

Page 1

Plaint

In the District Court of Colombo.

Case Number: DDV 01015/24

Nature: Divorce

Procedure: Regular

Value: 50,000/-

Maggona Gurunnanselage Lumini Maheshika Perera

No. 436/1/W,

Godellawatta Road,

Malabe.

Plaintiff

Versus

Naekadage Don Amal Wageesha

No. 162/470,

Madampitiya Road,

Modara,

Colombo 15.

Defendant

On this day of November, 2024.

[Court Stamp: 05 NOV 2024]

The above-named Plaintiff, appearing through her Attorney-at-Law, states as follows in her plaint:

1. The Plaintiff states that this Honourable Court has jurisdiction to hear and determine this case, as the Defendant in this case has established his permanent residence at the above-mentioned address within the jurisdiction of this Honourable Court.

[Stamp and Signature: True Copy, CHATHURYA DUNUWILA LL.B (Hons), Attorney-at-Law, Commissioner for Oaths, No. 152/B/6, Hulftsdorp Street, Colombo - 12.
chathuryadunuvila98@gmail.com]

2. The Plaintiff and the Defendant were married on the 17th day of December, 2009, based on a love affair after having known each other for a period of nearly 4 years. The marriage certificate No. 721 pertaining to the said marriage is marked X-1, and it is prayed that it be accepted as a part of this plaint itself.
3. The Plaintiff states that after the marriage, the above-named Plaintiff and Defendant started their marital home at the house of the Defendant's father in the Mattegoda area, and thereafter, from the year 2016, they established their marital home and lived at the Defendant's house located at the Plaintiff's current address in the caption in the Malabe area.
4. The Plaintiff states that from this marriage, the female child named Naekadage Dona Mindi Ahasna was born to the Plaintiff by the Defendant on the 17th day of December, 2011, and the female child named Naekadage Dona Adithi Manodya was also born on the 01st day of January, 2015, and that the said two children, who are currently minors, are in the custody of the Plaintiff. The birth certificates of the said children, Naekadage Dona Mindi Ahasna and Naekadage Dona Adithi Manodya, are marked X-2 and X-3 respectively, and it is prayed that they be accepted as a part of this plaint itself.
5. The Plaintiff states that although they led a very peaceful and good family life in the early stages after this marriage, with the passage of time and the increase of each other's official responsibilities, frequent arguments and disputes arose even without any particular reason. After the Defendant went to the Ratnapura area for his professional work, the relationship between the Plaintiff and the Defendant became further limited, and the Plaintiff states that on certain occasions, those disputes escalated.
6. The Plaintiff states that the attempts made to settle these disputes also became futile, and for these reasons, the marital home lost its peaceful state, and the Defendant neglected the duties that should be fulfilled towards his wife.

[Court Stamp: 05 NOV 2024]

Page 3

...and those issues escalated to the level of the marriage breaking down.

7. As some time passed in this manner, since the Plaintiff could not live a married life together with the Defendant in the face of this problematic situation, the said relationship was limited solely to looking into all the needs of the two children.
8. The Plaintiff states that in this situation, the marriage broke down due to a lack of understanding between the two parties, that it has reached a state where it cannot be

restored, and that on the 20th of March, 2021, a verbal dispute between the Plaintiff and the Defendant at the marital home escalated and a confrontational situation arose. At that time, the Defendant left the marital home belonging to him and went to his temporary residence in Ratnapura. From then on, he stopped the connections he had even by telephone with the Plaintiff, and the Defendant only looks into the needs of the two children and provides money for that purpose.

9. In this situation, the Plaintiff states that the marriage of the Plaintiff and the Defendant has now broken down, and it has reached a state where it can never be restored again.
 10. The Plaintiff states that the two minor children born of this marriage are currently in the custody of the Plaintiff, that the said two children are being educated at a leading school, and that a large monthly expenditure of over one hundred thousand rupees (Rs. 100,000) has to be incurred for that purpose. The financial support of the Defendant is obtained for the maintenance and needs of the two children, and accordingly, both the Plaintiff and the Defendant jointly fulfill the said duties.
 11. In the face of the above situation, the Plaintiff states that,
 - I. On the basis of the aforementioned conduct of the Defendant, that is, on or around the 20th day of March, 2021, the Defendant has maliciously deserted her. Accordingly, for the purpose of annulling the bond of matrimony existing between the Plaintiff and the Defendant on the ground of the matrimonial fault of malicious desertion by the Defendant, and for obtaining a divorce judgment and decree in favor of the Plaintiff;
-

Page 4

II. For the purpose of obtaining joint legal custody of the two minor children born of the said marriage for both the Plaintiff and the Defendant, and physical custody for the Plaintiff;

III. For the purpose of recovering a monthly sum of Rs. 50,000/- from the Defendant for the maintenance and upbringing of the said two minor children, and in addition, fifty percent (50%) of the educational expenses of the two children;

IV. For the purpose of obtaining a judgment and decree against the Defendant to the effect that the Plaintiff and the two minor children born of the said marriage should be allowed to reside in the house belonging to the Defendant at No: 436/1/W, Godellawatta Road, Malabe, where the Plaintiff is currently residing, as their marital home, and/or alternatively, that the said Defendant's property should be sold and 50% of the said sale price should be given to the Plaintiff;

a cause of action has accrued to the Plaintiff to file a case against the Defendant.

12. The Plaintiff values this case at Rs. 50,000/- for the purpose of stamp fees.

Therefore, the Plaintiff respectfully prays from the Honourable Court,

- a). For a divorce judgment and decree in favor of the Plaintiff, annulling the bond of matrimony existing between the Plaintiff and the Defendant on the ground of the matrimonial fault of malicious desertion by the Defendant on or around the 20th day of March, 2021;
 - b). For joint legal custody of the two minor children born of the said marriage, namely Naekadage Dona Mindi Ahasna and Naekadage Dona Adithi Manodya, to be vested equally in the Plaintiff and the Defendant, and for physical custody...
-

Page 5

...to be granted solely to the Plaintiff;

- c). For a judgment and decree to the effect that the Defendant shall pay a monthly sum of fifty thousand rupees (Rs. 50,000/-) for the maintenance of the said two minor children born of the said marriage until the said children reach the age of majority, and in addition, half (fifty percent (50%)) of the educational expenses of the two children;
- d). For a judgment and decree against the Defendant to the effect that the Plaintiff and the two minor children born of the said marriage should be allowed to reside in the house belonging to the Defendant at No: 436/1/W, Godellawatta Road, Malabe, where the Plaintiff is currently residing, as their marital home, and/or alternatively, that the Defendant should sell the property at No: 436/1/W, Godellawatta Road, Malabe, and pay half (50% of the amount) of the said sale price to the Plaintiff;
- e). For the costs of the action, and
- f). For such other and further relief as to this Honourable Court shall seem meet.

Signed/-

Attorney-at-Law for the Plaintiff

[Stamp of CHATHURYA DUNUWILA]

Page 6

Case Number: 01015/24/DDV

Nature: Divorce

Procedure: Regular

Value: 50,000/-

Consent Motion

In the District Court of Colombo.

Maggona Gurunnanselage Lumini Maheshika Perera
No. 436/1/W,
Godellawatta Road,
Malabe.

Plaintiff

Versus

Naekadage Don Amal Wageesha
No. 162/470,
Madampitiya Road,
Modara,
Colombo 15.

Defendant

On this 13th day of February, 2025.

As an agreement has been reached between the parties in this case, it is respectfully prayed that permission be granted to call the above-numbered case for an *inter partes* hearing on the 24th day of February, 2025.

Signed/-

Attorney-at-Law for the Plaintiff

[Stamp of CHATHURYA DUNUWILA]

Signed/-

Attorney-at-Law for the Defendant

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

Page 7

In the District Court of Colombo.

Case Number: 01015/24/DDV

Nature: Divorce

Procedure: Regular

Value: Rs. 50,000/-

Maggona Gurunnanselage Lumini Maheshika Perera
No. 436/1/W,

Godellawatta Road,
Malabe.
Plaintiff
-Versus-

Naekadage Don Amal Wageesha,
No. 162/470,
Madampitiya Road,
Modara,
Colombo 15.

Defendant

Motion

The proxy of the defendant in the above-numbered case is submitted herewith, and I respectfully pray for an order to accept it and file it in the case record.

On this 20th day of December, 2024.

Signed/-
Attorney-at-Law for the Defendant
[Stamp of K.V. Nadeeka N. Seneviratne]

Page 8

Summons to the Defendant

In the District Court of Colombo.

Case Number: DDV 015/24/
Nature: Divorce
Procedure: Regular
Value: 50,000/-
Maggona Gurunnanselage Lumini Maheshika Perera
No. 436/1/W,
Godellawatta Road,
Malabe.
Plaintiff
Versus

Naekadage Don Amal Wageesha
No. 162/470,

Madampitiya Road,
Modara,
Colombo 15.
Defendant
To the above-named Defendant.

Whereas the above-named Plaintiff has instituted an action against you in this Court to obtain the relief prayed for in the plaint, you are hereby required to file your answer, if any, to the plaint annexed hereto in this Court on or before the 10th day of March, 2025, at 09:00 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,
[Court Stamp: 05 NOV 2024]
Signed/-
For the Registrar
Registrar,
Colombo.
On this 13th day of December, 2024.

Page 9

[Court Seal: 10 MAR 2025]

In the District Court of Colombo.

Case Number: 01015/24/DDV
Nature: Divorce
Procedure: Regular
Value: Rs. 50,000/-
On this 13th day of February, 2025.

Maggona Gurunnanselage Lumini Maheshika Perera
No. 436/1/W,
Godellawatta Road,
Malabe.
Plaintiff

-Versus-

Naekadage Don Amal Wageesha,
No. 162/470,
Madampitiya Road,
Modara,
Colombo 15.

Defendant

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 an 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/-

Attorney-at-Law for the Defendant
[Stamp of K.V. Nadeeka N. Seneviratne]

Signed/-
Defendant

Page 10

District Court of Colombo - No. 07

Before Her Honour, Additional District Judge Chandima Edirimanne.

Case Number: DDV 01015/24

Date: 2025/03/10

(Notes by L. Piumi Vettasinghe)

The Plaintiff is present.

Attorney-at-Law Ms. Kalpani Karunaratne appears on the instructions of Attorney-at-Law Ms. Chathurya Dunuwila for the Plaintiff.

The Defendant is present.

Attorney-at-Law Ms. Nadeeka Seneviratne appears for the Defense.

It is stated that there is no contest between the parties of the case. Accordingly, the terms of settlement are submitted in writing. The parties agree to hold an uncontested hearing in

accordance with the said terms of settlement.

Name: Maggona Gurunnanselage Lumini Maheshika Perera. Age: 42 years. Address: No. 436/1/W, Godellawatta Road, Malabe. Occupation: Assistant Registrar. Sinhala/Buddhist. Affirms.
[Court Stamp: 13 JUN 2025]

Page 11

...the marriage relationship deteriorated to a state where we only looked into official matters. On that basis, disputes began to arise between the two parties. Thereafter, on 2021/03/20, in this manner, verbal disputes between the two parties escalated and quarrels arose. On 2021/03/20, the defendant left the marital home and established his permanent residence in the Ratnapura area where he works. After that, all connections between us were abandoned, and I state that this marriage has broken down to an irreparable state. I report to the court that the defendant has subsequently established residence at this Modara address.

As I have prayed from the court at present, I have submitted certain requests as reliefs that should be granted to me. Regarding the reliefs I have requested from the court, the defendant and I have already reached an agreement outside of court. Accordingly, I have submitted to the Honourable Court at this time the settlement agreement dated 2025/01/24, reached between me and the defendant. Accordingly, I respectfully pray from the Honourable Court to grant me those reliefs as further detailed in these terms of settlement. Accordingly, I pray for these reliefs from the Honourable Court in accordance with the terms of settlement dated 2025/01/24. At this time, I request the court's permission to mark the said terms of settlement document as P4.

Accordingly, finally, I request the reliefs that have been sought in these terms of settlement from the Honourable Court.

No cross-examination.