

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

In the matter of an appeal to the Court of Appeal from the judgment of the High Court of the Western Province Holden in Colombo delivered in terms of Article 154 P (3) (b) Constitution of Democratic Socialist Republic of Sri Lanka.

C.A. Case No. CA(PHC)

191/2012

H.C. Colombo Case No.

HCRA 92/12

M.C. Colombo Case

95140/06/06

Illandari Dewage Namdama Suraweera

N. 04, Sathapum Kanuwa

Kuruduwatta, Karandeniya.

Presently At

Illandari Dewage Namdama Suraweera

AICHI-KEN

NAGOYA

SHI MORIYAMAKU

MIDORIGAOKA

1010

SHIAI-JAPAN

Petitioner-Appellant-Petitioner

1. Officer-In-Charge  
Fraud Bureau,  
No. 182, Platinum Tower  
Alwittigala Mawatha,  
Colombo 08.

2. Hon. Attorney General  
Attorney General's Department  
Colombo 12.

Respondent-Respondent-Respondent

C.A. PHC No. 191/2012

H C Colombo No.HCRA 92/2012

M.C. Colombo Case No.95140/06/06

Before : K.K. Wickremasinghe, J &  
K. Priyantha Fernando, J.

Counsel : Shanaka Ranasinghe P.C. with Niroshan Mihindukulasuriya  
for the Petitioner.  
Panchali Witharana, S.C. for A.G.

Argued &

Decided on : 13.12.2019.

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K.K. Wickremasinghe, J

The Petitioner in this case has filed this revision application seeking to revise the order of the learned High Court Judge of Colombo, dismissing the Petitioners application on the basis that a valid affidavit was not filed.

Learned High Court Judge has mentioned that since the Affidavit was not attested before Justice of Peace, the petition was rejected. But it is apparent that this particular affidavit had been attested before a Consular officer (Ambassador). Therefore it is apparent that in fact this is a duly signed document. Learned State Counsel who is appearing for the Respondent concedes the fact that the affidavit is duly signed and therefore the order of the learned High Court Judge dated 06.08.2012 is set aside and this case is sent back to the relevant High Court in order to decide the matter on merits.

Registrar is directed to send a copy of this order to the relevant High Court of Colombo. The learned High Court Judge is directed to take steps to hear this matter and conclude as early as possible.

Website Copy  
  
 JUDGE OF THE COURT OF APPEAL

K. Priyantha Fernando, J.

I agree.

Website Copy  
  
 JUDGE OF THE COURT OF APPEAL

AKN