

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

In the matter of Contempt of Court under and in terms of the Contempt of a Court, Tribunal or Institution Act, No. 8 of 2024 for the offence of Contempt of Court of first instance, Section 183B of the Civil Procedure Code read together with Article 105(3) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**CA Application No.
COC/04/25**

A.K CABLE NETWORKS (PVT) LTD
No. 21. Main Street,
Periya Neelavani – 02, Kalmunai.
Sri Lanka.

COMPLAINANT

Against

VITHURSON VINCENDRAJAN
No. 8/2, Rheinland Place,
Colombo 03.

RESPONDENT - ACCUSED

Before: **M. T. MOHAMMED LAFFAR, J. (President C/A)- Actg.**
K. P. FERNANDO, J.

Counsel: Nishan Premathiratne with Sachini Seneviratne, Dilini Jayatissa and Vikum Jayasinghe for the Complainant, instructed by Mr. M.I.M Ishar.

Supported on: 19. 03. 2025

Decided on: 08. 05. 2025

MOHAMMED LAFFAR, J. (President of The Court of Appeal- Actg).

The Complainant, having tendered a motion and an affidavit, has instituted contempt of court proceedings against the Respondent Accused in terms of the provisions of the Contempt of Court, Tribunal or Institution Act No. 8 of 2024.

We heard the learned Counsel for the Complainant in support of the motion and affidavit on 19.03.2025. The contention of the Complainant is that the Respondent- Accused, in a case filed before the Commercial High Court of Colombo bearing No. CHC/28/2024/IP, had filed a false affidavit, wherein he claimed that he became aware of the existence of the Complainant company, namely AK Cable Network Private Limited, and its business operations only upon the institution of Case No. CA/WRT/328/2024, which was filed on 26.06.2024.

However, the Complainant asserts that the document marked D16 establishes that the Respondent Accused was aware of the existence of the Complainant as far back as the year 2020. Thus, the filing of a false affidavit before Court, as alleged, amounts to an act of contempt of court.

The matter is currently pending before the Commercial High Court. It is therefore incumbent upon the Respondent to explain the reasons for making the statements contained in the said affidavit before the Commercial High Court. It is for the learned Judge of the Commercial High Court to consider the facts and determine whether the affidavit in question is true or false.

Until such time as the Respondent has had an opportunity to present his explanation before the High Court, and until the High Court has made a

determination on the veracity of the affidavit, this Court is not in a position to decide whether the impugned statement amounts to ex facie contempt of court. As such, the present application is premature.

This Court is of the view that the Petitioner has failed to establish a prima facie case against the Respondent to warrant the issuance of a rule in respect of the contempt proceedings.

Accordingly, the motion and affidavit filed by the Complainant are dismissed. No costs.

President Court of Appeal (Actg)

K.D. Fernando, J.

I agree.

Judge of the court of appeal