

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

**RECIPROCALRECOGNITION, REGISTRATION AND ENFORCEMENT OF FOREIGN JUDGMENTS**   
**ACT, No. 49 OF 2024**

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

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| *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* | 1 |

[Certified on 13th of September, 2024]   
L.D.—O. 19/2022   
AN ACTTOMAKEPROVISIONFORTHE RECIPROCAL RECOGNITION,

REGISTRATIONAND ENFORCEMENTIN SRI LANKAOF JUDGMENTSOF

COURTSOFOTHERCOUNTRIES; ANDTOREPEALTHE ENFORCEMENTOF

FOREIGN JUDGMENTS ORDINANCE (CHAPTER 93) ANDTHE

RECIPROCAL ENFORCEMENTOF JUDGMENTS ORDINANCE (CHAPTER

94); ANDTOPROVIDEFORMATTERSCONNECTEDTHEREWITHOR INCIDENTALTHERETO.

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

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| **1.** (1) This Act may be cited as the ReciprocalRecognition, Registration and Enforcement of Foreign Judgments Act, No. 49 of 2024. | Short title and date of  operation |

(2) The provisions of this Act, other than the provisions of this section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the “appointed date”).

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of Parliament.

PART I   
APPLICATIONOFTHE ACT

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| **2.** (1)Where- | | Application of the Act |
| (*a*) | (i) the Government of Sri Lanka and the |

Government of any foreign country enter   
into any treaty as respects the reciprocal

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recognition, registration and enforcement   
of judgments of the courts of Sri Lanka   
and of such foreign country; or

(ii) any written law in force on the day   
immediately preceding the appointed date   
provides for the reciprocalrecognition,   
registration and enforcement in Sri Lanka   
of judgments of the courts of a foreign   
country; and

(*b*) the Minister is satisfied that by extending the   
 provisions of this Part of this Act to judgments   
 of the courts of such foreign country a substantial   
 reciprocity of treatment will be assured as   
 respects the recognition, registration and   
 enforcement in such foreign country of   
 judgments of the courts of Sri Lanka,

the Minister may, by Order published in the *Gazette,* declare that the provisions of this Part of this Act shall extend to the judgments of such courts of that foreign country as are specified in such Order.

(2) The Minister may, if he considers it appropriate, seek the views of the Minister assigned the subject of Foreign Affairs and the Attorney-General in making an Order under subsection (1).

(3) An Order made under subsection (1) shall-

(*a*) come into operation on the date of publication   
 of such Order in the *Gazette* or on such later date   
 as may be specified therein; and

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| (*b*) | *ReciprocalRecognition, Registration and* | 3 |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  subject to the provisions of subsection (4), remain | |

in force so long as may be specified in such Order   
or for such period as the treaty or the written law   
referred to in paragraph (*a*) of subsection (1)   
remains in force.

(4)The Minister may, having regard to the provisions of paragraphs (*a*) and (*b*) of subsection (1), by a subsequent Order amend, vary or revoke any Order previously made under that subsection.

(5) (*a*) Every Order made by the Minister shall, within three months after its publication in the *Gazette*, be brought before Parliament for approval.

(*b*) Any Order which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything duly done thereunder.

(6) A notification of the date on which an Order is deemed to be rescinded shall be published in the *Gazette.*

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| **3.** (1) The provisions of this Act shall apply to a judgment of a court of a foreign country specified in the Order published under section 2, only if such judgment is final and conclusive | Judgments to which this Act shall apply |

as between the parties to such judgment, and-

(*a*) any one or more of the following conditions are   
 satisfied by the applicant: -

(i) the judgment-creditor or the judgment-debtor   
 was a resident of the country of the original   
 court at the time such judgment-creditor or   
 the judgment-debtor, as the case may be,   
 became a party to the proceedings in the   
 original court;

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| 4 | *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* | |
| (ii) | the judgment-debtor, if he is a natural person, |

had his principal place of business in the   
country of the original court at the time that   
judgment-debtor became a party to the   
proceedings in the original court;

(iii) the judgment-creditor is the person who has   
 obtained the judgment based on his claim or   
 claim in reconvention in an action;

(iv) the judgment-debtor has maintained a   
 branch, agency or other establishment with   
 or without separate legal personality in the   
 country of the original court at the time such   
 judgment-debtor became a party to the   
 proceedings in the original court;

(v) the judgment-debtor has agreed to submit or   
 submitted to the jurisdiction of the original   
 court;

(vi) the property relating to the judgment, whether   
 movable or immovable is situated in Sri   
 Lanka or in the country of the original court   
 at the time of the proceedings in the original   
 court;

(vii) the applicant has derived any right, interest,   
 benefit, title, status or entitlement under the   
 judgment of the original court, as at the date   
 of the judgment or thereafter; or

(*b*) in the case of a judgment for the dissolution or   
annulment of a marriage or separation of the parties   
to a marriage, only if such judgment is obtained in   
respect of a marriage registered under the Marriage

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| *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* | 5 |

Registration Ordinance (Chapter 112), whether such   
marriage had been contracted prior to or after the   
appointed date or such judgment had been entered   
prior to or after the appointed date, and –

(i) either party to the marriage was domiciled in   
 such country as at the date of the judgment;

(ii) either party to the marriage was habitually   
 resident in such country for a period not less   
 than one year immediately before the date of   
 the judgment;

(iii) either party to the marriage was a national of   
 such country as at the date of the judgment;   
 or

(iv) both parties have submitted to the jurisdiction   
 of such court.

(2) The provisions of this Act shall not apply to any tax, charge, fine or other penalty payable under a judgment of a court of a foreign country.

PART II

RECOGNITION, REGISTRATIONAND ENFORCEMENTOF   
FOREIGN JUDGMENTS

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| **4.** An applicant may make an application in such form and manner accompanied by such information and documents as may be prescribed by rules made under this Act, to the registering court for recognition, registration and enforcement of a foreign judgment – | Application for recognition,  registration and enforcement of a foreign  judgment |

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| 6 | (*a*) | *ReciprocalRecognition, Registration and* |
| *Enforcement of Foreign Judgments* |
| *Act, No. 49 of 2024* |
| within ten years from the date of the final judgment |

along with a certificate issued by the relevant   
authority of the original court authenticating such   
judgment; and

(*b*) by way of summary procedure in accordance with   
the provisions of Chapter XXIV of Part II of the   
Civil Procedure Code:

Provided however, the registering court may entertain an application made after ten years from the date of the final judgment if the applicant proves to the satisfaction of the court that the reasons for such delay are valid:

Provided further, the registering court shall not allow the parties to adduce any oral evidence, and shall conclude the proceedings on the petitions, statements of objections, affidavits and any other documents tendered by such parties within a period of six monthsfrom the date of application for the recognition, registration and enforcement of the foreign judgment.

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| Registration of a foreign  judgment | **5.** (1) Upon receipt of an application for recognition, registration and enforcement of a foreign judgment under section 4, if the registering court is *prima facie* satisfied |

that, as at the date of the application –

(*a*) such judgment is a judgment to which this Act   
applies;

(*b*) the applicant has derived any right, interest, benefit,   
title, status or entitlement under the judgment given   
by the original court; and

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| (*c*) | *ReciprocalRecognition, Registration and* | 7 |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  the application has been made within the period | |

specified in section 4,

the registering court shall proceed to register such judgment.

(2) Subject to the provisions of this Act, where a judgment is registered in terms of this Act, such registered judgment shall be deemed to have the same force and effect and the same control over the execution of such judgment as if it had been a judgment originally given in the registering court and entered on the date of registration.

(3) Where, as at the date of application for recognition and registration of a foreign judgment, a part of the relief awarded by the original court has been satisfied, the registering court may enforce the judgment only in respect of the unsatisfied part of the judgment.

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| **6.** (1) Where, upon registration of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage under section 5, it appears to the registering court that – | | Recognition of a foreign  judgment for the dissolution or  annulment of a  marriage or  separation of the parties to a  marriage in  Sri Lanka |
| (*a*) | such foreign judgment was given *inter parte*, the |
| registeringcourt shall pronounce a declaration recognising such judgment in Sri Lanka; or | |
| (*b*) | such foreign judgment was obtained *ex parte,* the |

registering court shall issue a notice to the other   
party to the marriage.

(2) For the purpose of paragraph (*b*) of subsection (1), the provisions of sections 59 to 71 of the Civil Procedure Code shall, *mutatis mutandis*, apply in relation to the service of notice.

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| 8 | *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* |

(3) Where there is no objection made under section 7 within the period specified in the notice issued under paragraph (*b*) of subsection (1) and upon the registering court being satisfied of the proper service of notice under paragraph (*b*) of subsection (1), the registering court may pronounce a declaration recognisingsuch foreign judgment.

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| Objections  against  recognition of a foreign  judgment for  the dissolution  or annulment of a marriage or  separation of  the parties to a  marriage in  Sri Lanka | **7.** A respondent to an application for the recognition and registration of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, upon receipt of a notice issued under paragraph (*b*) of subsection (1) of section 6, may appear before the registering court and object to such application on the ground that- | |
| (*a*) | the applicant has failed to satisfy any of the |

requirements set out in section ~~4~~;

(*b*) there is fraud; or

(*c*) there is a misrepresentation of facts relevant to the   
 application and the affidavit made under section 4.

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| Refusal of  objections and  recognition and registration of a foreign  judgment for the dissolution or  annulment of a  marriage or  separation of the parties to a | **8.** (1) Where the party who made an objection under section 7, fails to satisfy the registeringcourt of the existence of any ground for the refusal of an application specified in section 7, the court may reject such objection by an order made in that behalf and shall pronounce a declaration recognisingsuch foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage in respect of which such application is made. |

marriage   
 (2) Such declaration shall have the effect of such foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage being recognised as if it had been issued by a competent court of Sri Lanka.

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| *ReciprocalRecognition, Registration and* | 9 | Court may grant costs  Registration of foreign  judgments for the dissolution of marriages,  &c. with the  Registrar- General |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  **9.** The court may grant and apportion costs for any application made under section ~~4~~, as the court deems fit.  **10.** Where the registering court pronounces a declaration in the case of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, recognising such judgment in Sri Lanka, the Registrar of the registering court shall send a copy of such declaration certified by such Registrar as true copy, to the | |

Registrar-General for the purposes of the Marriage Registration Ordinance (Chapter 112).

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| **11.** (1) The registering court shall, at any time after registration of a foreignjudgment, upon application in that behalf duly made by the judgment-debtor or any party whose | Setting aside of a registered  judgment |

rights, interests, benefits, title, status or entitlements have been adversely affected, or on its own motion*,* set aside the registration of the judgment, if the registering court is satisfied that –

(*a*) the judgment was registered in contravention of   
 the provisions of subsection (1) of section 5;

(*b*) notice or sufficient notice has not been given to   
 the judgment-debtor in accordance with the law of   
 the country of the original court to enable him to   
 defend the proceedings;

(*c*) the registered judgment was obtained by fraud;

(*d*) the person by whom the application for recognition,   
 registration and enforcement of the judgment was   
 made, has not derived any right, interest, benefit,   
 title, status or entitlement under the judgment of   
 the original court; or

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| 10 | (*e*) | *ReciprocalRecognition, Registration and* |
| *Enforcement of Foreign Judgments* |
| *Act, No. 49 of 2024* |
| the judgment has been reversed or set aside in |

appeal by the original court or a higher court of the   
country of the original court in terms of the law of   
the country of the original court.

(2) Notwithstanding anything to the contrary in any other provisions of this Act, the registering court may, if it considers appropriate, allow the parties to lead evidence in respect of an application to set aside the registration of a judgment under this Act.

(3) The provisions of section 389 of the Civil Procedure Code shall, *mutatis mutandis,* apply in respect of an application to set aside the registration of a judgment under this Act.

(4) The setting aside of the registration of a judgment under this section shall not prevent a fresh application for registration of a judgment being filed in compliance with the provisions of this Act.

Appeals **12.** (1) No appeal shall lie against any order made by the registering court under the provisions of this Act in respect of an application made for the recognition, registration and enforcement of a foreign judgment, other than a judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage.

(2) Any party who is dissatisfied with any recognition awarded or any order made by the registering court under the provisions of this Act in respect of an application made for the recognition, registration and enforcement of a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage, may appeal to the relevant High Court established by Article 154P of the Constitution, with leave first had and obtained from the relevant High Court.

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| *ReciprocalRecognition, Registration and* | 11 | Making separate applications in  respect of  recognition and registration of a foreign  judgment for  the dissolution  of a marriage, |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  **13.** Where both parties to a foreign judgment for the dissolution or annulment of a marriage or separation of the parties to a marriage have made separate applications for the recognition and registration of the same judgment, the registering court shall consolidate both such applications and make an order in the same proceedings. | |

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PART III

GENERAL PROVISIONS

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| **14.** From and after the date on which an Order under subsection (1) of section 2 is published in the *Gazette,* any proceedings for the recognition, registration and enforcement of a judgment of a court of such foreign country shall not be entertained by any court in Sri Lanka, except in | Foreign  judgments  which may be  registered, not to be enforceable  otherwise |

accordance with the provisions of this Act.

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| **15.** Notwithstanding anything to the contrary contained in any other written law- | Jurisdiction in respect of  applications for |

recognition,

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| (*a*) | in the case of an application for the recognition, | registration and |
| enforcement of |
| registration and enforcement of a foreign judgment |
| foreign |
| to which the provisions of this Act apply, other | judgments |

than a judgment for the dissolution or annulment   
of a marriage or separation of the parties to a   
marriage, the District Court of Colombo or any other   
court as may be designated by the Minister by Order   
published in the *Gazette;* and

(*b*) in the case of an application for the recognition   
 and registration of a foreign judgment for the   
 dissolution or annulment of a marriage or separation

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| 12 | *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* |

of the parties to a marriage to which the provisions   
of this Act apply, the District Court of Colombo or   
the District Court within the local limits of whose   
jurisdiction any party to such judgment resides,

shall have the jurisdiction, cognizance of, and full power, in the manner provided for by this Act and the rules made under section 20 to hear and determine such application.

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| Application of the Civil  Procedure Code | **16.** Service of summons, notices or any other documents relating to recognition, registration and enforcement, as the case may be, of foreign judgments under this Act shall be |

made in the manner provided for in Chapters VIII and XXII of the Civil Procedure Code.

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| Language of the documents  produced to the court | **17.** (1) Where the language of a judgment of a court of a foreign country specified in the Order made under section 2 is in a language other than the English language, such judgment shall be accompanied by a translation thereof in |

the language used by the registering court as the language of such court and made and signed by an interpreter of the Supreme Court, the Court of Appeal or the High Court, or by a sworn translator or an interpreter of any District Court, Family Court, Magistrate’s Court or Primary Court, or by a sworn translator.

(2) For the purposes of this section, “sworn translator”means a translator who has taken and subscribed the oath or made and subscribed the affirmation before a District Judge of a District Court of Sri Lanka.

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| Making false  statement of  facts in  affidavits | **18.** Any person who willfully and dishonestly makes any false statement of facts in an affidavit made under this Act commits an offence and shall, on conviction by the Magistrate’s Court,be liable to a fine not less than two |

hundred thousand rupees or to imprisonment for a period not less than one year, or to both such fine and imprisonment.

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| *ReciprocalRecognition, Registration and* | 13 | *Casus omissus*  Rules |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  **19.** In any matter or question of procedure not provided for in this Act, the procedure laid down in the Civil Procedure Code in respect of a like matter or question shall be followed by the court if such procedure is not inconsistent with the provisions of this Act.  **20.** (1) The Minister may, from time to time, make rules under this Act, in respect of all matters for which rules are authorised or required to be made for the purpose of giving effect to the provisions of this Act. | |

(2) In particular and without prejudice to the generality of the provisions of subsection (1), rules may be made in respect of the following matters: -

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| (*a*)  (*b*)  (*c*)  (*d*)  (*e*)  (*f*)  (*g*)  (*h*) | filing of an application for the recognition, registration and enforcement of a foreignjudgment, and setting aside of a registered judgment and forms to be used for such purposes;  statement of facts that the affidavits made under this Act shall contain;  prescribing the documents that shall accompany an application filed under this Act;  tendering of security when applying for the recognition, registration and enforcement of a foreignjudgment;  the manner of serving the notice of registration and the content of such notice;  subject to the time limits expressly provided for in this Act,the time limits for performing any act required to be performed under this Act;  prescribing the method by which any interest payable under a foreign judgment under the law of the country of theoriginal court is to be determined;  the matters relating to the award of costs; and |

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| 14 | (*i*) | *ReciprocalRecognition, Registration and* |
| *Enforcement of Foreign Judgments* |
| *Act, No. 49 of 2024* |
| any other matter which is required to be prescribed |

under this Act in order to achieve the objectives of   
this Act.

(3) Every rule made by the Minister under this section shall be published in the *Gazette* and shall come into operation from the date ofsuch publication or on another date as may be specified in such rule.

Repeals **21.** With effect from the appointed date-

(*a*) the Enforcement of Foreign Judgments Ordinance   
(Chapter 93); and

(*b*) the Reciprocal Enforcement of Judgments   
Ordinance (Chapter 94),

shall stand repealed.

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| Savings and  transitional  provisions | **22.** Notwithstanding the repeal of the Reciprocal Enforcement of Judgments Ordinance (Chapter 94) (in this section referred to as the “repealed Ordinance”)- | |
| (*a*) | every Order made under section 6 of the repealed |

Ordinance and in force on the day immediately   
preceding the appointed date shall be valid and   
effectual in respect of the judgments of the courts   
declared in such Order, until an Order is made under   
section 2 of this Act extending the provisions of   
this Act to the judgments of the corresponding   
courts;

(*b*) all applications filed and proceedings instituted   
under the repealed Ordinance and pending on the   
day immediately preceding the appointed date shall   
be proceeded with and concluded under the   
provisions of the repealed Ordinance; and

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| (*c*) | *ReciprocalRecognition, Registration and* | 15 |
| *Enforcement of Foreign Judgments Act, No. 49 of 2024*  all judgments, decrees or orders entered into or | |

made under the repealed Ordinance and remaining   
unsatisfied either wholly or partially on the day   
immediately preceding the appointed date shall be   
proceeded with and concluded under the provisions   
of the repealed Ordinance.

**23.** In this Act, unless the context otherwise requires – Interpretation

“applicant” for the purposes of this Act, includes a   
judgment-creditor or any person who has   
derived any right, interest, benefit, title, status   
or entitlement under the judgment of the   
original court, as at the date of the judgment or   
thereafter;

“Civil Procedure Code” means the Civil Procedure   
 Code (Chapter 101);

“country of the original court” means the country in   
 which the original court is situated;

“dissolution or annulment of a marriage or separation   
of the parties to a marriage” means any divorce,   
annulment of a marriage or judicial separation   
of the parties to a marriage obtained by means   
of proceedings in a competent court of law of a   
country specified by the Minister under section   
2 of this Act;

“domiciled in a country” means domiciled in terms   
 of the law of that country;

“judgment” means a judgment, decree or order given   
or made by a competent court of a foreign   
country which has been specified by the

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| 16 | *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* |

Minister by Order published in the *Gazette* in   
terms of section 2 of this Act, but does not   
include a judgment, decree or order given or   
made-

(*a*) against any foreign country   
 specified in an Order made under   
 section 2;

(*b*) in relation to property settlement   
 in any matrimonial matter;

(*c*) in proceedings relating to   
 insolvency;

(*d*) in proceedings relating to   
 winding-up of companies;

(*e*) in proceedings relating to   
 unsoundness of mind;

(*f*) in proceedings relating to   
 guardianship, custody or   
 maintenance of a minor, or   
 curatorship of the estate of a   
 minor; or

(*g*) in proceedings relating to   
 guardianship and management of   
 the estate of a person of unsound   
 mind;

“judgment-creditor” means the person in whose   
favour the judgment was given and includes   
any person who has derived any right, interest,   
benefit, title, status or entitlement under the   
judgment sought to be registered in Sri Lanka;

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| *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* | 17 |

“judgment-debtor” means the person against whom   
the judgment was given and includes any   
person against whom the judgment is   
enforceable;

“Minister” means the Minister assigned the subject   
of Justice in terms of Article 44 or 45of the   
Constitution;

“original court” in relation to any judgment, means   
the court by which the judgment was given or a   
higher court which has affirmed or entered a   
judgment in the exercise of appellate   
jurisdiction;

“prescribed” means prescribed by rules made under   
 this Act; and

“registering court”-

(*a*) in relation to a judgment other   
 than a judgment for the   
 dissolution or annulment of a   
 marriage or separation of the   
 parties to a marriage, means the   
 District Court of Colombo or any   
 other court as may be specified   
 by the Minister by Order   
 published in the *Gazette*; and

(*b*) in relation to a judgment for the   
 dissolution or annulment of a   
 marriage or separation of the   
 parties to a marriage, means the   
 District Court of Colombo or the   
 District Court within the local   
 limits of whose jurisdiction any   
 party to such judgment resides.

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| Sinhala text to  prevail in case  of inconsistency | 18 | *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments* |
| *Act, No. 49 of 2024*   **24.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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| *ReciprocalRecognition, Registration and Enforcement of Foreign Judgments*  *Act, No. 49 of 2024* | 19 |

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