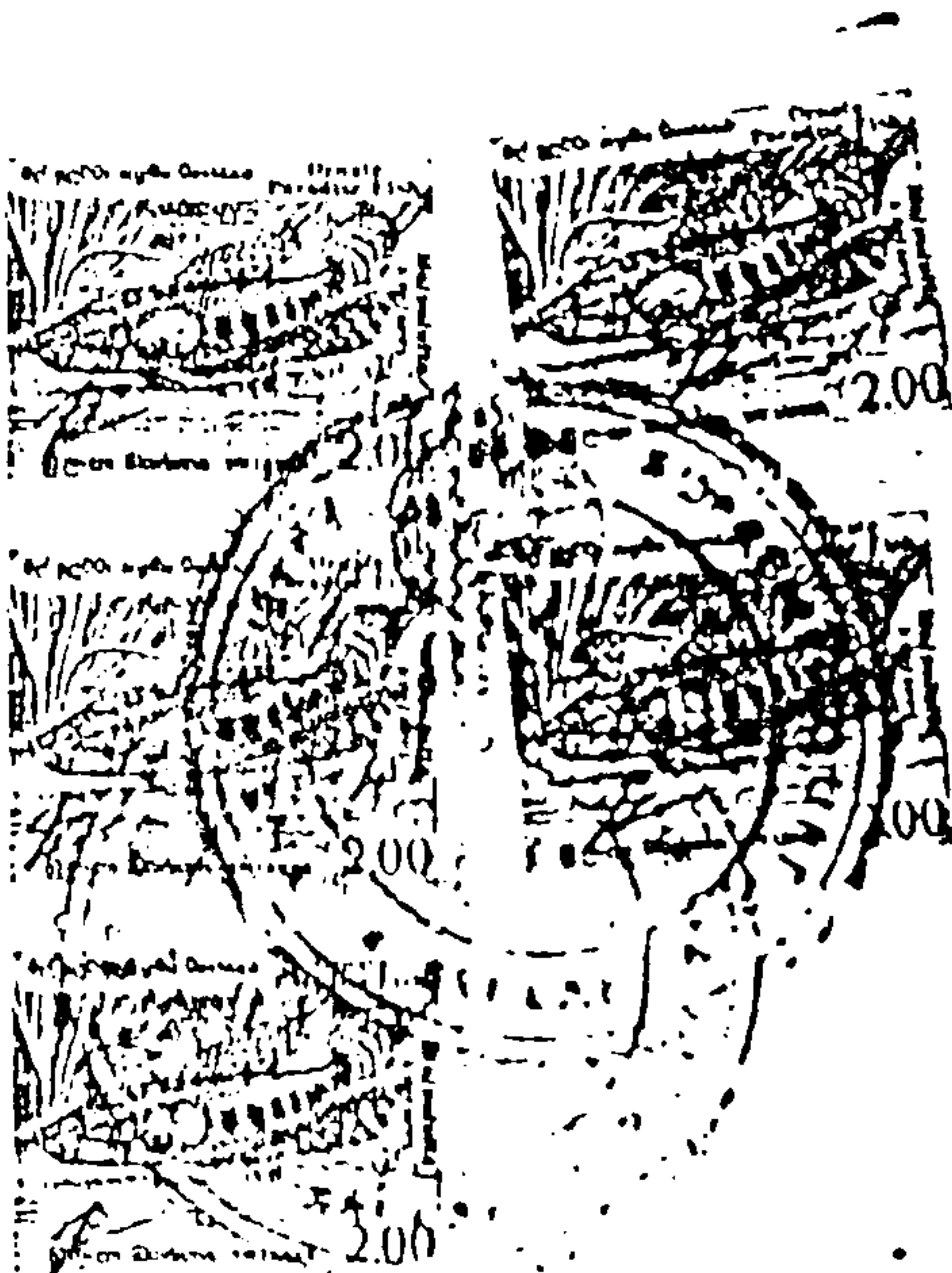
In the matter of an Application for Special Leave to Appeal to the Supreme Court under and in terms of Article 128(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

NIHAL SRI AMERESKERE, of  
No.167/4, Sri Vipulasena Mawatha,  
Colombo, 10.

PLAINTIFF-RESPONDENT-PETITIONER

S.C. Special Leave to Appeal :  
Application No. 18/92  
Court of Appeal Leave to  
Appeal Application Nos. 206/91  
D.C. Colombo Case No. 3155/Spl.

- Vs -



1. HITSUI AND COMPANY LIMITED, a Company organized and existing under the Laws of Japan and having the Principal Place of business at 2-1, Ohtemachi 1-Chome, Chiyoda-Ku, Tokyo, Japan and having a Liaison office and/or a Place of business in Sri Lanka at No.315, Vauxhall Street, Colombo 02.
  2. TAISEI CORPORATION, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-Chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka formerly at No.65, High Level Road, Maharagama and presently at Hilton Hotel Colombo.
- 1ST & 2ND DEFENDANT-PETITIONER -  
APPELLANT-RESPONDENTS
3. KAIKO KIKAKU SEKKIISHA YOZO SHIBATA & ASSOCIATES, Architects & Designers, a corporation duly organized under the Laws of Japan and having the Principal Place of business at No.9, Mori Building 1-2-2, Atago, Minato-ku, Tokyo, Japan.
  4. HOTEL DEVELOPERS (LANKA) LIMITED, formerly known as LANKA-JAPAN HOTELS LIMITED, of No.16, Alfred Place, Colombo 03.
  5. CORNEL LIONEL PERERA, Chairman/Managing Director, Hotel Developers (Lanka) Limited, of 16, Alfred Place, Colombo 03.
  6. FREDERICK GERMAIN HOFL MENDIS, Director, Hotel Developers (Lanka) Limited, and of No.61/3, Dharmapala Mawatha, Colombo 03
  7. KAIRSHASP NARIMAN CHOKSY, Director, Hotel Developers (Lanka) Limited, and of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.

8. DON PETER SEVERINUS PERERA, Director, Hotel Developers (Lanka) Limited, and of No.696/2, Havelock Road, Colombo 06.
9. KAZUTAKA KOBUI, Director, Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.
10. KANAPATHIPILLAI SHANMUGALINGAM, Director, Hotel Developers (Lanka) Limited, and of No.4, Ramakrishna Avenue, Colombo 08 and presently of 75, Isipatana Mawatha, Colombo 5.
1. KOJI ITO, Director, Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.



3RD TO 11TH DEFENDANT-RESPONDENT-RESPONDENTS.

27.5.92

Before : Bandaranayake, J.  
Kulatunga, J.  
Waduodapitiya, J.

H.L de Silva PC with K. Kanag-Isvaran PC, Anil Tittewala and Harsa Cabral for Petitioner.

Eric Amerasinghe PC with L.A.Wickremasinghe, H.Soja and Anil Silva for 1st and 2nd Defendants-Petitioners-Appellants-Respondents.

A.R.Wickremanayake SC for 4th, 8th and 11th Respondents.  
Nihal Fernando for 5th, 6th and 7th Defendant-Respondent Respondents. L.C. Seneviratne PC with J.C. Boange and S.D. Yogendra for 3rd Defendant-Respondent.

Special Leave to appeal is allowed on the question whether granting of leave by the Court of Appeal against the interim injunction granted by the District Court on 9.9.91 is sustainable in law.

OF consent argument on 25th and 26th of August, 1992.

sgd/ Clerk of Appeal.

I do hereby certify that the foregoing is a true copy of the Supreme Court Order dated 27.5.92 filed of record in S.C.Special L.A. No.18/92.

Typed by: *[Signature]*  
Compd. with: *[Signature]*

*[Signature]*  
Chief Clerk. *[Signature]*  
SUPREME COURT. අභියාචනා මහා මාලිගා  
අංක 12.



IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an Application for Special Leave to Appeal to the Supreme Court under and in terms of Article 128(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

NIHAL SRI AMERESEKERE, of  
No.167/4, Sri Vipulasena Mawatha,  
Colombo 10.

PLAINTIFF-RESPONDENT-PETITIONER

S.C. Special Leave to Appeal  
Application No. 19/92  
Court of Appeal Leave to  
Appeal Application Nos. 208/91  
D.C. Colombo Case No. 3155/Spl.

- Vs -

1. KANHO KIKAKU SEKKEISHA YOZO SHIBATA & ASSOCIATES, Architects & Designers, a corporation duly organized under the Laws of Japan and having the Principal Place of business at No.9, Mori Building 1-2-2, Atago, Hinato-ku, Tokyo, Japan.

3RD DEFENDANT-PETITIONER -  
APPELLANT-RESPONDENT

2. MITSUI AND COMPANY LIMITED, a Company organized and existing under the Laws of Japan and having the Principal Place of business at 2-1, Ohtomachi 1-Chome, Chiyoda-Ku, Tokyo, Japan and having a Liaison office and/or a Place of business in Sri Lanka at No.315, Vauxhall Street, Colombo 02.
3. TAISEI CORPORATION, a Company organized and existing under the Laws of Japan and having the Principal place of business at 25-1, Nishi-Shinjuku 1-Chome, Shinjuku-ku, Tokyo, Japan and having a Liaison Office and/or Place of business in Sri Lanka formerly at No.65, High Level Road, Maharagama and presently at Hilton Hotel Colombo.
4. HOTEL DEVELOPERS (LANKA) LIMITED, formerly known as LANKA-JAPAN HOTELS LIMITED, of No.16, Alfred Place, Colombo 03.
5. CORNEL LIONEL PERERA, Chairman/Managing Director, Hotel Developers (Lanka) Limited, of 16, Alfred Place, Colombo 03.
6. FREDERICK GERMAIN NOEL HENDIS, Director, Hotel Developers (Lanka) Limited, and of No.51/3, Dharmapala Mawatha, Colombo 03
7. KAIRSHASP NARIHAN CIKOKSY, Director, Hotel Developers (Lanka) Limited, and of 23/2, Sir Ernest de Silva Mawatha, Colombo 07.





8. DON PETER SEVERINUS PERERA, Director, Hotel Developers (Lanka) Limited, and of No.696/2, Havelock Road, Colombo 06.
9. KAZUTAKA KOBOI, Director, Hotel Developers (Lanka) Limited, and of 6-38, Fujimicho, Chigasaki, Kasagawa, Japan.
10. KANAPATHIPILLAI SIVANMUGALINGAM, Director, Hotel Developers (Lanka) Limited, and of No.4, Ramakrishna Avenue, Colombo 06 and presently of 73, Issipatana Mawatha, Colombo 5.
11. KOJI ITO, Director, Hotel Developers (Lanka) Limited, and presently of No.315, Vauxhall Street, Colombo 02.

1ST, 2ND, 4TH TO 11TH DEFENDANT-RESPONDENT-RESPONDENTS

27.5.92

Before : Bandaranayake, J.  
Kulatunga, J.  
Wadugodapitiya, J.

H.L. de Silva PC with K. Kanag-Isvaran PC and Harsa Cabral for Petitioner.

L.C. Seneviratne PC with J.C. Boange and S.D.Yogendra for 3rd Defendant-Respondent.

Eric Amerasinghe PC with T.Wickremasinghe, H.Soza and Anil Silva for 1st and 2nd Defendant-Respondent.

Nihal Fernando for 5,6 and 7th Defendant-Respondents.

A.R. Wickremanayake for 4th, 8th and 11th Defendant-Respondents.

Special Leave to Appeal is allowed on the question whether granting of leave by the Court of Appeal against the interim injunction granted by the District Court on 9.9.91 is sustainable in law.

Of consent argument on 25th and 26th of August, 1992.

sgd/ Clerk of Appeal.

I do hereby certify that the foregoing is a true copy of the Supreme Court Order dated 27.5.92 filed of record in S.C.Special L.A.No. 19/92.

Typed by: *[Signature]*  
Compd. with: *[Signature]*

*[Signature]*  
Chief Clerk.  
SUPREME COURT.

අධ්‍යක්ෂ ජනරාල්  
ඉහළම නඩු විභාගායතන  
කොටස 19.