



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

**PARTITION (AMENDMENT)
ACT, No. 27 OF 2024**

[Certified on 13th of May, 2024]

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Partition (Amendment)
Act, No. 27 of 2024

[Certified on 13th of May, 2024]

L.D.-O. 68/2021

AN ACT TO AMEND THE PARTITION LAW, NO. 21 OF 1977

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

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| <p>1. This Act may be cited as the Partition (Amendment) Act, No. 27 of 2024.</p> <p>2. Section 15 of the Partition Law, No. 21 of 1977 (hereinafter referred to as the “principal enactment”) is hereby amended as follows: -</p> <p>(1) by the repeal of subsections (2) and (3) thereof, and the substitution therefor of the following subsections:-</p> <p style="padding-left: 40px;">“(2) Every Grama Niladhari to whom a copy of such notice and a copy of a translation thereof are sent by registered post under subsection (1) of this section shall cause the contents of the notice, including the Schedule of the land or lands, as the case may be, to be exhibited in a banner displayed, in the manner as may be prescribed by regulations, in a conspicuous place in his office or close to his office for a period of not less than thirty days, and shall forward to the court a report to that effect substantially in the form set out in the Second Schedule.</p> <p style="padding-left: 40px;">(3) The Grama Niladhari shall also cause the contents of the notice sent to him under subsection (1) of this section, including the Schedule of the land or lands, as the case may be-</p> <p style="padding-left: 40px;">(a) to be exhibited in a banner, in a conspicuous position in the land or lands, as the case may be, in the manners as may be prescribed by regulations; and</p> | <p>Short title</p> <p>Amendment of section 15 of Law, No. 21 of 1977</p> |
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- (b) to be orally proclaimed by way of public announcement made using a loudspeaker at such land or each of such lands and at any public place close to such land or each of such lands, as the case may be,

and shall forward to the court a report to that effect substantially in the form set out in the Second Schedule.”; and

- (2) by the addition, at the end of that section of the following new subsection:-

“(4) The cost of the publication done under subsections (2) and (3) of this section shall be borne by the plaintiff in the first instance and shall be recoverable “*pro rata*”. The Grama Niladhari shall forward an affidavit to the court affirming the execution of the publications referred to in subsections (2) and (3) of this section along with the reports referred to in subsections (2) and (3) of this section within two months from the date of receipt of such notice.”.

Amendment of
section 16 of the
principal
enactment

3. Section 16 of the principal enactment is hereby amended by the repeal of subsection (2) thereof, and the substitution therefor of the following subsection:-

“(2) (a) The commission issued to a surveyor under subsection (1) of this section shall be substantially in the form set out in the Second Schedule and shall have attached thereto a copy of the plaint certified as a true copy by the registered attorney for the plaintiff.

(b) The court may, upon transmit to it under section 18 the plan prepared by the surveyor in the execution of the commission issued under subsection (1), order to issue a further commission, on its own motion or at the instance of any party to the action, authorizing-

- (i) the surveyor referred to in subsection (1) or any other surveyor whose name is specified in the list of surveyors referred to in section 73, to survey any larger or smaller portion of the land that was surveyed under the commission issued under subsection (1); or
- (ii) any surveyor other than the surveyor referred to in subsection (1) and whose name is specified in the list of surveyors referred to in section 73, to resurvey the land that was surveyed under the commission issued under subsection (1),

and the court may also direct the surveyor who executes the further commission to superimpose the plan prepared under the further commission on the plan prepared in the execution of the commission issued under subsection (1) or to carry out any other similar matter necessary for the adjudication of the action.

(c) In the execution of the further commission referred to in paragraph (b), the provisions of paragraph (a) of this subsection, the provisions of subsections (1), (3), (4), (5) and (6) of this section and the provisions of sections 17 and 18 shall *mutatis mutandis*, apply in respect thereof.”.

Amendment of
section 17 of the
principal
enactment

4. Section 17 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “after beat of tom-tom,” of the words “by way of public announcement made using a loudspeaker,”.

Amendment of
section 18 of the
principal
enactment

5. Section 18 of the principal enactment is hereby amended in subparagraph (iv) of paragraph (a) of subsection (1) thereof, by the substitution for the words “the parties to the action who were present at the survey,” of the words “the parties to the action who were present at the survey, the nature of their claims”.

Amendment of
section 23 of the
principal
enactment

6. Section 23 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for all the words from “Every party to a partition action shall,” to “a list filed as aforesaid.” of the words-

“Every party to a partition action shall, not less than thirty days before the date first fixed for the trial of the action, file or cause to be filed in the court a list of documents on which he relies to prove his rights, share or interest to, of or in the and together with an abstract of the contents of such documents and a list of witnesses. Where a party is allowed to intervene after the date first fixed for trial, such party shall file a list of documents and a list of witnesses within thirty days of such intervention. No party shall, except with the leave of the court which may be granted on such term as the court may determine, be permitted to put any document or witness in evidence on his behalf in the action if that document or witness is not listed in the lists filed as aforesaid.”.

7. The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment:-

Insertion of new
section 24A in
the principal
enactment

“Amendments
of pleadings

24A. (1) Upon an application made to the court before the day first fixed for trial of the action, in the presence of, or after reasonable notice to all the parties to the action, the court shall have full power of amending in its discretion, all pleadings in the action, by way of addition, or alteration, or of omission.

(2) On or after the date the case is first fixed for trial, no application for the amendment of any pleadings shall be allowed unless the court is satisfied for reasons to be recorded that grave and irremediable injustice will be caused or that a thorough investigation of title will be impeded, if such amendment is not permitted subject to costs or otherwise, and that the party so applying has not been guilty of laches.

(3) Any application for amendment of pleadings which may be allowed by the court under subsection (1) or (2) shall be upon such terms as to costs and postponement or otherwise as the court may think fit.

(4) The additions or alterations or omissions shall be clearly made on the face of the pleading affected by the order; or if this cannot conveniently be done, a fair copy of the pleading as altered shall be appended in the record of the action to the pleading amended. Every such addition or alteration or omission shall be signed by the Judge.”.

Amendment of
section 27 of the
principal
enactment

8. Section 27 of the principal enactment is hereby amended by the repeal of subsection (3) thereof, and the substitution therefor of the following subsection:-

“(3) Where the court decides that the land or any portion thereof shall be partitioned, the commission under subsection (2) of this section shall be issued to the surveyor who made the preliminary survey under section 17 unless the court decides to issue it to any other surveyor whose name is specified in the list referred to in section 73 or where court deemed fit, notwithstanding anything to the contrary in section 73, to any other surveyor upon agreement of all parties who have been awarded any right by the interlocutory decree entered under section 26.”.

Amendment of
section 30 of the
principal
enactment

9. Section 30 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words “after beat of tom-tom,” of the words “by way of public announcement made using a loudspeaker.”.

Replacement of
section 36A of
the principal
enactment

10. Section 36A of the principal enactment is hereby repealed and the following section is substituted therefor:-

“Application
for leave to
appeal

36A. Any person dissatisfied with an order made by the court under section 36 may prefer an application for leave to appeal to the relevant High Court established by Article 154P of the Constitution in terms of subsection (2) of section 754 of the Civil Procedure Code (Chapter 101) against such order.”.

Amendment of
section 45A of
the principal
enactment

11. Section 45A of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words and figures “under sections 36A and 45A” of the words and figures “under sections 36 and 45”.

12. Section 52 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “by motion in that behalf,” of the words “by motion in that behalf, within ten years from the date of such final decree or of the final decree, if any, on appeal affirming the same”.

Amendment of
section 52 of the
principal
enactment

13. Section 57 of the principal enactment is hereby amended by the repeal of paragraph (d) of subsection (1) thereof, and the substitution therefor of the following paragraph:-

Amendment of
section 57 of the
principal
enactment

“(d) the cost incurred in the display of the banner and the proclamation made under section 15 and the cost incurred in the proclamation made under section 17;”.

14. Section 67 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words “damage to the land” of the words “damage to the land, or making any alteration to the character of the land,”.

Amendment of
section 67 of the
principal
enactment

15. The Second Schedule to the principal enactment is hereby amended as follows:-

Amendment of
the Second
Schedule to the
principal
enactment

(1) in the Form prescribed under subsection (2) of section 15 which bears the title “REPORT BY GRAMA NILADHARI”-

(a) by the substitution for the words and figures “(Section 15(2))” of the words and figures “(subsections (2) and (3) of section 15)”; and

(b) by the substitution for the words “I have exhibited the annexed notice with translations on the notice board of my office from19....to.....19” of the following:-

“I have exhibited the contents of the notice, including the Schedule of the land in a banner displayed in a conspicuous place in my office and in a conspicuous place in the land and orally proclaimed by way of public announcement made using a loudspeaker at such land and at a public place close to such land from to”; and

- (2) in the Form prescribed under subsection (1) of section 18 which bears the title “FORM OF SURVEYOR’S REPORT”, by the repeal of paragraph (vi) thereof, and the substitution therefor of the following:-

“(vi) parties present and the nature of their claims;”.

Avoidance of
doubt

16. For the avoidance of doubt, it is hereby declared that the amendments made by section 3 of this Act to section 16 of the principal enactment shall apply to any action, proceeding or appeal instituted under the provisions of the principal enactment and pending or incomplete on the date of coming into operation of this Act.

Sinhala text to
prevail in case
of inconsistency

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

English Acts of the Parliament can be purchased at the “PRAKASHANA PIYASA”, DEPARTMENT OF
GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.