

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an Appeal against
the Judgment in High Court of
Ratnapura in terms of Section 05 of
the High Court of Provinces (Special)
Provisions Act No. 19 of 1990 and in
terms of Section 154(9)(3)(b) of the
Constitution of Sri Lanka.

Kiriwaththuduwa Neelakanthi

Court of Appeal Application

Kiriwaththuduwa,

No: **CA (PHC) 128/2016**

Devipahala,

Provincial High Ratnapura

Kuruwita.

Court Case No: **HCR/RA 12/2016**

Defendant-Petitioner-

Appellant

Vs.

Divisional Secretary,

Divisional Secretariat,

Kuruwita.

Plaintiff-Respondent-

Respondent

Before : Hon. Justice A. L. Shiran Gooneratne
Hon. Justice Dr. Ruwan Fernando
Counsel : Manoj Jayasena for the Defendant-Petitioner
Suranga Wimalasena, S.S.C. for the State.
Decided on : 03/03/2020

A. L. Shiran Gooneratne, J.

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

Accordingly, order dated 11/10/2016, is set aside and we direct the learned High Court Judge to make a determination on the merits of this case.

Application partly allowed.

Judge of the Court of Appeal

Dr. Ruwan Fernando, J.

I agree.

Judge of the Court of Appeal

NDS/-