

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**CIVIL PROCEDURE CODE (AMENDMENT) ACT, No. 7 OF 2023**

**[Certified on 27th of June, 2023]**

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| *Civil Procedure Code (Amendment)* | 1 |

*Act, No. 7 of 2023*

[Certified on 27th of June, 2023]

L.D.—O. 35/2021

AN ACTTOAMENDTHE CIVIL PROCEDURE CODE (CHAPTER 101)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

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| **1.** This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 7 of 2023.  **2.** The following new section is hereby inserted immediately after section 431 of the Civil Procedure Code (Chapter 101), and shall have effect as section 431A of that Code:– | Short title  Insertion of new section 431A in Chapter 101 |

**“D. - COMMISSIONS FOR MEDICAL**   
**EXAMINATIONS**

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| Commissions for medical  examinations | **431A.** (1) (*a*) Where the action is one for damages for injury to person, the court shall, on application made by any party and subject to such terms and conditions as it may determine, order the injured person to submit himself to medical examination by one or more but not exceeding three medical practitioners, nominated by the court. |

(*b*) Upon such examination, the report shall   
be submitted to court on or before such date as   
may be specified. The court shall forthwith   
cause a copy of each such report to be served   
on each of the parties.

(2) It shall be lawful for any party to an   
action to have one or more medical   
practitioners of such party’s choice to be   
present at such examination as an observer or   
observers.

(3) Where the injured person fails or refuses   
to comply with an order of court made under

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subsection (1), the court shall be entitled to   
draw all such inferences against such person as   
in all the circumstances of the case can properly   
be drawn by reason of such failure or refusal.

(4) Such report or reports may, without   
further proof be used as evidence of the facts   
stated therein at the trial:

Provided that, the court shall, on application   
made by any party to the action and upon such   
terms as to costs or otherwise as it may   
determine, order that the medical practitioner   
be summoned and examined orally on any   
matter arising from or in connection with the   
report or any statement of fact therein or any   
relevant fact which is alleged by any party to   
have been omitted therefrom.

(5) Every court shall, from time to time,   
prepare a list of medical practitioners residing   
in or engaged in the practice within the   
jurisdiction of such court, to whom an order   
may be made under subsection (1)(*a*) for a   
medical examination:

Provided however, the court shall, prior to   
the inclusion of the name of any medical   
practitioner in such list, make such inquiries   
as may be necessary to ascertain the regular   
availability of such medical practitioner to   
undertake such medical examination.

(6) For the purpose of this section, “medical   
practitioner” means a medical practitioner   
registered with the Sri Lanka Medical Council   
established under the Medical Ordinance   
(Chapter 105).”.

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| Sinhala text to  prevail in case  of inconsistency | **3.** | In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

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