

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

In the matter of an application for  
*Restitutio in Integrum* and *Revision*  
under and in terms of Article 138 of the  
Constitution of the Democratic Socialist  
Republic of Sri Lanka.

**CA Case No: RII/102/2024**  
**DC Colombo Case No.**  
**DSP/275/2019**

Nations Trust Bank PLC,  
No. 242,  
Union Place,  
Colombo 02.

**Petitioner**

**Vs.**

1. Shiraj Mario Nesaduray,  
No. 22,  
Crestwood,  
Hokandara Road,  
Thalawathugoda.
2. Rukmal Susantha Dias,  
No. 269 B,  
4<sup>th</sup> Lane,  
Shanthipura,  
Thalawathugoda.
3. Kishani Mahawalathanna Jayawardhana  
Dias,  
No. 269 B,  
4<sup>th</sup> Lane,  
Shanthipura,  
Thalawathugoda.

**Respondents**

**AND NOW BETWEEN**

2. Rukmal Susantha Dias,  
No. 269 B,

4<sup>th</sup> Lane,  
Shanthipura,  
Thalawathugoda.

3. Kishani Mahawalathanna  
Jayawardhana Dias,  
No. 269 B,  
4<sup>th</sup> Lane,  
Shanthipura,  
Thalawathugoda.

**Respondent- Petitioners**

**Vs.**

Nations Trust Bank PLC,  
No. 242,  
Union Place,  
Colombo 02.

**Petitioner- Respondent**

Shiraj Mario Nesaduray,  
No. 22,  
Crestwood,  
Hokandara Road,  
Thalawathugoda.

**1<sup>st</sup> Respondent- Respondent**

**Before:** **R. Gurusinghe J.**

**&**

**M.C.B.S. Morais J.**

**Counsel:** Niranjan De Silva with Shynika A. Perera instructed by  
Subhashini Pathiranage for the 2<sup>nd</sup>, 3<sup>rd</sup> Respondent-  
Petitioners.

**Supported On:** **19.12.2024**

**Decided On:**

**20.12.2024**

**ORDER**

**R. Gurusinghe J.**

Having considered the submissions and the materials presented to this court on behalf of the Petitioner, we are convinced that there is a *prima facie* case to be looked into.

Therefore, as per Prayer “a” notice should be issued to the Respondent and as for prayer “f” an interim order is granted staying the further proceeding in the case bearing No.DSP/275/2019, which will be only operative until the next date.

Mention on 31<sup>st</sup> of 1December 2024.

**Judge of the Court of Appeal**

**M.C.B.S. Morais J.**

**I agree**

**Judge of the Court of Appeal**