

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

**CIVIL PROCEDURE CODE**

**(AMENDMENT) ACT, No. 43 OF 2024**

**[Certified on 02nd of August, 2024]**

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

*Act, No. 43 of 2024*   
 [Certified on 02nd of August, 2024]   
L.D.-O. 72/2021   
 AN ACTTOAMENDTHE CIVIL PROCEDURE CODE (CHAPTER 101)

BE it enacted by the Parliament of the Democratic Socialist   
Republic of Sri Lanka as follows: -  
 **1.** This Act may be cited as the Civil Procedure Code Short title (Amendment) Act, No. 43 of 2024.

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| **2.** Section 5 of the Civil Procedure Code (Chapter 101) (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion immediately after the definition | Amendment of section 5 of  Chapter 101 |

of the expression “decree”, of the following new definition:-*““*electronic” shall have the same meaning assigned to it by the Electronic Transactions Act, No.19 of   
2006;”.

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| **3**. Section 9 of the principal enactment is hereby amended by the repeal of paragraph (*a*) thereof, and the substitution therefor of the following new paragraph: - | Amendment of section 9 of the principal  enactment |

“(*a*) a party plaintiff or a party defendant resides; or”.

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| **4.** Section 27 of the principal enactment is hereby amended as follows: -  (1) in subsection (1) thereof- | Amendment of  section 27 of the principal  enactment |

(*a*) in paragraph (*b*) by the substitution, for the   
words “party whom he represents; and”, of   
the words “party whom he represents;”; and

(*b*) by the repeal of paragraph (*c*) thereof, and the   
substitution therefor of the following new   
paragraphs: -

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“(*c*) include an electronic mail address and a   
mobilephone number to which service of any   
process, notice or any other legal documents   
may also be served on a registered attorney;

(*d*) contain a memorandum substantially in the   
Form No. 16A of the First Schedule in   
duplicate setting out the address, mobile   
phone number and the electronic mail   
address, if any, of such party which shall be   
considered as the registered address, the   
registered mobile phone number and the   
registered electronic mail address,   
respectively of such party. The registered   
attorney shall with such memorandum tender   
to the Registrar stamps to the value required   
to cover cost of service of such notices or   
other legal document by registered post and   
the registered attorney shall bear the cost of   
courier service or service through electronic   
means;”;

(2) by the insertion immediately after subsection (2) of   
the following new subsection:-

“(2A) (*a*) Where a party is represented by a   
registered attorney, such attorney shall in the   
appointment, state the national identity card   
number, passport number or any other mode of   
identification, as the case may be, of the party and   
shall also make an endorsement thereon certifying   
the identity of such party. Where the party is a   
company or a body corporate the appointment shall   
be made under the seal of such company or a body   
corporate as the case may be.

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(*b*) In the event a person who resides outside   
Sri Lanka is unable to meet his registered attorney   
to sign the appointment under subsection (1), such   
appointment shall be signed in the presence of any   
of the following authorized persons who shall certify   
the identity of such person: -

(i) an Attorney-at-Law, a solicitor, a lawyer or   
 a Notary of the country where such party   
 resides; or

(ii) the High Commissioner, the Ambassador, a   
 diplomatic officer or a consular officer of   
 the Sri Lankan High Commission, Embassy   
 or Consular Office in the country in which   
 such party resides.

(*c*) In the case of any delay or any difficulty   
to produce the original of the appointment within   
the specified time, a copy of the original in   
electronic form may be produced in court subject   
to production of the original of such appointment   
within a reasonable time as the court may direct.”.

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| **5.** Section 55 of the principal enactment is hereby amended by the repeal of subsection (2) of that section, and the substitution therefor of the following subsections: - | Amendment of  section 55 of the principal  enactment |

“(2)(*a*) Every party to an action, not appearing by a   
registered attorney, shall on or before the date specified   
in the summons deliver to the Registrar a memorandum   
substantially in the Form No. 16A in the First Schedule   
in duplicate setting out the address, mobile phone   
number and the electronic mail address if any, which   
shall be considered as the registered address, the

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registered mobile phone number and the registered   
electronic mail address respectively of such party for   
the service of the notices or any other legal document   
required to be served on such party under the provisions   
of this Code unless otherwise provided. Every party   
shall inform the Registrar forthwith of any change in   
the address, the mobile phone number or the electronic   
mail address.

(*b*) Every party shall with such memorandum tender   
to the Registrar stamps to the value required to cover   
cost of service of such notices or other legal document   
by registered post. He shall bear the cost of courier   
service or service through electronic means.

(3) Where a party appears by a registered attorney,   
the address, the mobile phone number and the   
electronic mail address of the registered attorney   
contained in his appointment under section 27 shall be   
deemed to be the registered address, the registered   
mobile phone number and the registered electronic mail   
address of such Attorney-at-Law so long as the   
appointment is in force.

(4) Any notice or other legal document required to   
be served on any party shall be deemed sufficient   
service if served by registered post orcourier service or   
through electronic means-

(i) on such party on the registered address, the   
 registered mobile phone number or the   
 registered electronic mail address of such   
 party; or

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(ii) on such registered attorney, where a party   
 appears by a registered attorney and such   
 appointment is in force, on the registered   
 address, the registered mobile phone number   
 and the registered electronic mail address of   
 such registered attorney.

(5) The Registrar shall file one copy of the   
memorandum substantially in the Form No. 16A   
furnished to him as part of the record of the case and   
keep and maintain the other copy by way of a separate   
ledger.”.

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| **6.** Section 59 of the principal enactment is hereby repealed and the following section is substituted therefor: - | Replacement of section 59 of the principal |

enactment

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| “Service of  summons | **59.** (1) (*a*) Summons shall ordinarily be served by the process server, registered post or |

courier service.

(*b*) Where the plaintiff wishes summons may   
also be served through electronic mail, all   
necessary documents shall be submitted by the   
plaintiff to the relevant court in electronic form.

(2) In the case of a company or a body   
corporate summons may be delivered by the   
process server, registered post, courier service   
or electronic mail if any to the registered office   
or to the principal place of business of such   
company or body corporate.

(3) Where the defendant is a public officer,   
the court may send summons by the process

server, registered post orcourier service to the

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head of the department in which the defendant   
is employed, and it shall be the duty of such   
head of department to cause the summons to   
be served personally on the defendant.

(4) Where the court is *prima facie* satisfied   
that the defendant is in the employment of   
another person, the court may send the   
summons by the process server, registered post   
or courier service to the employer at his place   
of business or, where the employer is a company   
or a body corporate, to any secretary, manager   
or other like officer of the company or the body   
corporate, and it shall be the duty of such   
employer or officer, as the case may be, to cause   
the summons to be served personally on the   
defendant.

(5) Where a defendant appears in court in   
person on summons being served on him in   
the manner referred to above, he shall produce   
the national identity card or passport or any   
othermode of identification as the court may   
deem fit.

(6) In this section-

“ head of department ”-

(*a*) when used with reference to a   
 member of any unit of the Sri   
 Lanka Army, Navy or Air Force,   
 means the Commanding Officer   
 of that unit;

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(*b*) when used with reference to a   
 person employed in a local   
 authority, where the local   
 authority is a Municipal   
 Council, means the Municipal   
 Commissioner of that Council   
 and where the local authority is   
 an Urban Council or a   
 Pradeshiya Sabha, means the   
 Chairman or the Secretary of that   
 Council or Sabha;

(*c*) when used with reference to any   
other public officer means the   
head of the department of   
Government in which such   
person is employed; and

“national identity card” means the   
identity card issued to such person   
under the Registration of Persons   
Act, No. 32 of 1968.”.

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| **7.** Section 60 of the principal enactment is hereby repealed and the following section is substituted therefor: - | Replacement of section 60 of the principal |

enactment

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| “Service by  the process  server | **60.** (1) (*a*) Where the summons are served by the process server, the summons shall be accompanied by a precept in the Form No. 17 |

of the First Schedule.

(*b*) (i) The process server may, upon the   
summons being served on the defendant,   
obtain the signature or the thumb impression   
of such defendant on the precept as

acknowledgment of the service of summons.

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(ii) The process server shall return the   
precept to the court, together with a report   
setting out the manner in which the summons   
was served on the defendant containing   
particulars relating to the identity of the   
person, date, time and place the summons were   
served. The report shall also state whether   
defendant, placed or refused to place his   
signature or thumb impression, on the precept   
as acknowledgment of the service of summons.

(iii) The refusal by any defendant to place   
the signature or thumb impression, as the case   
may be, on the precept shall not be considered   
as an invalidation of the service of summons.

(2) If the service referred to in the preceding   
provisions of this section cannot by the   
exercise of due diligence be effected, the court   
may having obtained an affidavit from the   
plaintiff stating that to the best of his   
knowledge the defendant resides in the   
captioned address and not living outside Sri   
Lanka, order the process server to affix the   
summons at some conspicuous part of the house   
in which the defendant ordinarily resides or in   
the case of a company or a body corporate, at   
the registered office or at the usual place of   
business or office of such company or a body   
corporate and in every such case the summons   
shall be deemed to have been duly served on   
the defendant.

(3) The Court may authorise the process   
server to serve the summons outside the local   
limits of the court as directed by the court.

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(4) Where it is reported by the process server   
that the summons could not be affected   
personally on the defendant on the last known   
address given by the plaintiff and the plaintiff   
informs Court by filling affidavit that the   
plaintiff is unaware of the place where the   
defendant resides, the court upon being   
satisfied on the contents of such affidavit, order   
that the summons be served by way of   
publication in newspapers in all three   
languages as the court may in each case direct.

(5) For the purpose of this chapter-

“process server” means a fiscal, a   
deputy fiscal, an officer   
authorized by the Judge or   
Registrar of the court to serve   
documents of the court within   
the local limits or outside the   
local limits of the court as   
directed by the court, or the   
Grama Niladhari within whose   
division the defendant resides.”.

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| **8.** Section 61 of the principal enactment is hereby repealed and the following section is substituted therefor: - | | Replacement of section 61 of the principal  enactment |
| “Proof of | **61.** When summons are served by- |
| service | |

(*a*) registered post or courier service, the   
registered post article receipt or proof   
of delivery of courier service;

(*b*) electronic mail, the proof of sending   
of the electronic mail by the Registrar   
and filed as part of the case record;

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(*c*) publication in newspapers, copies of   
 such publications; or

(*d*) in any other manner, an affidavit of   
 such service,

shall be sufficient evidence of the service of   
the summons and of the date of such service,   
and shall be admissible in evidence and the   
statements contained therein shall be deemed   
to be correct unless and until the contrary is   
proved.”.

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| Replacement of section 66 of the principal | **9.** Section 66 of the principal enactment is hereby repealed and the following section is substituted therefor: - |

enactment

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| “Service on  agent or  affixing on  immovable  property | **66.** In an action to obtain relief or compensation for wrong in respect of an immovable property or connected thereto, if the service cannot be made on the defendant in person, it may be made on any agent of the |

defendant in charge of the property and in cases   
where such agent cannot be found the court   
may direct that the summons shall be affixed   
at some conspicuous part of such property.”.

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| Replacement of section 68 of the principal | **10.** Section 68 of the principal enactment is hereby repealed and the following section is substituted therefor: - |

enactment

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| “Service on  defendant in  jail | **68.** (1) If the defendant be in jail, the summons shall be delivered by the process server to the officer in charge of the jail in which |

the defendant is confined, and such officer   
shall cause the summons to be served   
personally on the defendant and obtain an   
acknowledgement of receipt of the summons   
by the defendant.

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(2) The precept shall be returned through   
the process server to the court from which it is   
issued, with a statement of the service endorsed   
thereon, and signed by the officer in charge of   
the jail.

(3) Where any defendant is in prison on   
the summons returnable date the officer in   
charge of the prison shall produce the   
defendant to the Court .”.

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| **11**. Section 70 of the principal enactment is hereby amended by the substitution for the words and figures “other requirements of section 55.”, of the words and figures “other | Amendment of  section 70 of the principal  enactment |

requirements of section 55. Such service can be effected by courier service or by any legal firm authorised by the laws of such country where the defendant resides and the proof of personal service of summons shall be submitted to the court.”.

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| **12.** The following new chapter is hereby inserted immediately after Chapter VIII of the principal enactment and shall have effect as Chapter VIIIA of that enactment:- | Insertion of new Chapter VIIIA in the principal  enactment |

“CHAPTER VIIIA   
SERVICEOF ORDERS

Communication **71A.** The Court may, in addition to the of Orders service of documents, direct the Registrar to communicate any order of court including an enjoining order, an injunction, an interim injunction, a sequestration order and an interim order to the parties concerned by way of electronic or telephone devices.”.

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| Amendment of  section 86 of the principal  enactment | **13.** Section 86 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following: - |

“(2) Where,

(*a*) at anytime after the case is fixed for *ex-parte*   
trial against the defendant for default; or

(*b*) any time after the decree is entered against   
him for default but without the service of the   
decree on him; or

(*c*) within fourteen days of the service of the   
 decree entered against him for default,

the defendant, with notice to the plaintiff makes   
application to and thereafter satisfies court, that he did   
not receive the summons or that he had reasonable   
grounds for such default, the court shall set aside the   
order fixing the case for *ex-parte* trial, the judgement   
and decree as the case may be and permit the defendant   
to proceed with his defence as from the stage of default   
upon such terms as to costs or otherwise as to the court   
shall deem fit.”.

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| Amendment of section 653 of the principal  enactment  Amendment to  First Schedule to the principal  enactment | **14.** Section 653 of the principal enactment is hereby amended by the substitution, for the words “one thousand five hundred rupees”, of the words “two million rupees.”.  **15.** The First Schedule to the principal enactment is hereby amended as follows: -  (1) by the repeal of Form No. 7 thereof, and the |

substitution therefor of the following form:-

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“No. 7 [Section 27]

FORM OF APPOINTMENT OF A REGISTERED

ATTORNEY

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Know | all | men | by | these | presents | that | I/ |

we………………………………………, holder of National

Identity card bearing no……………………………………..

………………………………………………………………………………….

have nominated, constituted and appointed, and do hereby

|  |  |  |  |
| --- | --- | --- | --- |
| nominate | constitute | and | appoint |

……….…………………………………Attorney-at-Law to

be my/our registered Attorney and for

………………………………….. and in

……………………………………………… name and

behalf before the ………………………………………….

to appear and therein to (sue or defend, as the case may be,

showing what the action is)

And to receive and to take all moneys that may be paid to

him by the said …………………… in the said action, and

to move for and obtain in his name any order or orders

from the said Court for any payments of any sum or sums

of money that may be deposited therein in respect of

……………………………………, and to give all necessary

receipts, releases and discharges therefor. And if need be,

to refer the case to the award and decision of arbitrators

and to name an arbitrator for ………………………, and

for that purpose to sign any motion, submission, or bond;

or, if necessary to allow and consent to a judgement being

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| entered | against | …………………………….. | as | to |

……………………………. said Attorney-at-Law shall

appear fit and proper; and against any judgment, order,

sentence, or decree interlocutory or final of the said Court

to appeal to the High Court, Court of Appeal or Supreme

Court; and every bond or recognizance whatsoever

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necessary in the course of proceedings for the prosecution   
of such appeal for and in ………………………… name   
and as ……………………………………… act to sign, and

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| upon | any | judgement | or | order | of | the | said |

…………………………… Court to proceed to execution

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| against | the | person | and | property | of | the | said |

………………………

And ……………………… do further authorize and   
empower ……………………….. said Attorney-at-Law, to   
take and use all lawful ways and means, and to do and   
perform all such acts, matters and things as may be necessary   
in and about the premises which ………………… being   
personally present might or could lawfully do, and, if   
necessary, one or more Attorney or Attorneys-at-Law or   
counsel, to appoint, and again at pleasure such appointment   
to revoke, and …………………. further promise and agree   
to release all kinds of irregularities, and to ratify, confirm,   
and allow all and whatsoever the said Attorney-at-Law or   
his substitute or substitutes, or the said counsel, shall do   
herein.

.………………………  
 Signature/s

Witness …………………………. hand at  
………………………on this …………….day of  
………………20…

I certify that I am satisfied with the identity of the said  
………….………………..(name/s) according to the   
National Identity Card/Passport/ Senior Citizen Identity

|  |  |  |  |
| --- | --- | --- | --- |
| Card/Driving | Licence | bearing | number |

………………………………. and he/she/they signed before   
me on .................................................

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………………………….…………  
Signature of the registered Attorney/   
Attorney-at-Law/Solicitor/Notary/   
Ambassador/High Commissioner/   
Diplomatic Officer/Consular Officer.

(Seal)

……………………………….   
 Signature of the registered   
 Attorney (Seal).”;   
Address:   
Phone numbers: Office :  
 Mobile :   
Electronic mail Address:   
Fax Number:

(2) by the repeal of Form No. 16A thereof, and the   
 substitution therefor of the following form :-

“No. 16A [Sections 27 and 55]

MEMORANDUM OF REGISTERED ADDRESS /   
REGISTERED MOBILE PHONE NUMBER /   
REGISTERED ELECTRONIC MAIL ADDRESS

In the Commercial High Court /   
District Court /   
Primary Court of …………………  
Case No. :   
I,…………………………………………….(the Plaintiff/   
Defendant/Petitioner/Respondent/Party seeking to be added/   
substituted) hereby furnish my address/ mobile phone   
number/ electronic mail address for the service of the notices   
and all other legal documents required to be served on me   
under this Code.

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I undertake to inform the Registrar of any change of the   
registered address/registered mobile phone number/   
registered electronic mail address forthwith by submitting   
another memorandum in the same form.

Address:   
Mobile Phone Number:   
Electronic mail Address:   
Fax Number:

……………………..

Signature   
Plaintiff/Defendant/Petitioner/ Respondent/   
Party Seeking to be added/ substituted.”;

(3) by the repeal of Form No. 17 thereof, and the   
substitution therefor of the following form:-

“No. 17 [Sections 60, 71A]

FORM OF PRECEPT TO PROCESS SERVER TO SERVE   
SUMMONS OR ORDERS

To the Fiscal / Authorized Officer / Grama Niladhari of the  
……………………………….

Court/Division of ………………………………………..   
Serve forthwith the summons in the above-named action,   
which, with duplicates, is herewith transmitted to you, upon   
each of the persons to whom it is directed, and leave with   
or tender to each such person a duplicate summons and one   
of the copies of (or concise statements presented with) the   
plaint, which accompany the summons. And certify to this   
Court on or before the …………. day of …………..20……,   
in what manner you have executed this precept, returning   
the summons attached to your certificate as an exhibit.

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By order of Court,

(Signed) ………….,

Registrar.

The……..day of ……………20...”.

|  |  |
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| **16.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to  prevail in case  of inconsistency |

|  |  |
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