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

**Part II of July 26, 2024**

**SUPPLEMENT**

(*Issued on 26.07.2024*)



**PRIMARY COURT’S PROCEDURE**   
**(AMENDMENT)**

**A**

**BILL**

**to amend the Primary Court’s Procedure Act, No. 44 of 1979**

*Ordered to be published by the Minister of Justice, Prison Affairs and Constitutional Reforms*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause inserts new sections 70A and 70B in the Primary Court’s Procedure Act, No. 44 of 1979 to provide for the judge of the primary court to transfer any case record of which he has made an order under section 68 or 69, to the relevant District Court where he is in the opinion that the matter in dispute is related to a title or interest of a party and appropriate to be adjudicated by the District Court.

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| *Primary Court’s Procedure (Amendment)* | 1 |

L.D.—O. 27/2024

AN ACTTOAMENDTHE PRIMARY COURT’S PROCEDURE   
ACT, NO. OF 1979

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

**1.** This Act may be cited as the Primary Court’s Procedure Short title

(Amendment) Act, No. of 2024.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **2.** The following new sections are hereby inserted | | Insertion of |
| 10 | immediately after section 70 of the Primary Court’s Procedure | | new sections |
| 70A and 70B |
| Act, No. 44 of 1979 and shall have effect as sections 70A | |
| in the |
| and 70B of that enactment: - | | Act, No. 44 |
| of 1979 |
| “Forwarding | **70A.** (1) Where at the time the Judge of the |
| the case | Primary Court delivers an order, under section |
| records to | 68 or 69, as the case may be- |

the District

Court (*a*) if, any party to the dispute as specified in paragraph (*b*) of subsection (1) of section 66, makes

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | an application; or |
| if, the Judge of the Primary Court is |

of the opinion that the matter in   
dispute is related to a title or interest   
of a party, and it is appropriate to be

20 adjudicated by a District Court,

the Judge of the Primary Court shall direct the   
Registrar to forward the case record to the   
District Court having jurisdiction of the land   
or right or interest to the land in dispute

25 situates, while keeping a copy of the order, within one month from the date of the order.

2 *Primary Court’s Procedure (Amendment)*

(2) Notwithstanding an order to forward the case record to the District Court, the Judge of the Primary Court may direct the parties to execute any order made by him within one 5 month from the date of such order and issue further orders on the parties to maintain the status quo until any order, whether interim or final, is made by the District Court.

(3) Notwithstanding the provisions of any 10 other law, no appeal or revision shall lie against any order of the Judge of the Primary Court, from the date on which he made an order to forward the case record to the District Court.

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| 15 | Proceedings | **70B.** (1) Upon receipt of a case record under |
| at the District | section 70A, the judge of the District Court shall |
| Court |
| allocate a case number and issue notice on the |

parties to appear before the Court on a date not   
later than one month from the date of such order.

(2) The District Court shall proceed with 20 the matter as if such matter has been instituted under the Chapter XLIII of the Civil Procedure Code (Chapter 101) and the provisions thereof shall *mutatis mutandis* apply in relation to such proceedings.

25 (3) The District Court shall order the parties to submit their statements of claims. The District Court may, on its’ own motion or on an application by any party before it, add any other party to the proceedings, if the court is of 30 the opinion that such addition may be necessary for the ends of justice or to prevent abuse of the process of the Court.

*Primary Court’s Procedure (Amendment)*  3

(4) The District Court, on an application of a party or on its’ own motion, and if the court is satisfied, may set-aside, vary, alter or amend any order made by the Judge of the Primary 5 Court under section 70A, at any stage before the final judgment is pronounced.

(5) Where this Act has not provided for any   
matter arising in such proceedings, the   
provisions of the Civil Procedure Code

|  |  |
| --- | --- |
| 10 | (Chapter 101) governing a like matter shall, with suitable adaptation as the justice of the |

case may require be adopted and applied.”.

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| **3.** 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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| 4 | *Primary Court’s Procedure (Amendment)* |

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