

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

**PARTITION (AMENDMENT)**

**ACT, No. 27 OF 2024**

**[Certified on 13th of May, 2024]**

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*Act, No. 27 of 2024*

[Certified on 13th of May, 2024]

L.D.-O. 68/2021

AN ACTTOAMENDTHE PARTITION LAW, NO. 21 OF 1977

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 Partition (Amendment) Act, No. 27 of 2024.  **2.** Section 15 of the Partition Law, No. 21 of 1977 (hereinafter referred to as the “principal enactment”) is hereby amended as follows: - | | Short title  Amendment of section 15 of  Law, No. 21 of 1977 |
| (1) | by the repeal of subsections (2) and (3) thereof, and |

the substitution therefor of the following   
subsections:-

“(2) Every Grama Niladhari to whom a copy of   
such notice and a copy of a translation thereof are   
sent by registered post under subsection (1) of this   
section shall cause the contents of the notice,   
including the Schedule of the land or lands, as the   
case may be, to be exhibited in a banner displayed,   
in the manner as may be prescribed by regulations,   
in a conspicuous place in his office or close to his   
office for a period of not less than thirty days, and   
shall forward to the court a report to that effect   
substantially in the form set out in the Second   
Schedule.

(3) The Grama Niladhari shall also cause the   
contents of the notice sent to him under subsection   
(1) of this section, including the Schedule of the   
land or lands, as the case may be-

(*a*) to be exhibited in a banner, in a   
 conspicuous position in the land or lands,   
 as the case may be, in the manners as may   
 be prescribed by regulations; and

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(*b*) to be orally proclaimed by way of public   
 announcement made using a loudspeaker   
 at such land or each of such lands and at   
 any public place close to such land or each   
 of such lands, as the case may be,

and shall forward to the court a report to that effect   
substantially in the form set out in the Second   
Schedule.”; and

(2) by the addition, at the end of that section of the   
following new subsection:-

“(4) The cost of the publication done under   
subsections (2) and (3) of this section shall be borne   
by the plaintiff in the first instance and shall be   
recoverable “*prorata*”. The Grama Niladhari shall   
forward an affidavit to the court affirming the   
execution of the publications referred to in   
subsections (2) and (3) of this section along with   
the reports referred to in subsections (2) and (3) of   
this section within two months from the date of   
receipt of such notice.”.

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| Amendment of  section 16 of the principal  enactment | **3.** Section 16 of the principal enactment is hereby amended by the repeal of subsection (2) thereof, and the substitution therefor of the following subsection:- |

“(2) (*a*) The commission issued to a surveyor   
under subsection (1) of this section shall be   
substantially in the form set out in the Second   
Schedule and shall have attached thereto a copy of   
the plaint certified as a true copy by the registered   
attorney for the plaintiff.

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(*b*) The court may, upon transmit to it under   
section 18 the plan prepared by the surveyor in the   
execution of the commission issued under   
subsection (1), order to issue a further commission,   
on its own motion or at the instance of any party to   
the action, authorizing-

(i) the surveyor referred to in subsection (1)   
 or any other surveyor whose name is   
 specified in the list of surveyors referred   
 to in section 73, to survey any larger or   
 smaller portion of the land that was   
 surveyed under the commission issued   
 under subsection (1); or

(ii) any surveyor other than the surveyor   
 referred to in subsection (1) and whose   
 name is specified in the list of surveyors   
 referred to in section 73, to resurvey the   
 land that was surveyed under the   
 commission issued under subsection (1),

and the court may also direct the surveyor who   
executes the further commission to superimpose   
the plan prepared under the further commission on   
the plan prepared in the execution of the commission   
issued under subsection (1) or to carry out any other   
similar matter necessary for the adjudication of the   
action.

(*c*) In the execution of the further commission   
referred to in paragraph (*b*), the provisions of   
paragraph (*a*) of this subsection, the provisions of   
subsections (1), (3), (4), (5) and (6) of this section   
and the provisions of sections 17 and 18 shall   
*mutatis mutandis*, apply in respect thereof.”.

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| Amendment of  section 17 of the principal  enactment | **4.** Section 17 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “after beat of tom-tom,” of the words “by way of |

public announcement made using a loudspeaker,”.

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| Amendment of  section 18 of the principal  enactment | **5.** Section 18 of the principal enactment is hereby amended in subparagraph (iv) of paragraph (*a*) of subsection (1) thereof, by the substitution for the words “the parties to |

the action who were present at the survey,” of the words “the parties to the action who were present at the survey, the nature of their claims”.

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| Amendment of  section 23 of the principal  enactment | **6.** Section 23 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for all the words from “Every party to a partition action shall,” |

to “a list filed as aforesaid.” of the words-

“Every party to a partition action shall, not less   
than thirty days before the date first fixed for the   
trial of the action, file or cause to be filed in the   
court a list of documents on which he relies to prove   
his rights, share or interest to, of or in the and   
together with an abstract of the contents of such   
documents and a list of witnesses. Where a party is   
allowed to intervene after the date first fixed for   
trial, such party shall file a list of documents and a   
list of witnesses within thirty days of such   
intervention. No party shall, except with the leave   
of the court which may be granted on such term as   
the court may determine, be permitted to put any   
document or witness in evidence on his behalf in   
the action if that document or witness is not listed   
in the lists filed as aforesaid.”.

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| **7.** The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment:- | | Insertion of new section 24A in  the principal  enactment |
| “Amendments | 24A. (1) Upon an application made to the |
| of pleadings | court before the day first fixed for trail of the |

action, in the presence of, or after reasonable   
notice to all the parties to the action, the court   
shall have full power of amending in its   
discretion, all pleadings in the action, by way   
of addition, or alteration, or of omission.

(2) On or after the date the case is first fixed   
for trail, no application for the amendment of   
any pleadings shall be allowed unless the court   
is satisfied for reasons to be recorded that grave   
and irremediable injustice will be caused or   
that a thorough investigation of title will be   
impeded, if such amendment is not permitted   
subject to costs or otherwise, and that the party   
so applying has not been guilty of laches.

(3) Any application for amendment of   
pleadings which may be allowed by the court   
under subsection (1) or (2) shall be upon such   
terms as to costs and postponement or otherwise   
as the court may think fit.

(4) The additions or alterations or omissions   
shall be clearly made on the face of the   
pleading affected by the order; or if this cannot   
conveniently be done, a fair copy of the   
pleading as altered shall be appended in the   
record of the action to the pleading amended.   
Every such addition or alteration or omission   
shall be signed by the Judge.”.

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| Amendment of  section 27 of the principal  enactment | **8.** Section 27 of the principal enactment is hereby amended by the repeal of subsection (3) thereof, and the substitution therefor of the following subsection:- |

“(3) Where the court decides that the land or any   
portion thereof shall be partitioned, the commission   
under subsection (2) of this section shall be issued   
to the surveyor who made the preliminary survey   
under section 17 unless the court decides to issue it   
to any other surveyor whose name is specified in   
the list referred to in section 73orwhere court   
deemed fit, notwithstanding anything to the   
contrary in section 73, to any other surveyor upon   
agreement of all parties who have been awarded   
any right by the interlocutory decree entered under   
section 26.”.

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| Amendment of  section 30 of the principal  enactment  Replacement of section 36A of the principal  enactment | **9.** Section 30 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words “after beat of tom-tom,” of the words “by way of public announcement made using a loudspeaker,”.  **10.** Section 36A of the principal enactment is hereby repealed and the following section is substituted therefor:- | |
| “Application | 36A. Any person dissatisfied with an order |
| for leave to appeal | made by the court under section 36 may prefer an application for leave to appeal to the |

relevant High Court established by Article   
154P of the Constitution in terms of subsection   
(2) of section 754 of the Civil Procedure Code

(Chapter 101) against such order.”.

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| Amendment of section 45A of the principal  enactment | **11.** Section 45A of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words and figures “under sections 36A and 45A” of the |

words and figures “under sections 36 and 45”.

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| **12.** Section 52 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “by motion in that behalf,” of the words “by motion in that behalf, within ten years from the date of such final | Amendment of  section 52 of the principal  enactment |

decree or of the final decree, if any, on appeal affirming the same”.

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| **13.** Section 57 of the principal enactment is hereby amended by the repeal of paragraph (*d*) of subsection (1) thereof, and the substitution therefor of the following paragraph:- | | Amendment of  section 57 of the principal  enactment |
| “(*d*) | the cost incurred in the display of the banner and |

the proclamation made under section 15 and the   
cost incurred in the proclamation made under   
section 17;”.

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| **14.** Section 67 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words “damage to the land” of the words “damage to the land, or making any alteration to the character of the land,”.  **15.** The Second Schedule to the principal enactment is hereby amended as follows:- | | Amendment of  section 67 of the principal  enactment  Amendment of the Second  Schedule to the principal  enactment |
| (1) | in the Form prescribed under subsection (2) of |

section 15 which bears the title “REPORT BY   
GRAMA NILADHARI”-

(*a*) by the substitution for the words and figures  
 “(Section 15(2))” of the words and figures  
 “(subsections (2) and (3) of section 15)”; and

(*b*) by the substitution for the words “I have   
 exhibited the annexed notice with   
 translations on the notice board of my office   
 from ....19....to.....19” of the following:-

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“I have exhibited the contents of the notice,   
including the Schedule of the land in a   
banner displayed in a conspicuous place   
in my office and in a conspicuous place in   
the landand orally proclaimed by way of   
public announcement made using a   
loudspeaker at such land and at a public   
place close to such land from .... to ....”;   
and

(2**)**  in the Form prescribed under subsection (1) of   
section 18 whichbears the title “FORM OF   
SURVEYOR’S REPORT”, by the repeal of   
paragraph (vi) thereof, and the substitution therefor   
of the following:-

“(vi) parties present and the nature of their  
 claims;”.

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| Avoidance of doubt | **16.** For the avoidance of doubt, it is hereby declared that the amendments made by section 3 of this Act to section 16 |

of the principal enactment shall apply to any action, proceeding or appeal instituted under the provisions of the principal enactment and pending or incomplete on the date of coming into operation of this Act.

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| Sinhala text to  prevail in case  of inconsistency | **17.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. |

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