

IN THE COURT OF APPEAL OF THE REPUBLIC OF SRI LANKA

In the matter of an application for Transfer of D.C.
Anuradhapura Case No.8478/D under Section 46 of
the Judicature read with section 10 of the
Civil Procedure Code

C.A. Application No.
Transfer 179/2012
D.C. Anuradhapura Case No. 8478/D

Ama Prarthana Perera, Of No.4/6, Uduwela Road,
Ampitiya, Kandy.

Defendant- Petitioner

Don Dolawattege Isuru Indrachapa Navoda
Amarapala, Of Ichchankulama, Kurundankulama,
Anuradhapura.

Plaintiff- Respondent

C.A. No.179/2012(Transfer) D.C. Anuradhapura No.8478/D

Before : **S.Sriskandarajah, J (P,C/A)**
Deepali Wijesundera, J.

Counsel : Dr. S.A.F. Cooray for the Petitioner.

Argued &
Decided on : 11th July,2012.

S.Sriskandarajah, J. (P,C/A)

Heard Counsel for the petitioner in support of this application.

The learned Counsel for the petitioner submits that the defendant-petitioner is a defendant in a divorce action which is filed in the District Court of Anuradhapura. The only ground on which the petitioner moves to transfer this case from the District Court of Anuradhapura is that she has an infant child and due to that fact she is not in a position to travel from Kandy to Anuradhapura to be present on the days on which the case is taken up for trial. This Court considers the submissions and finds that this is not a ground on which this Court could transfer a case from the Court that has jurisdiction to hear this case. In these

circumstances this Court refuses to issue notice.

Notice refused.

PRESIDENT OF THE COURT OF APPEAL

Deepali Wijesundera, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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