

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

In the matter of an Application for Revision under
and in the terms of Article 138 of the Constitution
read with Article 154 P (6) of the Constitution and the
High Court of the Provinces (special Provisions) Act
No.19 of 1990

Officer In charge
Police Station
Kuruwita

Applicant

CA/CPA/23/2025

Rathnapura HC Case No: RA/56/23
Rathnapura MC case No: 65424A

-Vs-

Makawita Arachchige Lalitha Jayaweera
No 336/ A, Nadukaradeniya,
Paradise, Kuruwita
Correct Address
No 336/A, Batuhena, Hidellana

1st Party

1. Makawita Arachchige Buddhika Jayanatha
No 135/D/07, Paradise, Kuruwita
2. Wannakuwatta Waduge Anusha Shyamali
No 135/D/07, Paradise, Kuruwita

2nd Party

Munasinghe Arachchige DinashJayanatha
No 135/D/07, Paradise, Kuruwita

Intervenient Party

And now between

1. Makawita Arachchige Buddhika Jayanatha
No 135/D/07, Paradise, Kuruwita
2. Wannakuwatta Waduge Anusha Shyamali
No 135/D/07, Paradise, Kuruwita

2nd Party-Petitioners

Vs

Officer In charge
Police Station
Kuruwita

Applicant-Respondent

Makawita Arachchige Lalitha Jayaweera
No 336/ A, Nadukaradeniya,
Paradise, Kuruwita
Correct Address
No 336/A, Batuhena, Hidellana

1st Party-Respondent

Munasinghe Arachchige DinashJayanatha
No 135/D/07, Paradise, Kuruwita

Intervenient Party-Respondent

And now Between

Makawita Arachchige Lalitha Jayaweera
No 336/ A, Nadukaradeniya,
Paradise, Kuruwita
Correct Address
No 336/A, Batuhena, Hidellana

1st Party-Respondent-Petitioner

Vs

1. Makawita Arachchige Buddhika Jayanatha
No 135/D/07, Paradise, Kuruwita

2. Wannakuwatta Waduge Anusha Shyamali
No 135/D/07, Paradise, Kuruwita

2nd Party-Petitioner-Respondent

Officer In charge
Police Station
Kuruwita

Applicant-Respondent-Respondent

Munasinghe Arachchige DinashJayanatha
No 135/D/07, Paradise, Kuruwita

Intervenient Party-Respondent-Respondent

Before:

Sarath Dissanayake, J.

Damith Thotawatte, J.

Counsel	Sandamal Rajapakse with Kalpanee Dissanayake, instructed by Sachintha Rodrigo for the 1 st Party-Respondent-Petitioner. Upendra Walgampaya instructed by Zahara Hassim for the 2 nd Party-Petitioner-Respondents
Supported / Argued	28-04-2025
Order	28-05-2025

D. Thotawatte, J.

This is a matter where the Officer-in-Charge of Kuruwita Police filed information in the Magistrate's Court of Rathnapura under Section 66(1) of the Primary Courts Procedure Act No. 44 of 1979 regarding a dispute between the 1st Party-Respondent-Petitioner and her brother and the brother's wife, 2nd Party-Petitioner-Respondents over possession of a shop.

At the conclusion of the Magistrate court inquiry, the Learned Magistrate had delivered a judgment on 14/09/2023 in favor of the 1st Party-Respondent-Petitioner, recognizing her possession. The 2nd Party-Petitioner-Respondent, being aggrieved by the said order, had filed a revision application (RA/56/23) before the High Court of Rathnapura. After the conclusion of the hearing, the Hon. Judge of the High Court had by order dated 24/02/2025 set aside the Learned Magistrate's judgement giving possession of the impugned premises to the 2nd Party-Petitioner-Respondent.

Being aggrieved by the judgement of the Hon. Judge of the High Court, the 1st Party-Respondent-Petitioner has filed this instant application to revise the said judgment.

Having heard both parties I am satisfied that there is a *prima facie* case to be considered and further considering the submissions made by counsel, in order to maintain the status quo till final determination of this application the court grants the interim relief prayed for in Prayer (c) and (d) of the petition staying the operation and execution of the judgment of High Court of Rathnapura case bearing number RA/56/23 dated 24-02-2005.

The Court issues formal notice on all the respondents.

Judge of the Court of Appeal

Sarath Dissanayake, J.

I agree

Judge of the Court of Appeal