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SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of April 12, 2023

SUPPLEMENT

(Issued on 19.04.2023)



**CIVIL PROCEDURE CODE
(AMENDMENT)**

A

BILL

to amend the Civil Procedure Code (Chapter 101)

*Ordered to be published by the Minister of Justice, Prison Affairs and
Constitutional Reforms*

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause inserts new section 431A in the Civil Procedure Code (Chapter 101) and the legal effect of this clause is to make new provisions to conduct medical examinations with the permission of the court, where the action is one for damages for injury to person.

Civil Procedure Code
(Amendment)

L.D.—O. 35/2021

AN ACT TO AMEND THE CIVIL PROCEDURE CODE (CHAPTER 101)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. of 2023. Short title

5 2. The following new section is hereby inserted immediately after section 431 of the Civil Procedure Code (Chapter 101), and shall have effect as section 431A of that Code:- Insertion of
new section
431A in
Chapter 101

**“D. -COMMISSIONS FOR MEDICAL
EXAMINATIONS**

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Commissions
for medical
examinations

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431A. (1) (a) Where the action is one for damages for injury to person, the court shall, on application made by any party and subject to such terms and conditions as it may determine, order the injured person to submit himself to medical examination by one or more but not exceeding three medical practitioners, nominated by the court.

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(b) Upon such examination, the report shall be submitted to court on or before such date as may be specified. The court shall forthwith cause a copy of each such report to be served on each of the parties.

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(2) It shall be lawful for any party to an action to have one or more medical practitioners of such party's choice to be present at such examination as an observer or observers.

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(3) Where the injured person fails or refuses to comply with an order of court made under

subsection (1), the court shall be entitled to draw all such inferences against such person as in all the circumstances of the case can properly be drawn by reason of such failure or refusal.

5 (4) Such report or reports may, without further proof be used as evidence of the facts stated therein at the trial:

10 Provided that, the court shall, on application made by any party to the action and upon such terms as to costs or otherwise as it may determine, order that the medical practitioner be summoned and examined orally on any matter arising from or in connection with the report or any statement of fact therein or any
15 relevant fact which is alleged by any party to have been omitted therefrom.

(5) Every court shall, from time to time, prepare a list of medical practitioners residing in or engaged in the practice within the
20 jurisdiction of such court, to whom an order may be made under subsection (1)(a) for a medical examination:

25 Provided however, the court shall, prior to the inclusion of the name of any medical practitioner in such list, make such inquiries as may be necessary to ascertain the regular availability of such medical practitioner to undertake such medical examination.

30 (6) For the purpose of this section, “medical practitioner” means a medical practitioner registered with the Sri Lanka Medical Council established under the Medical Ordinance (Chapter 105).”.

35 **3.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

