

In the District Court of Colombo.

Case Number: DDV/33/24

Nature: Divorce

Value: Rs. 5000/-

Procedure: Regular

Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa

No. 133, Shanthi Mawatha,

Mulleriyawa,

Angoda.

Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri

No. 297,

Angampitiya,

Padukka.

Defendant

On this 03rd day of February, 2024.

Submission made under Section 72 of the Civil Procedure Code.

1. I am the above-named Defendant in the above-numbered case, and I reside at the above address.
2. I hereby state that I admit the cause of action mentioned in the plaint filed by the Plaintiff in this case and that I will not be filing a defense/answer.
3. Furthermore, as both parties wish to conclude this case without a contest, I state that a referral to a family counselor is unnecessary.
4. I, the Defendant, state that I have no objection whatsoever to a divorce judgment and decree being granted in favor of the Plaintiff, in accordance with the relief prayed for in the plaint's prayer.

Signed/-

K.V. Nadeeka N. Seneviratne

Attorney for the Defendant

K.V. Nadeeka N. Seneviratne LL.B.(Colombo)

Attorney-at-Law, Notary Public,

Commissioner for Oaths

& Registered Company Secretary

No: 109A, Hulftsdorp Street, Colombo 12.

e-mail: nadee7843@gmail.com
Enrollment No: A17685
Mob: 077 668 4068
Signed/-
Defendant

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In the District Court of Colombo.

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No. 133, Shanthi Mawatha,
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Angoda.
Plaintiff
-Versus-

Hewage Tharindu Disan Rathnasiri
No. 297,
Angampitiya,
Padukka.
Defendant

Motion

I respectfully move that the proxy of the defendant and the submission made under Section 72 of the Civil Procedure Code in the above-numbered case are submitted herewith, and I pray that Your Honour may be pleased to order that they be accepted and filed in the case record.

On this 05th day of February, 2024.

Signed/-
Attorney for the Defendant
K.V. Nadeeka N. Seneviratne LL.B. (Colombo)
Attorney-at-Law, Notary Public,
Commissioner for Oaths
& Registered Company Secretary

No: 109A, Hulftsdorp Street, Colombo 12.
e-mail: nadee7843@gmail.com
Enrollment No: A17685
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"X-2"

Affidavit

In the District Court of Colombo.

Case Number: DDV/00033/24

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Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa.

No. 133, Shanthi Mawatha, Mulleriyawa, Angoda.

Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

I, Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa (holder of Sri Lanka N.I.C. No: 916781571V), residing at No. 133, Shanthi Mawatha, Mulleriyawa, Angoda in the Democratic Socialist Republic of Sri Lanka, being a Buddhist, do solemnly, sincerely, and truly affirm and declare as follows:

1. I state that I, the above-named Plaintiff, reside, and the cause of action which is detailed hereinafter arose, within the territorial jurisdiction of this court.
2. I state that the Defendant and I were legally married on the 17th day of December 2018, as a result of a long love affair of about four and a half years, and that the marriage entered into based on the said marriage certificate has irretrievably broken down, and that all attempts made by me to restore the marital life have been futile.
3. For these reasons, I state that I seek the relief prayed for in the prayer of this case and that I do not wish in any way to be referred for family counseling.

Having read over and understood the above, and having affirmed to the truth thereof, signed in my presence at Gampaha on the 06th day of January, 2024.

Signed/-
Deponent
Before me,
Justice of the Peace/Commissioner for Oaths
[Seal of E. M. Navindi S. Ekanayake, Attorney-at-Law, Colombo]
[Stamp: SRI LANKA Rs. 50.00]
[Certified True Copy stamp of Pasan Galappaththi, Attorney-at-Law, dated 10 Jan 2024]

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[Certified True Copy stamp of Pasan Galappaththi, Attorney-at-Law, dated 05 Jan 2024]

In the District Court of Colombo.

Plaint

Case Number: DDV/00033/24

Nature: Divorce

Value: Rs. 5,000/-

Procedure: Regular

Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa.

No. 133, Shanthi Mawatha, Mulleriyawa, Angoda.

Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

On this 05th day of January, 2024.

The above-named Plaintiff, appearing through her registered attorney-at-law Pasan Galappaththi, states as follows in her plaint:

1. The above-named Plaintiff resides within the territorial jurisdiction of this court.
2. The Plaintiff states that the above-named Plaintiff and Defendant were legally married on the 17th day of December 2018, as a result of a long love affair of about four and a half years. The said marriage certificate bearing number 5975 and dated 17/12/2018 is marked "X-1" and prayed to be a part of this plaint.
3. The Plaintiff states that after the marriage, they established the marital home at the Defendant's address in the caption and lived their married life.
4. The Plaintiff states that after the marriage, quarrels arose from time to time on several

- occasions, and as those conflicts escalated and being unable to further bear the aforementioned conduct of the Defendant, she left the marital home on or around 19/01/2022 and took up residence at the Plaintiff's address mentioned in the caption.
5. The Plaintiff states that the Defendant's behavior and conduct constitute constructive malicious desertion by the Defendant, and that the Defendant has acted with the intention of ending the married life through his behavior and conduct.
 6. The Plaintiff states that since all attempts made by both parties to restore the married life have been futile, she seeks the relief prayed for in the prayer of this case and does not wish in any way to be referred for family counseling. The affidavit of the Plaintiff is presented herewith as "X-2" to confirm this.
 7. The Plaintiff states that based on the foregoing facts and the aforesaid conduct of the Defendant, the marriage entered into based on the marriage certificate marked "X-1" has irretrievably broken down.
 8. The Plaintiff states that there are no children born of this marriage.
 9. Accordingly, the Plaintiff states that a cause of action has accrued to her to obtain a judgment and decree *vinculo matrimonii* dissolving the marriage subsisting between the Plaintiff and the Defendant, on the ground of the matrimonial fault of constructive malicious desertion by the Defendant, committed on or around 19/01/2022.
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Plaint

10. The Plaintiff values this case at Rupees 5000/- for the purpose of the Stamp Act.

Therefore, the Plaintiff prays from this court:

- (a) For a judgment and decree *vinculo matrimonii* dissolving the marriage subsisting between the Plaintiff and the Defendant, on the ground of the matrimonial fault of constructive malicious desertion by the Defendant, committed on or around 19/01/2022,
- (b) For the costs of the action and for such other and further relief as this court shall seem meet.

Signed/-

Registered Attorney-at-Law for the Plaintiff

PASAN GALAPPATHTHI LL.M (London)

Attorney-at-Law & Notary Public

Registered Company Secretary & Commissioner for Oaths

No. 556/2, Eksatha Mw, Ganemulla Rd, Kadawatha, Sri Lanka.

E-mail: ggpasantha@gmail.com

Tel: +94 777 742484

BASL No. G 1326

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Civil Procedure Code No. 20 of 1977 of the National State Assembly.

(Amendment Act)

Summons to the Defendant

In the District Court of Colombo.

Case No: DDV/00033/24.

Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa.

No. 133, Shanthi Mawatha, Mulleriyawa, Angoda.

Plaintiff

Versus

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

To the above-named Defendant.

Whereas the above-named Plaintiff has instituted an action against you in this Court for divorce, you are hereby required to file your answer, if any, to the plaint annexed hereto in this Court on or before the **06.03.2024** at 9:00 a.m. You are hereby required to take notice that in default of your so doing, the action will be proceeded with, and heard and determined *ex parte*.

You are further required, if you do not appear by a registered attorney-at-law, to file a memorandum stating an address at which all legal notices may be served.

By order of Court,

Signed/-

For the Registrar

Registrar, District Court,

Colombo.

On this 22nd day of January, 2024.

Note: If you desire to be informed of the day on which the above case is called in Court for the purpose of fixing a date of trial, you are required by section 80 to furnish the Registrar of this Court with a registered address and stamps of the required value for postage.

In the District Court of Colombo.

Motion

Case Number: DDV/00033/24

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Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa.

No. 133, Shanthi Mawatha, Mulleriyawa, Angoda.

Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

On this 06th day of February, 2024.

It is respectfully requested that this case be called in open court on 2024/03/06 for an uncontested hearing to conclude the matter expeditiously by the consent of both parties.

Although this case is scheduled to be called for the summons report on 2024/03/06, the defendant's proxy and the defendant's statement under Section 72 of the Civil Procedure Code have already been filed on behalf of the defendant on 2024/02/05 by way of a motion by the defendant's registered attorney-at-law, Mrs. K.V. Nadeeka N. Seneviratne.

Further, by this consent motion submitted with the signatures of the registered attorneys-at-law of both parties, it is respectfully requested that this case be called in open court on 2024/03/06 for an uncontested hearing to conclude the matter expeditiously by the consent of both parties.

Signed/-

Registered Attorney-at-Law for the Plaintiff

[Details of Pasan Galappaththi]

Signed/-

Registered Attorney-at-Law for the Defendant

[Details of K.V. Nadeeka N. Seneviratne]

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[This page is a duplicate copy of the Motion on Page 7.]

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In the District Court of Colombo.

Decree Absolute

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Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

When this case was called on the 06th day of March, 2024, before Her Honour Wandeema Edirimanne, the Additional District Judge of Colombo, for final disposal, whereas three (3) months had elapsed since the Decree Nisi was received by the defendant in open court, and whereas the marriage entered into on the basis of marriage certificate No. 5975 dated 2018/12/17 has been annulled and dissolved by the said Decree Nisi, and as no objections thereto have been filed, the said Decree Nisi is hereby made a Decree Absolute, and it is hereby ordered and decreed that it has been so made.

Further, I order the Registrar General to record the Decree Absolute of Divorce in the relevant marriage register.

On this 12th day of June, 2024.

Signed/-

The Honourable Additional District Judge

District Court - Colombo

Prepared by:

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In the District Court of Colombo.

Decree Nisi

Case Number: DDV/00033/24

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Loku Hapu Arachchige Nirmani Nadeeshika Buddadasa.

No. 133, Shanthi Mawatha, Mulleriyawa, Angoda.

Plaintiff

-Versus-

Hewage Tharindu Disan Rathnasiri.

No. 297, Angampitiya, Padukka.

Defendant

When this case was called for trial on the 06th day of March, 2024, before Her Honour Wandeema Edirimanne, the Additional District Judge of Colombo, while Mr. Pasan Galappaththi, Attorney-at-Law, appeared for the Plaintiff, Mrs. K.V. Nadeeka N. Seneviratne appeared for the Defendant. The case was taken up for hearing, and a written admission, signed by the Defendant and the Defendant's registered attorney-at-law, was filed on behalf of the defense, stating that the plaint is not contested as per Section 72 of the Civil Procedure Code, and judgment was delivered thereon.

Accordingly, it is decreed that the marriage entered into between the Plaintiff and the Defendant based on the marriage certificate bearing No. 5975 and dated 2018/12/17, which was presented with the plaint and marked as X-1, is hereby annulled and dissolved on the ground of the Defendant's constructive malicious desertion.

It is hereby ordered and decreed as a Decree Nisi that after this Decree Nisi is made absolute, the Plaintiff and the Defendant shall have all the rights and privileges afforded by law to unmarried persons, and the Plaintiff shall be able to use her maiden name that existed prior to her marriage.

Further, it is hereby ordered and decreed that if there are any objections to this Decree Nisi, they must be presented to the satisfaction of the court within 3 months from the date of its pronouncement, and if not, this Decree Nisi shall be confirmed as a Decree Absolute.

On this 06th day of March, 2024.

Signed/-

The Honourable Additional District Judge

District Court - Colombo

Prepared by:

Registered Attorney-at-Law for the Plaintiff

[Details of Pasan Galappaththi]