

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

**In the matter of an appeal under and
in terms of Section 154P (3)(b) of the
Constitution together with High Court
of the Provinces (Special Provisions)
Section 19 of 1990.**

Officer-in-Charge
Police Station,
Mahiyangana.

Complainant

Court of Appeal

CA PHC 00169/2023

Vs.

Provincial High Court of Badulla

Case No. HCRA 98/19

Arpico Finance Pvt Limited
No. 146,
Havelock Road,
Colombo 05.

MC Mahiyangana

Case No. B 26134

Respondent

AND

Abeydora Arachchilage Chandani
No. 100/49,
Gam Uda Niwasa,
Ridee Kotaliya,
Mahiyangana.

**Petitioner- Registered Owner -
Claimant of the Vehicle**

Vs.

1. Arpico Finance Pvt Limited
No. 146,
Havelock Road,
Colombo 05.

Respondent-Absolute Owner

2. Hon. Attorney General
Attorney General's Department,
Colombo 12.
3. Officer-in-Charge
Police Station,
Mahiyangana.

Respondents

AND BETWEEN

Abeydora Arachchilage Chandani
No. 100/49,
Gam Uda Niwasa,
Ridee Kotaliya,
Mahiyangana.

**Petitioner-Registered Owner -
Claimant of the Vehicle**

Vs.

1. Arpico Finance Pvt Limited
No. 146,
Havelock Road,
Colombo 05.

**Respondent-Absolute Owner-
Respondent**

2. Hon. Attorney General
Attorney General's Department,
Colombo 12.
3. Officer-in-Charge
Police Station,
Mahiyangana.

Respondents - Respondents

AND NOW BETWEEN

Arpico Finance Pvt Limited
No. 146,
Havelock Road,
Colombo 05.

Respondent-Absolute Owner-
Respondent- Petitioner

Vs.

Abeydora Arachchilage Chandani
No. 100/49,
Gam Uda Niwasa,
Ridee Kotaliya,
Mahiyangana.

Petitioner- Registered Owner -
Claimant of the Vehicle- Appellant

1. Hon. Attorney General
Attorney General's Department,
Colombo 12.
2. Officer-in-Charge
Police Station,
Mahiyangana.

Respondents-Respondents-
Respondents

Before: **B. Sasi Mahendran, J.**

Amal Ranaraja, J.

Counsel: W. Dayaratne, P.C. with Ranjika Jayawardena for the
Respondent – Absolute Owner – Respondent – Petitioner.

Sapumal Bandara with Lakshitha Edirisinghe for the
Petitioner – Registered Owner – Claimant of the Vehicle –
Appellant.

Tharaka Kodagoda, S.C. for the Respondent-Respondent-
Respondents.

Argued on: 25.09.2025

Judgment on: 21.10.2025

JUDGMENT

AMAL RANARAJA, J.

1. In *Mahiyangana Magistrates Court* case number B 26134, the *Officer-in-Charge (OIC)*, of the *Mahiyangana Police* has submitted to the learned Magistrate a report regarding an investigation into a complaint involving the robbery of the vehicle bearing registration number UP PH 7874.
2. The report has included a summary of a statement made by a witness during the investigation.
3. Upon receiving the report, the learned Magistrate has issued an order requiring the first respondent-respondent, the absolute owner of the vehicle (hereinafter referred to as the “Respondent”) to hand over the

vehicle in question, which was in the respondent's possession, to the *Mahiyangana Police*.

4. The respondent has complied with the order and the Police has subsequently forwarded the vehicle to the Magistrates Court.
5. While the vehicle was in the custody of the Court, the registered owner (hereinafter referred to as the "Appellant") has filed a motion requesting that the vehicle bearing registration number UP PH 7874 be released to him in the interim on a bond.
6. The learned Magistrate has granted the application and ordered that the vehicle be temporarily handed over to the appellant on a bond.
7. Upon learning that the vehicle has been temporarily handed over to the appellant, the respondent has filed a motion objecting to its release on a bond.
8. The learned Magistrate has decided on October 1, 2019, to hear both parties and thereafter pronounce a ruling regarding the release of the vehicle in the interim. In the meantime, the petitioner has been directed to return the vehicle to the Court.
9. The learned Magistrate has also decided to conclude the inquiry through written submissions. Accordingly, the learned Magistrate directed the parties to submit their written submissions and has also fixed the matter for order on October 31, 2019.
10. The registered owner i.e. the appellant, aggrieved by the order of the learned Magistrate dated October 1, 2019, has submitted an application for revision to the *High Court in Badulla*. In this application, the appellant has sought the following reliefs:

- i) That the order issued by the learned Magistrate on October 1, 2019, be set aside.
- ii) That the directive requiring the appellant to temporarily return the vehicle in question to the custody of the Court be stayed until the matter before the High Court is decided.

11. However, the learned High Court Judge has dismissed the application of the appellant by order dated August 24, 2023.

12. The appellant also being aggrieved by the order of the High Court dated August 24, 2023, has forwarded the instant appeal to this Court.

13. The disputed order issued by the learned Magistrate is temporary, pending a pronouncement on which party was entitled to take possession of the vehicle in issue in the interim on a bond. The nature of the order being so, it indicates the petitioner has abused the legal process by seeking relief in the *High Court in Badulla*.

14. This frivolous application could not have shocked the conscience of the High Court, as alleged by the petitioner. Under these circumstances, the learned High Court Judge was correct in dismissing the appellant's application in the first instance.

15. Additionally, it is important to consider a growing concern regarding the increasing number of frivolous applications that are being filed, which serve to undermine the integrity of the judicial process.

16. The judicial process must be safeguarded from such abuses, ensuring that it remains focused on legitimate disputes rather than being bogged down by unsubstantial claims.

17. The dismissal of the appellant's application to the High Court not only upholds the authority of the Court but also reinforces the need for judicious approach to the cases presented to it, protecting the judicial process from misuse.

18. In those circumstances, I am not inclined to interfere with the disputed orders of the learned Magistrate and the learned High Court Judge dated October 1, 2019, and August 24, 2023, respectively.

19. I direct the learned Magistrate of the *Mahiyangana Magistrates Court* to proceed with the inquiry and render a ruling on which party was entitled to possession of the vehicle in the interim (i.e. until the trial is concluded and a production inquiry is held) on a bond.

I dismiss the appeal and fix costs at Rs. 75000.00.

Appeal dismissed.

20. The Registrar of this Court is directed to send this judgment to the *Magistrates Court in Mahiyangana* for compliance.

Judge of the Court of Appeal

B. SASI MAHENDRAN, J.

I agree

Judge of the Court of Appeal