

PARLIAMENT OF CEYLON

4th Session 1968-69



Civil Procedure Code (Amendment) Act, No. 23 of 1969

Date of Assent: June 25, 1969

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*Civil Procedure Code (Amendment) Act, No. 23,
of 1969*

L. D.—O. 12/64.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 23 of 1969.

Short title.

2. Section 84 of the Civil Procedure Code is hereby amended as follows:—

Amendment of
section 84 of
Chapter 101.

(a) in sub-section (1) of that section, by the substitution, for all the words from “unless the plaintiff” to the end of that sub-section, of the following:—

“unless the plaintiff shall have previously applied to the court by way of motion supported by affidavit to have such decree set aside.”; and

b) by the repeal of sub-section (2) of that section and the substitution therefor of the following new sub-section:—

“(2) Upon such application being duly made, the court shall, after giving the defendant due notice, hear such application, and if, after such hearing, at which both the plaintiff and the defendant shall have been given an opportunity of being heard, the court—

(a) is satisfied that there was good cause for the non-appearance of the plaintiff, the court shall set aside the decree *nisi* upon such terms and conditions as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the action as from the stage at which the decree *nisi* was entered; or

(b) is not so satisfied, the court shall make such decree absolute.”.

2 *Civil Procedure Code (Amendment) Act, No. 23
of 1969*

Amendment of
First Schedule
to Chapter 101.

3. Form No. 21 in the First Schedule to the Civil Procedure Code is hereby amended by the substitution, for all the words from "unless sufficient" to "the date hereof.", of the following:—

"unless an application by way of motion supported by affidavit to have this decree set aside is made before the expiration of a period of fourteen days from the date hereof, and after the hearing of such application, at which both the plaintiff and the defendant shall have been given an opportunity of being heard, whether before or after the expiration of that period, this decree is set aside.".