

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

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**CIVIL PROCEDURE CODE**   
**(AMENDMENT)**

**A**

**BILL**

**to amend the Civil Procedure Code (Chapter 101)**

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*Presented by the Minister of Justice, Prison Affairs and*   
*Constitutional Reforms on 11th of May, 2023*

(Published in the Gazette on April 19, 2023)

*Ordered by Parliament to be printed*

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**[Bill No. 177]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2:* This clause inserts new section 431A in the Civil Procedure Code (Chapter 101) and the legal effect of this clause is to make new provisions to conduct medical examinations with the permission of the court, where the action is one for damages for injury to person.

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| *Civil Procedure Code* | 1 |

*(Amendment)*

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:-

**1.** This Act may be cited as the Civil Procedure Code Short title (Amendment) Act, No. of 2023.

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| 5 | **2.** The following new section is hereby inserted | Insertion of |
| immediately after section 431 of the Civil Procedure Code | new section |
| 431A in |
| (Chapter 101), and shall have effect as section 431A of that |
| Chapter 101 |
| Code:– |

**“D. -COMMISSIONS FOR MEDICAL**

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| 10 | Commissions | **EXAMINATIONS** |
| 431A. (1) (*a*) Where the action is one for |
| 15 | for medical | damages for injury to person, the court shall, |
| examinations |
| 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

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| 20 | 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.

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| 25 | (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

30 to comply with an order of court made under

2 *Civil Procedure Code*   
 *(Amendment)*

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.

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| 5 | (4) Such report or reports may, without | | Sinhala text |
| further proof be used as evidence of the facts | |
| stated therein at the trial: | |
| 10 | 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 | |
| 15 | 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. | |
| 20 | (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 | |
| 25 | 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. | |
| 30 |
| (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).”. | |
| **3.** | In the event of any inconsistency between the Sinhala |
| 35 | and Tamil texts of this Act, the Sinhala text shall prevail. | | to prevail in |
| case of |

inconsistency

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*(Amendment)*

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