

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of July 26, 2024

SUPPLEMENT

(Issued on 26.07.2024)



**PRIMARY COURT'S PROCEDURE
(AMENDMENT)**

A

BILL

to amend the Primary Court's Procedure Act, No. 44 of 1979

*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 sections 70A and 70B in the Primary Court's Procedure Act, No. 44 of 1979 to provide for the judge of the primary court to transfer any case record of which he has made an order under section 68 or 69, to the relevant District Court where he is in the opinion that the matter in dispute is related to a title or interest of a party and appropriate to be adjudicated by the District Court.

L.D.—O. 27/2024

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

5 2. The following new sections are hereby inserted immediately after section 70 of the Primary Court's Procedure Act, No. 44 of 1979 and shall have effect as sections 70A and 70B of that enactment: -

Insertion of
new sections
70A and 70B
in the
Act, No. 44
of 1979

15 an application; or

the Judge of the Primary Court shall direct the Registrar to forward the case record to the District Court having jurisdiction of the land or right or interest to the land in dispute
25 situates, while keeping a copy of the order, within one month from the date of the order.

5 (2) Notwithstanding an order to forward the case record to the District Court, the Judge of the Primary Court may direct the parties to execute any order made by him within one month from the date of such order and issue further orders on the parties to maintain the status quo until any order, whether interim or final, is made by the District Court.

10 (3) Notwithstanding the provisions of any other law, no appeal or revision shall lie against any order of the Judge of the Primary Court, from the date on which he made an order to forward the case record to the District Court.

15 Proceedings **70B.** (1) Upon receipt of a case record under at the District Court section 70A, the judge of the District Court shall allocate a case number and issue notice on the parties to appear before the Court on a date not later than one month from the date of such order.

20 (2) The District Court shall proceed with the matter as if such matter has been instituted under the Chapter XLIII of the Civil Procedure Code (Chapter 101) and the provisions thereof shall *mutatis mutandis* apply in relation to such proceedings.

25 (3) The District Court shall order the parties to submit their statements of claims. The District Court may, on its' own motion or on an application by any party before it, add any other party to the proceedings, if the court is of
30 the opinion that such addition may be necessary for the ends of justice or to prevent abuse of the process of the Court.

5 (4) The District Court, on an application of a party or on its' own motion, and if the court is satisfied, may set-aside, vary, alter or amend any order made by the Judge of the Primary Court under section 70A, at any stage before the final judgment is pronounced.

10 (5) Where this Act has not provided for any matter arising in such proceedings, the provisions of the Civil Procedure Code (Chapter 101) governing a like matter shall, with suitable adaptation as the justice of the case may require be adopted and applied.”.

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

