

Here is the full English translation of the provided court document:

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## Page 1

Case Number: 2022

Address: 210/8, ε

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The above-named complainant, from his memory,  
states as follows:

1. The above-named complainant resides within the jurisdiction of this court. Therefore, this honorable court has the jurisdiction to hear this case, and the complainant attests to this fact.
  2. The complainant and the defendant were married on the 14th day of June in the year 2000 at the Mahaweli Reach Hotel in Kandy. A certified copy of the marriage certificate, bearing the number 800800 and dated June 14, 2000, is marked as 'P' and submitted to the honorable court.
  3. Following the marriage, the complainant and the defendant resided at the complainant's parents' house in Gampaha, which they used as their matrimonial home.
  4. Thereafter, in the year 2001, they moved to a rented house in Wellampitiya, Colombo.
  5. At the time of the marriage, the complainant was employed as a sales executive at Ceylon Tapes.
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## Page 2

6. Following the marriage, a daughter, Koralage Dihansa Malithi Fernando, was born to the defendant on August 25, 2002, at Nawaloka Private Hospital. She has now reached the age of majority. A certified copy of the child's birth certificate is marked as 'P2', attached to this complaint, and considered a part hereof.
7. The complainant states that around the year 2004, the defendant started working as a nurse at Sakura Dental Hospital in Battaramulla, where she was employed for over six years.
8. The complainant states that while working at Sakura Dental Hospital, on July 16, 2008, the defendant gave birth to a son, Koralage Yenuk Linol Fernando. He is currently studying in the 8th grade at the Kandy branch of Colombo International School. A certified copy of the child's birth certificate is marked as 'P3', attached to this complaint,

- and considered a part hereof.
9. The complainant states that during her employment at Sakura Dental Hospital, the defendant had an illicit affair with the owner, Gamini Rajapaksa. Upon learning of this, the complainant advised her and pleaded with her to resign from her job. However, her reluctance to resign led to disputes. The complainant endured all of this to protect the family for the sake of the children.
  10. Around the year 2007, they moved to a rented house in the Battaramulla area. This house was found by Gamini Rajapaksa and was located very close to his own residence. This move happened due to the defendant's strong insistence. The complainant states that he acted to protect the family for the sake of the children.
  11. From the beginning of 2011, the defendant claimed to be suffering from a severe back ailment. Despite consulting various doctors and undergoing numerous tests, she did not find a cure. Subsequently, through a person named Ganga Sudarshani in the Pelawatta area, she engaged in wearing talismans and performing various religious rituals. Due to her strong faith in these practices,
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## **Page 3**

the complainant states that she was introduced to a monk.

12. Thereafter, she maintained a very close relationship with the said monk, performing various alms-givings and other meritorious deeds. Around 2014, they purchased a property on Deniyawatta Road, Battaramulla, and built a house. A separate section of the house was allocated for the monk, and he resided there. At that time, the complainant had great faith in him as a virtuous monk.
13. Meanwhile, on October 18, 2014, a daughter, Koralage Soheli Anuttara Fernando, was born at Nine Wells Private Hospital. A certified copy of the child's birth certificate is marked as 'P4', attached to this complaint, and considered a part hereof.
14. The complainant states that he resigned from his job at Lankem around 2011 and, in the same year, started a business of melting tar and supplying it to contractors.
15. The complainant states that he earned a great reputation in this business field and, consequently, became a businessman with a super-luxury house in the Battaramulla area, more than five vehicles, and substantial assets.
16. However, the aforementioned monk, while pretending to be in meditation in the separate section of the complainant's house, would visit from time to time. The defendant, with the complainant's support, performed all the alms-givings for him. The complainant also acted with great devotion towards him. The monk acted by showing that he was performing a great service to the religion by holding dharma discussions among the country's elite.
17. Subsequently, from around 2016, the defendant and the said monk frequently claimed

that the tar business did not have the blessings of the gods and made various suggestions. Claiming to have seen a vision during meditation, and upon the monk's influence and the defendant's strong insistence, they purchased two heavily indebted tea factories in the Ratnapura, Kalawana area, belonging to one Abeywickrama, in 2017.

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## **Page 4**

18. Although the company continued this business, after investing all the money, the monk insisted that the business be returned. Accordingly, the investment and the property in Magama, which was given as security for the business, were returned to Mr. Sinha, disregarding the complainant's strong objections.
  19. The complainant states that from the beginning of their love affair, the defendant had told him various lies. She was a person who had behaved as husband and wife with another person from the beginning of this love affair. Later, she said that she had behaved in that manner with a relative of hers and had told her friends about it, which caused the complainant great shame in society. However, due to his immense love for the defendant, he tolerated all this.
  20. However, for the betterment of the children, the complainant endured all these things. The defendant made no effort to fulfill any of the marital duties expected of a wife, and all household chores were performed by servants.
  21. The complainant states that by the beginning of 2019, all his businesses had collapsed. He realized that all this was happening while the defendant was having an affair with the said monk. By the time he realized this, the defendant had moved permanently to the address mentioned in the caption, which she claimed belonged to a relative of the monk.
  22. The complainant states that from 2016, the defendant refused to have sexual relations with him. As a habit, she would lock the door to prevent him from entering the bedroom, claiming that the child would wake up, and spend the night like that.
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## **Page 5**

23. It is stated that
24. According to what happened, the company received a sum of one million rupees after selling assets to settle debts.
25. The complainant states that he claims ownership of half of the five million rupees obtained from the sale of the property and has a cause of action to obtain that sum of five million rupees.
26. The complainant states that after the sale of the said property, it was no longer possible to continue living there. However, when he requested some money to rent a place, the

defendant refused. Consequently, after living from place to place for more than three months, he is currently living in a small room at the address mentioned in the caption.

27. The complainant states that despite his repeated requests for the defendant to return to Colombo with the children to live as best as they could, she refused, stating that she and the children were living a very luxurious life and could not come back to suffer. She admitted that all expenses were now being covered through the said monk.
  28. The complainant states that he is in possession of audio-visual recordings and photographs related to the defendant's conduct and intends to present them all during the trial.
  29. The complainant states that after the defendant moved to the address in the caption, on or around May 5, 2019, he inquired about her neglect of him. At that time, the defendant stated that she had a secret lover and that she no longer wanted to continue the family life with the complainant.
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## **Page 6**

30. On February 2099, she stated that she would go, and accordingly, it is clear that she is going.
  31. In March 2029, he went to inform her about the event she was holding, and on that day, the words she spoke were...
  32. Accordingly, from May 5, 2019, she completely abandoned the complainant. By stating that the relationship was no longer necessary, the defendant maliciously deserted the complainant from May 5, 2019.
  33. Furthermore, the complainant reserves the right to name a co-defendant as soon as other information is gathered.
  34. Based on the foregoing, the defendant having maliciously deserted the complainant since May 5, 2019, a cause of action has arisen for the complainant to sue the defendant for a decree of divorce a *vinculo matrimonii*, annulling the marriage between the complainant and the defendant.
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## **Page 7**

37. The complainant values this case at Rs. 2,500,000/- for the purposes of stamp duty.

Wherefore, the complainant respectfully prays from the honorable court:

- a. For a judgment and decree of divorce in favor of the complainant, annulling the marriage solemnized on 2000-06-14 under marriage certificate No. 8608, on the grounds of the

defendant's malicious desertion on May 5, 2019.

- b. To grant legal custody of the two children, Koralage Yenuk Linol Fernando and Koralage Soheli Anuttara Fernando, to the complainant.
- c. To grant reasonable access to the above-named children, Koralage Yenuk Linol Fernando and Koralage Soheli Anuttara Fernando, to the complainant.
- d. To grant permission to the complainant to make an application regarding the co-defendant as soon as information is revealed.
- e. To order the defendant to pay a sum of two million five hundred thousand rupees (Rs. 2,500,000/-) to the complainant.
- f. To grant permission to the complainant to consolidate all causes of action in a single case.
- g. For costs of the action and,
- h. For such other and further relief as the honorable court shall seem meet.

Documents attached to the plaint:

1. Marriage Certificate marked P1
2. Birth Certificate marked P2
3. Birth Certificate marked P3
4. Birth Certificate marked P4

Attorney-at-Law for the Complainant

Nadeeka Seneviratne

Attorney at Law

Notary Public

Commissioner for Oaths

Company Secretary

No. 152/A/5, Hulftsdorp Street,  
Colombo 12

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## **Page 8**

In the District Court of Colombo

Case No.: DDV 244/22

Nature: Divorce

Value: Rs. 2,500,000/-

Procedure: Regular

**In the District Court of Colombo**

Koralage Nalin Wasantha Fernando

No. 219/8, 5th Lane,

Mandawala Road, Mulleriyawa

New Town

**Plaintiff**

-vs-

Viduranga Kumari Davulagala  
No. 295,  
1st Lane, Darshana Mawatha,  
Balagolla, Kandy

**Defendant**

Dated this 26th day of September, 2022.

I respectfully submit the Plaintiff's proposed admissions and issues with this motion and request that they be accepted and filed in the case record.

**Plaintiff's Proposed Admissions:**

1. The jurisdiction of the court is admitted.
2. Paragraphs 1 to 8 of the plaint are admitted.
3. It is admitted that in the year 2007, they resided in a rented house in the Battaramulla area.
4. It is admitted that in early 2011, the defendant received various treatments for her ailment.
5. Paragraphs 13, 14, and 15 of the plaint are admitted.
6. It is admitted that the plaintiff's businesses collapsed around the year 2019.
7. As stated in paragraph 24 of the plaint, it is admitted that all vehicles belonging to the company, where the plaintiff and defendant served as directors, were returned to the finance companies and that the house in Battaramulla was sold to LOLC company.

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**Page 9**

8. It is admitted that the plaintiff is currently residing separately.

**Plaintiff's Proposed Issues:**

1. Did the defendant act in the manner described in paragraphs 19, 20, 22, 27, and 29 to 33 of the plaint?
2. i. Did the defendant maliciously desert the plaintiff from 2019-05-05?  
ii. Accordingly, is the plaintiff entitled to a decree of divorce in his favor?
3. i. Was the sum of five million rupees from the sale of the matrimonial home taken entirely by the defendant?  
ii. Is the plaintiff entitled to half of the said amount?
4. Is the plaintiff the most suitable person to have legal and physical custody of the minor

children?

5. If one, several, or all of the above issues are decided in favor of the plaintiff, is the plaintiff entitled to the reliefs prayed for in his plaint and replication?

Attorney-at-Law for the Plaintiff

Nadeeka Seneviratne

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## Page 10

Case No.: D.D.V. 244/2022

Value: Rs. 2,500,000/-

Procedure: Regular

Nature: Divorce

**In the District Court of Colombo**

Koralage Nalin Wasantha Fernando,  
No. 219/8, 5th Lane,  
Mandawila Road,  
Mulleriyawa,  
New Town.

Plaintiff

**vs.**

Viduranga Kumari Davulagala,  
No. 295,  
1st Lane, Darshana Mawatha,  
Balagolla,  
Kandy.

New Address:

No. 53/311, Aruppola National Housing Scheme,  
Aruppola, Kandy.

Defendant

I, Viduranga Kumari Davulagala of No. 53/811, Aruppola National Housing Scheme, Aruppola, Kandy, being a Buddhist, do solemnly, sincerely, and respectfully affirm and declare as follows:

1. I am the affirmand above-named.
2. I declare that I, the defendant in the above case, married the plaintiff, Koralage Nalin Wasantha Fernando, on June 14, 2000. The marriage certificate related to this marriage has been marked as P.1 by the plaintiff, and I request that the said marriage certificate be marked and accepted as V.1.
3. I declare that three children were born to me from this marriage with the plaintiff, and

their names are, respectively, Koralage Dihansa Malvindi Fernando, Koralage Yenuk Linol Fernando, and Koralage Soheli Anuttara Fernando. The birth certificates of the said children have been marked as P.2, P.3, and P.4 by the plaintiff, and I request that these documents be marked and accepted as V.2, V.3, and V.4 respectively.

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## Page 11

4. I declare that the eldest daughter, Koralage Dihansa Malvindi Fernando, has reached the age of majority and is studying law at a private educational institution.
  5. I declare that the second son and the third daughter are currently minors. The son, Koralage Yenuk Linol Fernando, is studying in the 10th grade, and the younger daughter, Koralage Soheli Anuttara Fernando, is studying in the 3rd grade.
  6. I declare that all three children born of this marriage are living under my custody.
  7. I declare that the plaintiff in this case was employed in a private institution at the time of marriage and later worked as a businessman by profession.
  8. I declare that in carrying on his business activities, the plaintiff obtained loans from financial institutions.
  9. I declare that the plaintiff, instead of acting based on management principles in his business activities, believed in occult forces and acted on the advice of individuals engaged in such activities, engaging in various rituals.
  10. I declare that the plaintiff, believing in occult forces, purchased various properties on their advice, and eventually, his business activities declined.
  11. I declare that I came to know that the plaintiff's business activities had collapsed around the year 2019.
  12. Furthermore, I declare that while carrying on his business activities, the plaintiff also purchased several super-luxury vehicles on a lease basis.
  13. During this time, I was living with the plaintiff and children at the house in Battaramulla. The plaintiff neglected his family duties, blamed me for his downfall, and subjected me to verbal abuse and mental and physical distress.
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## Page 12

14. I declare that during the time I was residing with the children at the matrimonial home in Battaramulla, the plaintiff's creditors would come to the house in his absence and hurl insults and threats.
15. Due to this unsafe situation, with the plaintiff's consent, I came to the Kandy area where my parents and relatives reside, and I have been living in Kandy since 2020.
16. Subsequently, the plaintiff avoided coming to the matrimonial home, habitually made

false accusations against me while staying in the Colombo area, and filed for divorce against me in 2022.

17. I state that all the allegations made against me in the plaintiff's plaint are untrue, and I deny all such allegations before the honorable court.
  18. I declare that the plaintiff has neglected his marital duties towards the children and me since 2019, and I have been bearing all the educational and maintenance expenses of the three children, dedicating myself to their well-being and safety.
  19. I declare that for the past 4 years, the plaintiff has not contributed financially or otherwise for the children or for me. I bear all the expenses of the children. To prove the expenses incurred for the eldest daughter's education, the receipts for online payments made to the educational institution are marked as V.5, and the notes confirming online payments for the other two children's educational activities are marked as V.5A and V.5B, and I request that they be accepted.
  20. I declare that I did not receive the sum of 50 lakhs of rupees as mentioned in paragraph 24 of the plaintiff's plaint, but rather the plaintiff took a sum of about 45 lakhs of rupees from the money that was meant for my children's and my needs.
  21. The plaintiff has committed a marital offense by making baseless allegations against me and
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## **Page 13**

by his actions constituting a marital offense, a cause of action has arisen for me to obtain a decree of divorce in my favor against the plaintiff.

Wherefore, I respectfully pray from the honorable court:

- a. To dismiss the plaintiff's plaint.
- b. To grant me the reliefs prayed for in the prayer of the answer filed by me in this honorable court.

I, the above-named affirmand, having read and understood the contents herein, do affirm and state that they are true and correct, and I have placed my signature hereto at Kandy on the 4th day of December, 2023.

Before me,  
S. B. Wijekoon  
Justice of the Peace

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## **Page 14**

In the District Court of Colombo

Case No.: 244/2022

Value: Rs. 2,500,000/-

Procedure: Regular

Nature: Divorce

... [Details of parties]

To the Honorable District Judge of Colombo

The defendant in the above-numbered case respectfully submits the following admissions and issues and prays that they be accepted and filed in the case record.

1. It is admitted that this court has jurisdiction to hear and determine this case as stated in paragraph 1 of the plaint.
  2. The marriage between the two parties is admitted as stated in paragraph 2 of the plaint.
  3. Paragraph 3 of the plaint is admitted.
  4. Paragraph 4 of the plaint is admitted.
  5. Paragraph 5 of the plaint is admitted.
  6. It is admitted that a child was born on August 25, 2002, as stated in paragraph 6 of the plaint.
  7. Paragraph 7 of the plaint is admitted.
  8. [Admitted that a child was born on] 18/07/2008
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## Page 15

9. It is admitted that they resided in a rented house in Battaramulla in the year 2007, as stated in paragraph 10 of the plaint.
10. It is admitted that in early 2011, the defendant had a back ailment and received medical treatment as well as traditional remedies for it, as stated in paragraph 11 of the plaint.
11. It is admitted that the younger daughter was born on October 14, 2014, as stated in paragraph 13 of the plaint.
12. Paragraph 14 of the plaint is admitted.
13. Paragraph 15 of the plaint is admitted.
14. Among the matters stated in paragraph 16 of the plaint, it is only admitted that assistance was provided for almsgiving to a monk at the plaintiff's request.
15. It is only admitted that all of the plaintiff's businesses collapsed around the year 2019, as stated in paragraph 21 of the plaint.
16. It is admitted that all vehicles belonging to the company where the plaintiff and defendant served as directors were returned to the finance company, and the house in Battaramulla was sold to LOLC company, as stated in paragraph 24 of the plaint.

17. Among the matters stated in paragraph 26 of the plaint, it is only admitted that the plaintiff is currently residing separately.

**Issues to be Determined:**

1. Did the plaintiff acquire a number of super-luxury vehicles on a leasing basis without the defendant's knowledge?
  2. Did the plaintiff's businesses collapse due to his poor management?
  3. Did the defendant give the plaintiff a sum of over forty-five lakhs of rupees (Rs. 4,500,000/-) to settle the loans taken by the plaintiff?
  4. Has the plaintiff not provided any money for the maintenance of the defendant or the three children since 2019?
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**Page 16**

In the District Court of Colombo - Court No. 07

Before the Honorable Additional District Judge, Chandima Edirimanne

Case No. - DDV 00244/22

Date - 2024/05/03

(Recorded by: Piumi Wettasinghe, Stenographer)

**Judgment**

This action has been filed by the plaintiff seeking a decree of divorce in his favor, annulling the marriage solemnized between the plaintiff and the defendant on 2000/06/14 under marriage certificate No. 8608, on the grounds of the defendant's malicious desertion. The plaintiff also seeks legal custody of the two children born of the marriage, reasonable access to the children, and to recover a sum of 2.5 million rupees from the defendant.

After the defendant appeared in court and filed her answer, a pre-trial conference was held, during which the parties submitted the following issues to be determined.

**Issues to be Determined**

1. Did the defendant act in the manner described in paragraphs 19, 20, 22, 27, and 29 to 33 of the plaint?
  2. (i) Did the defendant maliciously desert the plaintiff from 2019/05/05?
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**Page 17**

- (ii) Accordingly, is the plaintiff entitled to a decree of divorce in his favor?
3. (i) Was the sum of five million rupees from the sale of the matrimonial home taken entirely by the defendant?
- (ii) Is the plaintiff entitled to half of the said amount?
4. Is the plaintiff the most suitable person to have legal and physical custody of the minor children?
5. If one, several, or all of the above issues are decided in favor of the plaintiff, is the plaintiff entitled to the reliefs prayed for in his plaint and replication?
6. Did the defendant give the plaintiff a sum of over forty-five lakhs of rupees (Rs. 4,500,000/-) to settle the loans taken by the plaintiff?
7. Has the plaintiff not provided any money for the maintenance of the defendant or the three children since 2019?
8. Was residing in the house in Battaramulla with the plaintiff a threat to the safety of the defendant and the three children?
9. Did the plaintiff refuse to move to Kandy to reside with the defendant?
10. Did the plaintiff cause mental distress to the defendant by making baseless allegations of adultery?
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## Page 18

11. Did the plaintiff commit the marital offense of constructive malicious desertion against the defendant?
12. Has a cause of action accrued to the defendant to obtain a decree of divorce against the plaintiff in her favor on the grounds of constructive malicious desertion committed by the plaintiff?
13. Has the plaintiff neglected his duties towards the defendant and the children?
14. Has a cause of action accrued to the defendant to obtain a sum of ten million rupees (Rs. 10,000,000/-) as permanent alimony from the plaintiff?
15. Is it appropriate to grant legal and physical custody of the children born of this marriage to the defendant for their well-being?
16. If all or some of the above issues are answered in favor of the defendant, is the defendant entitled to the reliefs prayed for in the prayer of her answer?

Subsequently, during the trial, the plaintiff, Koralage Nalin Wasantha Fernando, gave evidence, and documents marked P1 to P4 were submitted on behalf of the plaintiff.

Thereafter, the defendant filed an affidavit of preliminary evidence.

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## **Page 19**

The plaintiff has admitted that there are two children from the marriage solemnized between the parties and that they lived in the matrimonial home in Battaramulla. He has stated that a crisis situation arose between the parties in the year 2019.

The plaintiff testified that there was a supernatural force in the matrimonial home they resided in, and a monk known to him gave him advice regarding it. According to that advice, the defendant was kept in the Kandy area until the end of April of that year, while he stayed at the house in Battaramulla.

However, the witness stated that in May, the defendant informed him that she could not return home. Under cross-examination, the plaintiff also made an allegation of adultery against the defendant.

However, no co-defendant was named or brought before the court. The plaintiff stated in this regard that he only wants a divorce and that it is not necessary to prove adultery.

The plaintiff stated that he is a businessman and that in developing his businesses, he engaged in both management principles and occult practices. He further stated that he obtained the help of a monk for these activities.

The witness stated that his wife later developed a back ailment, and at her request, a small room was built in their house for a Buddhist monk.

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## **Page 20**

He also stated that the defendant is now staying at that monk's house.

After the plaintiff's testimony, the defendant filed an affidavit of preliminary evidence on behalf of the defense, in which she agreed to a settlement of the case between the parties.

Accordingly, the plaintiff has agreed to abandon the reliefs sought in the prayer of the plaint and has only agreed to share the legal custody of the two minor children born of the marriage equally. He has also agreed to a decree of divorce being entered in favor of the defendant.

Furthermore, it has been agreed that access to the children will be obtained after informing the defendant by telephone. Taking all these matters into consideration, I hereby annul the marriage solemnized between the plaintiff and the defendant in this case and grant a divorce

on the grounds of the plaintiff's constructive malicious desertion.

I provide the following answers to the issues to be determined:

1. No.
  2. (i) No.  
(ii) No.
  3. (i) No.  
(ii) No answer required.
  4. Not applicable.
  5. Not applicable.
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## Page 21

"6. No answer required.

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"7. No answer required.

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"8. No answer required.

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"9. No answer required.

"

"10. No answer required.

"

"11. Yes.

"

"12. Yes.

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"13. No answer required.

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"14. No answer required.

"

"15. No answer required. Action should be taken according to the settlement.

"

"16. No answer required.

"

Signed

Chandima Edirimanne

Additional District Judge - Colombo

2024/05/03