

IN THE DISTRICT COURT OF COLOMBO

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

PLAINTIFF

Case No. : 19849/MR

Vs

Gamini Lakshman Peiris,
of "Visumpaya", Staples Street,
Colombo 2, and also of
37, Kirula Place, Colombo 5.

DEFENDANT

WHEREAS the Court of Appeal in CA Revision Application No.775/98 having on 11.02.'99 set aside the Order of this Court dated 30.07.'98, and subsequently in CA/LA No. 192/98 by its Order dated 27.04.'99 confirmed that there is nothing further left to review, as the Order of 30.07.'98 had already been vacated and set aside. Certified copy of the Order dated 27.04.'99 and a True Copy of the Certified Copy of the Order dated 11.02.'99 of the Court of Appeal are annexed hereto marked "A" and "B", respectively.

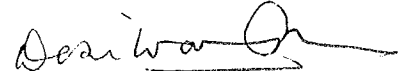
AND WHEREAS the Plaintiff's Application dated 11.03.'98 under Section 100 of the CPC for an Order thereunder, requiring the Defendant to answer Interrogatories by *viva-voce* examination or by affidavit, by reason aforesaid, stands validated and pending before Court.

AND WHEREAS upon service of the Interrogatories under Sections 94 and 95 of the CPC, the Defendant failed to file an Affidavit as required under Section 99 of the CPC, and to answer the said Interrogatories or to specify the grounds for refusing to answer any Interrogatory in terms of Section 98 of the CPC.

AND WHEREAS the Defendant now stands bound in terms of Section 100 of the CPC to answer the said Interrogatories served on him by this Court.

WE THEREFORE respectfully MOVE that Your Honour's Court be pleased, in terms of Section 100 of the CPC, to direct the Defendant to answer the said Interrogatories by *viva voce* examination or by affidavit, on a date to be fixed by Your Honour's Court.

Colombo, this 12th day of May 1999



Attorney-at-Law for Plaintiff

A copy of this Motion, together with the }
Annexures thereto, having been sent by }
Registered Post to the Attorneys-at-law }
for the Defendant, the Registered Postal }
Article Receipt in proof thereof is }
attached hereto

