

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

In the matter of an application for
Revision and/or Restitutio in Intergrum
under and in terms of Article 138 of the
Constitution of Democratic Socialist
Republic of Sri Lanka.

Abdul Cafer Mohamed Refars
Of No. 93, Galle Road, Balapitiya.

PLAINTIFF

C.A. /RII/0013/2019

D.C Balapitiya No. 1050/P

-Vs.-

1. Abdul Cafer Yesera
2. Abdul Cafer Munas
3. Abdul Cafer Miplas
4. Abdul Cafer Mohaparien
5. Abdul Cafer Sarafa
6. -do- Mohamed Hanifa Siththy
Senambu
7. Ubayasena Mendis

All of Galle Road, Balapitiya.

(7th Defendant died - 7A- Defendant
appointed)

- 7A. Walimuni Amitha Lalanie Mendis
of No. 72/1, Goduwawatta, Galle Road
Balapitiya.

8. Mohamed Saleem Mohamed Aruff
Of Galle Road, Balapitiya.
9. Abdul Hameed Mohamed Sathar
Of Goduwawatte, Balapitiya.
10. Waida Umma
Of Galle Road, Balapitiya.
(dead - 10A Defendant appointed)
11. Abdul Wahid Mohamed Sumsun
Of Galle Road, Balapitiya.
12. Mohamed Niyas
Of Galle Road, Balapitiya.
13. Mohamed Saleem Arusiya
Of Galmangoda, Balapitiya.
14. Mohamed Saleem Pathuma Distia
Of Galmangoda, Balapitiya.
15. Abdul Majeed Mohamed Niyadu
Of 234, Galle Road, Balapitiya.
16. Abdul Hajeed Umma
Of 234, Galle Road, Balapitiya.
- 10A. Mohamed Saleem Mohamed Arud
Of Galle Road, Balapitiya.

DEFENDANTS

AND

Walimuni Amitha Lalani Mendis
Galle Road, Goduwatte, Balapitiya.

7A DEFENDANT - APPELLANT

Vs.

Abdul Cafer Mohamed Refars
of No. 93, Galle Road, Balapitiya.

PLAINTIFF - RESPONDENT

01. Abdul Cafer Yesera
02. Abdul Cafer Munas
03. Abdul Cafer Miplas
04. Abdul Cafer Mohaparien
05. Abdul Cafer Sarafa
06. -do- Mohamed Hanifa Siththy
Senambu
07. Ubayasena Mendis
All of Galle Road, Balapitiya.
(7th Defendant died - 7A- Defendant
appointed)
08. Mohamed Saleem Mohamed Aruff
Of Galle Road, Balapitiya.
09. Abdul Hameed Mohamed Sathar
Of Goduwawatte, Balapitiya.
10. Waida Umma
Of Galle Road, Balapitiya.
(dead - 10A Defendant appointed)
11. Abdul Wahid Mohamed Sumsun
Of Galle Road, Balapitiya.
12. Mohamed Niyas
Of Galle Road, Balapitiya.
13. Mohamed Saleem Arusiya
Of Galmangoda, Balapitiya.

14. Mohamed Saleem Pathuma Distia
Of Galmangoda, Balapitiya.

15. Abdul Majeed Mohamed Niyadu
Of 234, Galle Road, Balapitiya.

16. Abdul Hajeed Umma
Of 234, Galle Road, Balapitiya.

10A. Mohamed Saleem Mohamed
Arud of Galle Road, Balapitiya.

17. Mohamed Sarifdeen
Of No. 72/7, Goduwa, Balapitiya.

DEFENDANTS - RESPONDENTS

AND NOW BETWEEN

Mohamed Sarifdeen (correctly
Mohamed Saheed Mohamed Sharifdeen)
of No. 72/7, Goduwa, Balapitiya.

**17th DEFENDANT-RESPONDENT-
PETITIONER**

Vs.

Walimuni Amitha Lalani Mendis
Galle Road, Goduwatte, Balapitiya.

**7A DEFENDANT APPELLANT-
RESPONDENT**

Abdul Cafer Mohamed Refars
Of No. 93, Galle Road, Balapitiya.

PLAINTIFF-RESPONDENT-
RESPONDENT

Mohomed Rifnas Mohomed Rifans
No. 11/08, Mayura Mawatha,
Thalawala Road, Rathmalana.

SUBSTITUTED - PLAINTIFF
RESPONDENT - RESPONDENT

01. Abdul Cafer Yesera
02. Abdul Cafer Munas
03. Abdul Cafer Miplas
04. Abdul Cafer Mohaparien
05. Abdul Cafer Sarafa
06. -do- Mohamed Hanifa Siththy
Senambu
All of Galle Road, Balapitiya.
08. Mohamed Saleem Mohamed Aruff
of Galle Road, Balapitiya.
09. Abdul Hameed Mohamed Sathar
of Goduwawatte, Balapitiya.
10. Waida Umma
of Galle Road, Balapitiya.
(dead - 10A Defendant appointed)
- 10A. Mohamed Saleem Mohamed Arud
of Galle Road, Balapitiya.
11. Abdul Wahid Mohamed Sumsun
of Galle Road, Balapitiya.
12. Mohamed Niyas
of Galle Road, Balapitiya. (deceased)

- 12A. Abdul Hafeel Jifriyan Umma
of Galle Road, Balapitiya.
13. Mohamed Saleem Arusiya
of Galmangoda, Balapitiya.
14. Mohamed Saleem Pathuma Distia
of Galmangoda, Balapitiya.
15. Abdul Majeed Mohamed Niyadu
of 234, Galle Road, Balapitiya.
16. Abdul Hajeed Umma
of 234, Galle Road, Balapitiya.

**DEFENDANTS-RESPONDENT-
RESPONDENTS**

BEFORE : Shiran Gooneratne J. &
Dr. Ruwan Fernando J.

COUNSEL : Sanjeewa Dassanayake with Rishi
Kamoordeen for the 17th
Defendant-Respondent-Petitioner

DECIDED ON : 15.07.2020

Dr. Ruwan Fernando, J.

The 17th Defendant-Respondent-Petitioner has filed this application for Revision and/or Restitutio in Integrum under and in terms of Section 138 of the Constitution seeking *inter alia*, to revise and/ or set aside and/or vary the judgment dated 29.09.1994 delivered and entered by the District Court of Balapitiya in Case bearing No. 1050/P.

Having considered the Petition and Affidavit of the the 17th Defendant-Respondent-Petitioner, the documents marked Q1-Q24 and the written submissions filed on behalf of the of the 17th Defendant-Respondent-Petitioner dated 22.05.2020, this Court decides to issue notice on the Substituted-Plaintiff-Respondent, 1st to 6th Defendant-Respondent-Respondents, the 7th Defendant-Appellant-Respondent and the 8th to 16th Defendant-Respondent-Respondents as prayed for in paragraph (a) of the prayer to the Amended Petition dated 17.01.2020 returnable on 28.08.2020.

JUDGE OF THE COURT OF APPEAL

Shiran Gooneratne J.

I agree.

JUDGE OF THE COURT OF APPEAL