

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

CA Writ Application No. 216/16

W.M.A. Gaminee Bandara
M/S Spectra Imports & Marketing (Private) Ltd
No: 320/1, Kelimune
Maspotha.

Petitioner

Vs.

Seylan Bank P.L.C.
No:90, Galle Road,
Colombo 03.

Munasinghe Mudiyansele Amarapala,
Saraswathi Watta,
Hanhamunuwa,
Maspotha.

Ranasinghe Mudiyansele Pemawathi Manika
No: 288, Kandy Road,
Kurunegala.

Respondents

C.A.(Writ)Application No.216/2016.

BEFORE : VIJITH K. MALALGODA, PCJ (P/CA) &
P. PADMAN SURASENA, J.

COUNSEL : L.P.P. Kumarasinghe for the petitioner.

SUPPORTED ON : 04th August 2016.

VIJITH K. MALALGODA, PCJ (P/CA)

Heard Counsel in support of this application.

The petitioner has come before this Court challenging the decision by the 1st respondent, to take over a land which is referred to in this application by parate execution. However, we observe that the petitioner has failed to satisfy this Court as to why the steps taken by the said bank should be questioned by way of a writ application before this Court.

As revealed before us the Petitioner has obtained a loan and overdraft facility but not taken steps to settle the same since the year 2012. The 1st respondent even after obtaining a Board decision in the

year 2013 to auction the said land had again delayed the said process to give an opportunity to the petitioner to settle the dispute between the parties.

Since the 1st respondent bank had given an ample opportunity to the petitioner, we cannot agree with the petitioner that the decision taken by the 1st respondent is illegal, mala fide and/or in violation of Rules of Natural Justice.

Under these circumstances we are not inclined to issue notices in this case. The application is accordingly dismissed.

PRESIDENT OF THE COURT OF APPEAL

P. PADMAN SURASENA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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