

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

In the matter of an Appeal against the order made by the High Court of Trincomalee dated 05.06.2014 in terms of Provision of Article 154 P (3) (b) read with Article 154P (6) of the Constitution.

Court of Appeal Case No:

CA (PHC) 63/2014

High Court of Trincomalee

Case No: HCT/Rev/App/320/13

1. Ganeshapillai Kalipillai

3. Ganeshapillai Sameswaran

Both of Ward No: 03, Nilaveli

1st Claimant Respondent-

Petitioner

Vs

Nesaratnam Viramuthu Of

No. 602, Anbuvelipuram,

Trincomalee

2nd Claimant-Petitioner-

Respondent

Before : Hon. Justice A. L. Shiran Gooneratne

Hon. Justice Dr. Ruwan Fernando

Counsel : M. Sathiyenthiran for the Appellant.

K. S. Ratnaval with S.M.M. Samsudeen for the 2nd
Party-Petitioner-Respondent.

Decided on : 05/03/2020

A. L. Shiran Gooneratne, J.

Both parties agree to have this case referred back to the Relevant High Court to be decided on its merits.

Accordingly, order dated 5/06/2014, is set aside and we direct the learned High Court Judge to permit the Respondent to file objections to the application before the High Court and to make a determination on the merits of the case.

Judge of the Court of Appeal

Dr. Ruwan Fernando, J.

I agree.

Judge of the Court of Appeal

NDS/-