

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**  
**SRI LANKA**

In the matter of an application for Revision  
and/or *Restitutio* in *Integrum* under Article  
138 of the Constitution of the Democratic  
Socialist Republic of Sri Lanka.

**CA Case No: CA (RII) 92/2024  
District Court of Anuradhapura  
Case No. 21864/L**

Welikande Gedara Lalith Bandara,  
No. 530, Kokawewa,  
Getalawa

**Plaintiff**

**Vs.**

Jayathilakage Rohana Jayathilake of  
No. 136, Kahatagasdigiliya Road,  
Galenbindunuwewa

**Defendant**

**AND NOW BETWEEN**

Jayathilakage Rohana Jayathilake of  
No. 136, Kahatagasdigiliya Road,  
Galenbindunuwewa

**Defendant- Petitioner**

**Vs.**

Welikande Gedara Lalith Bandara,  
No.530 , Kokawewa,  
Getalawa.

**Plaintiff- Respondent**

**Before:** **R. Gurusinghe J.**  
**&**  
**M.C.B.S. Morais J.**

**Counsel:** Ms. Amindika Rathnayaka for the Defendant-Petitioner.  
Sandamal Rajapaksha for the Plaintiff- Respondent.

**Supported on:** 21.02.2025

**Decided On:** **03.04.2025**

**ORDER**

**M.C.B.S. Morais J.**

This is an application for revision and or *restitutio in integrum* under Article 138 of the constitution of Democratic Socialist Republic of Sri Lanka.

In the instant matter the Petitioner is challenging the order dated 24<sup>th</sup> of October 2007 of the District Court of Anuradhapura delivered in case bearing No.21864/L.

Due to the absence of the Petitioner at the trial an *ex parte* decision was delivered in favor of the Respondent on 24<sup>th</sup> of October 2007 to eject the Petitioner from the land described in the schedule to the plaint. However, it is the contention of the Petitioner that the transfer documents related to the said property are fraudulent as, one Mr. M. Susantha Udaya Kumara Disanayaka has pleaded guilty of Fraud in 2023. The Petitioner also states that the appeals made to the Provincial High Court of Civil Appeal and Supreme Court were prior to the termination of case No.7433 at the Magistrate Court of Anuradhapura against Mr.Susantha Udaya Kumara Disanayaka.

Therefore, having considered the submissions and the materials presented to this court on behalf of the Petitioner, we are of the view that there is a *prima facie* case to be looked into.

Notice should be issued to the Respondent as per Prayer "a" of the Petition.

**Judge of the Court of Appeal**

**R. Gurusinghe J.**

**I agree**

**Judge of the Court of Appeal**