

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

*In the matter of an Appeal from the
judgment dated 03-05-2017 in Appeal
No. NWP/HCCA/KUR/91/2013(F) in
terms of section 5C(1) of the Act No. 54 of
2006.*

SC Appeal No:

175/2019

Janaka Dona Trislin Shriyalata

Hettiarachchi,

Anamaduwa.

SC/HCCA/LA 287/2017

PLAINTIFF

Vs.

H.C. Appeal No:

NWP/HCCA/KUR/91/2013(F)

Warnakulasooriya Philip James

Fernando, **(Deceased)**

“Samalka Stores”,

D.C. Puttalam Case No:

980/L

Uswewa Road,

Anamaduwa.

ORIGINAL DEFENDANT

1. Warnakulasooriya Jude Chaminda,

2. Warnakulasooriya Colin Shantha,

3. Ranga Chamara Warnakulasooriya,

All of :

“Samalka Stores”,

Uswewa Road, Anamaduwa.

4. Warnakulasooriya Rosy Asha
Fernando,
Near Mellankulama School,
Mellankulama, Kottukachchiya,
Anamaduwa.

5. Samalka Warnakulasooriya,
“Wickrama Stores”,
Puttalam Road, Anamaduwa.

SUBSTITUTED DEFENDANTS

AND BETWEEN

Janaka Dona Trislin Shriyalata
Hettiarachchi,
Anamaduwa.

PLAINTIFF-APPELLANT

Vs.

Warnakulasooriya Philip James
Fernando, **(Deceased)**
“Samalka Stores”,
Uswewa Road, Anamaduwa.

ORIGINAL DEFENDANT

1. Warnakulasooriya Jude Chaminda,
2. Warnakulasooriya Colin Shantha,
3. Ranga Chamara Warnakulasooriya,

All of :

“Samalka Stores”,

Uswewa Road, Anamaduwa.

4. Warnakulasooriya Rosy Asha

Fernando, Near Mellankulama School,

Mellankulama, Kottukachchiya,

Anamaduwa.

5. Samalka Warnakulasooriya,

“Wickrama Stores”,

Puttalam Road, Anamaduwa.

SUBSTITUTED DEFENDANT-

RESPONDENTS

AND NOW BETWEEN

1. Warnakulasooriya Jude Chaminda,
2. Warnakulasooriya Colin Shantha,
3. Ranga Chamara Warnakulasooriya,

All of :

“Samalka Stores”,

Uswewa Road, Anamaduwa.

4. Warnakulasooriya Rosy Asha
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Mellankulama, Kottukachchiya,
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5. Samalka Warnakulasooriya,
“Wickrama Stores”,
Puttalam Road, Anamaduwa.

**SUBSTITUTED DEFENDANT-
RESPONDENT-APPELLANTS**

Vs.

Janaka Dona Trislin Shriyalata
Hettiarachchi,
Anamaduwa.

Presently at:

No. 256, Palathota Junction,
Kalutara South.

**PLAINTIFF-APPELLANT-
RESPONDENT**

Before : Yasantha Kodagoda, P.C., J.
: A.H.M.D. Nawaz, J.
: Sampath B. Abayakoon, J.

Counsel : H. Withanachchi with Shantha Karunadhara
instructed by Chithrananda Liyanage for the
Defendant-Respondent-Appellant.
: Aruna Ranasinghe with Nipuni Dasanayake
instructed by Sanjaya Fonseka for the Plaintiff-
Appellant-Respondent.

Argued on : 11-02-2026

Written Submissions : 18-09-2020 (pre-argument written submissions by
the Plaintiff-Appellant-Respondent)
: 19-02-2026 (post-argument written submissions by
the Plaintiff-Appellant-Respondent)
: 23-12-2019 (pre-argument written submissions by
the Defendant-Respondent-Appellants)
: 24-03-2026 (post-argument written submissions by
the Substituted Defendant-Respondent-Appellants)

Decided on : 02-07-2026

Sampath B. Abayakoon, J.

The substituted defendant-respondent-appellants (hereinafter sometimes referred to as the substituted defendants or defendant) preferred this appeal on being aggrieved of the judgment dated 03-05-2017 of the Provincial High Court of the North Western Province holden in Kurunegala, pronounced while exercising its civil appellate jurisdiction.

From the impugned judgment, the High Court set aside the judgment of the learned District Judge of Puttalam pronounced on 26-04-2013 in District Court of Puttalam Case No. 980/L, where the action instituted by the plaintiff-appellant-respondent (hereinafter referred to as the plaintiff) was dismissed. Having set aside the said judgment, the High Court granted reliefs prayed in the prayer 'a', 'b', and 'd' of the plaint dated 25-09-1997.

When this matter was supported on 07-11-2019 for the purpose of considering the granting of leave to appeal, this Court granted leave on the following two questions of law.

1. Did the Civil Appellate High Court err in law by reversing the findings reached by the District Court in favour of the defendant by holding that the defendant has failed to prove an overt act on his part claiming adverse title against the plaintiff?
2. Has the Civil Appellate High Court misdirected itself by holding that the document marked P-10 can be admitted in evidence against the defendant-respondent by applying the legal principles applied on the document marked P-05?

At the hearing of the appeal, this Court heard the submissions of the learned Counsel for the substituted defendants and also of the learned Counsel who represented the plaintiff. This Court also had the benefit of considering the pre-argument, as well as post-argument written submissions tendered by the parties in this regard.

The facts that led to the judgment of the learned District Judge and that of the High Court can be summarized in the following manner.

The plaintiff instituted action against the now deceased original defendant in order to obtain a declaration of title to the lands morefully described in the 1st and the 2nd schedules of the plaint, ejectment of the defendant and whoever claiming title under him from the land described in the 2nd schedule of the plaint, damages, and other reliefs as sought in the prayer.

The defendant in his answer denied the claimed title of the plaintiff and has claimed that the title deed of the plaintiff, namely deed No. 1658 dated 24-06-1993, was a fraudulent deed. He has also claimed that the plaintiff never had any possession or right to the land described in the 2nd schedule of the plaint, whereas he possessed the same land from 1967 uninterruptedly, and thereby, gained prescriptive title to the said land.

He has prayed for the dismissal of the plaint and for a declaration that he has established prescriptive rights to the land morefully described in the schedule of the answer.

At the trial, the parties have recorded 3 important admissions. The said admissions are as follows,

1. Parties admit the jurisdiction of the Court and the subject matter of the action has been correctly described in the 2nd schedule of the plaint.
2. Parties admit that the land described in the 2nd schedule of the plaint and the land described in the schedule of the answer of the defendant refers to one and the same land and also the fact that the land is a private land.
3. Parties admit that the defendant is in possession of the subject matter of the action.

Based on the above admissions, plaintiff has recorded 4 issues as to her title and to claim that the defendant is in unlawful possession of the land.

The defendant has recorded issue No. 05 to 08 claiming prescriptive rights to the land and also on the basis that the plaintiff's title deed is a document that is null and void.

After the conclusion of the trial, the learned District Judge of Puttalam, in his judgment dated 26-04-2013, has determined that since the action instituted by the plaintiff is a *rei vindicatio* action, the *onus* was on the plaintiff to prove his title. Having briefly summarized the evidence of the parties, the learned District Judge has determined that since the defendant is claiming prescription as against the paper title of the plaintiff, the Court should look as to which party should be given the rights.

Having considered the claim that the defendant has been in possession of the land since 1967 and the plaintiff has never been in possession, it had been determined that the defendant has proved his possession of the land, and therefore, a declaration of title cannot be given in favour of the plaintiff.

For matters of clarity, I would like to reproduce the relevant portion of the judgment (page 13 of the judgment, page 200 of the appeal brief), which reads thus;

"විත්තිකරු විසින් 1967 වර්ෂයේ සිට 1993 දක්වා කාලය වන අවුරුදු 26ක කාලයක් අත් අයෙකුගේ බාධා කිරීම් වලින් තොරව මෙම නඩුවට අදාළ ඉඩම බුක්තිවිද ඇති බව පෙනේ. ඒ බව පැමිණිල්ලේ සාක්ෂි අනුසාරයෙන් ද පැහැදිලිව පෙනී යන අතර, විත්තිකරු විසින් ස්වකීය සාක්ෂි වලින් විත්තිකරුගේ බුක්තිය නඩුවට අදාළ ඉඩම සම්බන්ධයෙන් ඔප්පු කොට ඇති බව පෙනේ.

ඒ අනුව සියලුම කරුණු සලකා බැලීමේදී පැමිණිල්ලේ දෙවන උපලේඛනයේ සඳහන් ඉඩමේ නිත්‍යානුකූල හිමිකරු පැමිණිලිකරු බවට තීන්දුවක් ලබා දිය නොහැකි බවට තීරණය කරමි."

Having determined as above, the learned District Judge has placed heavy emphasize on the fact that the defendant had been in possession of the land since 1967, and had determined that although the plaintiff has acquired rights on the deed marked P-05, neither she nor her predecessor in title have looked after the land (කිසිදු ආකාරයක අදාළ ඉඩම සම්බන්ධයෙන් සොයා බැලීමක් නොකර ඇති බවට).

Accordingly, on the basis that the defendant has proved his prescriptive title, the plaintiff's action has been dismissed while holding in favour of the defendant's issues.

When this judgment was appealed against by the plaintiff to the High Court, the High Court has determined that the plaintiff has clearly established her paper title through the documents marked P-01 to P-05. It has been observed that although the document marked P-05, which was the plaintiff's title deed, was marked subject to proof, when the plaintiff's case was closed, the defendant has not maintained the position that P-05 has not been proved. It has also been observed by the High Court that since the challenge to the document marked P-05 was on the basis of forgery, that fact has also not been established by the defendant before the trial Court.

Having determined that the plaintiff's paper title has been proved, the learned Judges of the High Court have considered the burden of the defendant to prove his claimed prescription to the land. It has been determined that the defendant has failed to establish that although he possessed the land, he commenced an adverse possession of the land by an overt act against the plaintiff or her predecessors in title. The learned Judges of the High Court have also considered relevant the document marked P-10, which was a notarial agreement to sell the land to the defendant by the plaintiff's predecessor in title.

Accordingly, it has been determined that the judgment of the learned District Judge cannot be allowed to stand, while allowing the reliefs prayed for by the plaintiff as previously stated.

Consideration of the Questions of Law & Conclusion

The action instituted by the plaintiff is undoubtedly a *rei vindicatio* action where she has pleaded for a declaration of title in her favour and the ejectment of the plaintiff for the matters pleaded in the plaint. The defendant's position had been that it is he who possessed the land since 1967, and that he has prescription rights to the land.

I find that the learned District Judge was completely misdirected as to the mode of proof in a case of this nature.

The case of **Leisa and Another Vs. Simon and Another (2002) 1 SLR 148** was a case where the plaintiff-appellants instituted action for a declaration of title and ejectment of the defendants from the premises in question. The defendants claimed prescriptive rights. The plaintiff's action was dismissed.

On appeal –

Held:

1. The contest is between the right of dominium of the plaintiffs and the declaration of adverse possession amounting to prescription by the defendants.
2. The moment title is proved, the right to possess it is presumed.
3. For the Court to have come to this decision as to whether the plaintiff had dominium, the proving of paper title is sufficient.
4. Once paper title becomes undisputed the burden shifts to the defendants to show that they had independent rights in the form of prescription as claimed by them.

In the case of **Luwis Singho and Others Vs. Ponnampereuma (1996) 2 SLR 320**, it was held;

“1. Actions for declaration of title and ejectment (as in this case) and vindicatory actions are brought for the same purpose of recovery of property. In a *rei vindicatio* action the cause of action is based on the sole ground of violation of the right of ownership. In such an action proof is required that;

- i. the plaintiff is the owner of the land in question i.e. has the dominium and,
- ii. that the land is in the possession of the defendant.

Even if an owner never had possession, it would not be a bar to a vindicatory action.”

Having gone through the trial Court judgment, I find that the learned District Judge has compared the evidence rather than evaluating the same by having in his mind the necessary principles of law as to the mode of proof in a vindicatory suit in determining that since the defendant has proved long possession, the plaintiff has failed to prove the title to the land.

It is trite law that the burden is always on the plaintiff to establish ownership as pleaded, and the defendant has no obligation to prove anything unless the plaintiff establishes title to the satisfaction of the Court. Only if the plaintiff establishes the title, the burden shifts to a defendant to establish that he has a better title than that of the plaintiff.

It is clear from the evidence placed before the trial Court that the plaintiff has had no clear uninterrupted possession of the subject matter, and the subject matter had been in the possession of the defendant of the action. It had been the very basis that the defendant has claimed prescription over the subject matter.

Under the circumstances, what the learned District Judge should have determined first was whether the plaintiff has established her paper title to the land, and only if the learned District Judge was satisfied that the paper title is with the plaintiff, he should have evaluated the evidence in order to determine whether the defendant has established his claimed prescriptive rights over the established proprietary rights of the plaintiff.

At this juncture, I would like to quote from **A.W. Abdul Salam, J.** (as he was then) in the Court of Appeal case of **408/95F Halpayalage Jaya Vs. Udage Arachchige Herath decided on 20-09-2010** where His Lordship quoted the rights of an owner of a land as defined by *Walter Perera in The Laws of Ceylon*, Volume II, Page 199-

“Reclaim or Rei vindicatio is the action which arises under the head of property. It lies for the owner of anything movable or immovable, corporeal or incorporeal, against the possessor or any person who has mala fide divested him of the possession to deliver it up to the owner with

all its fruits then in existence and those which the mala fide possessor has already enjoyed or might have enjoyed under the deduction, however, of the costs and charges of the possessor in the thing (V.d.L.1.7.3)."

Wigneswaran, J. also quoted from "Willie" in his book "*Principles of South African Law* (3rd edition)" in the case of **Leisa and Another Vs. Simon Another (supra)** where it has been stated:

"The absolute owner of a thing has the following rights in the thing:

- (1) To possess it;*
- (2) To use and enjoy it; and*
- (3) To destroy it; and*
- (4) To alienate it.*

In discussing the rights to possession, he states, also at page 190:

"The absolute owner of a thing is entitled to claim the possession of it; or, if he has the possession he may retain it. If he is illegally deprived of his possession, he may by means of vindicatio or reclaim recover the possession from any person in whose possession the thing is found. In a vindicatory action the claimant need merely prove two facts, namely, that he is the owner of the thing and that the thing is in the possession of the defendant."

At the trial before the District Court, there had been no dispute as to the identity of the subject matter of the action. The plaintiff has given evidence and has produced documents marked P-01 to P-05 in order to establish her title to the subject matter. The said documents have established that the property has been transferred by one Herath Mudiyansele Ukku Manika *alias* Nelly Gunawardhena based on her paternal inheritance to Ekmaligoda Daniel Muththettuwagama by deed of transfer No. 99 dated 31-03-1941 (deed marked P-01). The said deed has clearly described the property as stated in the 1st schedule of the plaint. The earlier mentioned Muththettuwagama's

daughter has transferred her acquired rights to the property by deed of transfer No. 1658 dated 24-06-1993 to the plaintiff.

Although the defendant has not objected to the documents marked P-01 to P-04, which were documents produced to establish the title of the plaintiff's immediate predecessor in title, namely Nanda Mapitigama, when the deed marked P-05 was produced in order to establish plaintiff's title to the property, it has been marked subject to proof.

It is clear that although the defendant has placed the deed marked P-05 subject to proof, when the plaintiff's case was closed on 28-10-2008 marking documents P-01 to P-05, the defendant has not maintained the position that P-05 has not been proved.

At the trial, Nanda Muththettuwegama Mapitigama who was the executant of the deed marked P-05 has given evidence in favour of the plaintiff. In her evidence, while stating in unequivocal terms as to how she became entitled to the property, she has stated that she transferred the said property to the plaintiff by the deed marked P-05 for a sum of Rs. 25,000/-. She has also stated that she knew the location of the property and although there were several retail shops on the property, they were unoccupied. She has also stated that one James paid an advance of Rs.5,000/- to purchase the property, but he later informed her that he is unable to buy, and the property can be sold to someone else.

She has also stated that after she sold the property to the plaintiff, she and her now deceased son went to the property and handed over the possession to the plaintiff, and the retail shops situated therein were unoccupied at the time she handed over the property.

It is trite law that once a document is marked subject to proof, even if it has not been proved by calling evidence by the party who produces it, if the same position is not maintained by the party who required the document to be proved at the closure of the plaintiff's or defendant's case, no position can be maintained later that the document was not proved.

In the case of **Jamaldeen Abdul Latheef Vs. Abdul Majeed Mohammed Mansoor and another (2010) 2 Sri LR 333 at page 371 - 372;**

*“There remains, however, one more matter on which learned Counsel for the contending parties have made submissions, which was raised in the context that the usual practice of reading in evidence the documents that were marked and produced at the trial in the course of witness testimony was not followed when the case for the Respondents was closed on 27th April 1993. This is substantive question 5, which specifically focuses on this issue, namely: is it mandatory to read the documents in evidence at the conclusion of the trial? There is no provision in the Civil Procedure Code that mandates the reading in of the marked documents at the close of the case of a particular party. However, learned and experienced Counsel who have appeared in the original courts in civil cases from time immemorial developed such a practice, which has received the recognition of our courts. For instance, in Sri Lanka Ports Authority and Another v. Jugolinija - Boat East (1981) 1 Sri LR, Samarakoon, C.J., commented on this practice, and ventured to observe at 23 to 24 of his judgement that if no objection to any particular marked documents is taken when at the close of a case documents are read in evidence, “they are evidence for all purposes of the law.” It has been held that this is the *cursus curiae* of the original courts. See, *Silva v. Kindersley* 18 NLR 65.”*

In the case of **Balapitiye Gunanda Thero Vs. Talalle Meththananda Thero (1997) 2 SLR 101**, G.P.S. De Silva, C.J. while considering the view expressed by His Lordship Samarakoon, C.J. in **Sri Lanka Ports Authority and Another Vs. Jugolinija – Boat East (1981) 1 SLR 18, 23, 24** as relevant, held that where a document is admitted subject to proof, but when tendered and read in evidence at the close of the case is accepted without objection, it become evidence in the case. This is the *cursus curiae*.

Besides that, the above principle has now become part and parcel of our statutory law by the introduction of the Civil Procedure Code (Amendment) Act No. 17 of 2022, where a new section 154A was introduced, which has

been made applicable for any case or any appeal pending on the date of coming into operation of the Act.

The transitional provisions of the said amendment read as follows,

3. Notwithstanding anything contained in section 2 of this Act, and the provisions of the Evidence Ordinance, in any case or appeal pending on the date of coming into operation of this Act –

(a) (i) If the opposing party does not object or has not objected to it being received as evidence on the deed or document being tendered in evidence; or

(ii) If the opposing party has objected to it being received as evidence on the deed or document being tendered in evidence but not objected at the close of a case when such document is read in evidence,

the court shall admit such deed or document as evidence without requiring further proof;

(b) If the opposing party objects or has objected to it being received as evidence, the court may decide whether it is necessary or it was necessary as the case may be, to adduce formal proof of the execution or genuineness of any such deed or document considering the merits of the objections taken with regard to the execution or genuineness of such deed or document.

In my view, the learned Judges of the High Court have correctly decided that the document marked P-05 should have been admitted in evidence and there was no evidence placed before the trial Court to establish that it was a forgery as claimed in the issues that makes the deed null and void.

Moreover, I am of the view that the plaintiff has established the genuineness of the deed by calling the person who executed the deed in her favour, namely

Nanda Muththettuwegama Mapitigama, to give evidence on her behalf. When cross-examining her, nothing has been suggested that P-05 was a forgery as alleged. Therefore, it is clear that the plaintiff has proved her paper title to the property.

Once her paper title is proved clearly, the *onus* should shift to the defendant to prove that he has a better title than that of the plaintiff. The defendant has had no paper title. He has maintained the position that he has prescribed to the land. In his evidence before the trial Court, he has claimed that he entered the land in question without anyone's objection in the year 1967 after clearing it and building a retail shop. It has been his position that, since then, he maintained the possession of the land without recognizing anyone else's rights for over 25 years, and his children were also born there as he was living there with his family. He has tendered documents relating to a previous action filed by him and also the assessment rate notices relating to the land. He has testified that he took loans from various authorities in order to develop the land. He has denied that the plaintiff's predecessor in title (Nanda Mapitigama) had any title to the property.

When the defendant was under cross-examination, the learned Counsel who represented the plaintiff has marked as P-10, an agreement to sell No. 10546 dated 29-09-1987 where one Warnakulasooriya Philip James Fernando has agreed to purchase the property under litigation from Nanda Mapitigama *nee* Muththettuwegama for a sum of Rs. 24,000/-, and also a letter marked P-11 dated 11-05-1993, supposedly written by the same James Fernando where it has been stated that he is not in a position to buy the property and the same can be sold to someone else.

The defendant has denied entering into such an agreement or writing a letter, and accordingly, P-10 and P-11 have been marked through the defendant subject to proof. The defendant has denied the signature in both the documents claiming that he never signed in the manner his signature appears on the said two documents.

However, when the defendant's case was closed on 13-02-2012 (JE 59 of the case record), the defendant has not maintained the position that the documents marked P-10 and P-11 have not been proved.

In my view, it would have been ideal to produce those two documents through Nanda Mapitigama while she was giving evidence when she spoke about such an agreement as the documents were addressed to her. However, I find that no prejudice has been caused to the defendant, when the said documents were marked through him. Since the documents were allowed as productions in the case, the defendant should have maintained the position that P-10 and P-11 were not proved after he closed his case, which position he has failed to maintain.

I am of the view that those two documents stand relevant in considering the defendant's claim that he had undisturbed and uninterrupted possession of the land.

The document marked P-10 clearly provides that the defendant has entered into an agreement to purchase the property from Nanda Mapitigama, which is a clear indication of recognizing her ownership to the property. Therefore, it is my considered view that after recognizing Nanda Mapitigama's ownership, the defendant cannot claim prescription by maintaining the position that he was in possession of the land since 1967. I find that what is meant by the learned Judges of the High Court when it was stated that P-10 can be admitted as evidence similarly to P-05, it was a reference to the legal principles as discussed above in relation to the document marked P-05, which in my view was a correct determination in that regard.

Now I will advert to consider whether the defendant has established prescription to the land as claimed. To succeed in such a claim, he has to prove undisturbed and uninterrupted possession in terms of section 3 of the Prescription Ordinance. Although he has claimed that he has been in possession of the land since 1967, his own evidence says that when he entered the land and cleared it, there was no one to claim ownership to the

same, which means that he has not come into possession adversely to its owner.

In the case of **Sirajudeen and Others Vs. Abbas (1994) 2 SLR 365**, it was observed-

“Where a party invokes the provisions of section 3 of the Prescription Ordinance in order to defeat the ownership of an adverse claimant to immovable property the burden of proof rests squarely and fairly on him to establish a starting point for his or her acquisition of prescriptive rights. A facile story of walking into abundant premises after the Japanese air raid constitutes material far too slender to found a claim based on prescriptive title.

As regards the mode of proof of prescriptive possession, mere general statements of witnesses that the plaintiff possessed the land in dispute for a number of years exceeding the prescriptive period are not evidence of the uninterrupted and adverse possession necessary to support a title by prescription. It is necessary that the witness should speak to specific facts and the question of possession has to be decided thereupon by Court.

One of the essential elements of the plea of prescriptive title as provided for in section 3 of the Prescription Ordinance is proof of possession by a title adverse to or independent of that of the claimant or plaintiff. The occupation of the premises must be of such character as is incompatible with the title of the owner.”

It is my considered view that, when the facts of the case under appeal are taken as a whole, though the defendant may have been in possession of the land over a long period of time, that in itself has not created prescriptive rights in favour of the defendant.

It is clear that the land was owned by Nanda Mapitigama through inheritance and it appears that the defendant knew who the real owners of the property

were from the very outset of his occupation of the land. That is the very reason why he may have entered into the agreement marked P-10, which is a clear admission of the ownership rights of the plaintiff's predecessor in title. The letter marked P-11 has been dated 11-05-1990, which clearly shows that no adverse possession can be claimed by the defendant against the plaintiff or her predecessor in title. Accordingly, I find that the learned Judges of the High Court have correctly set aside the judgment pronounced by the learned District Judge of Puttalam, which was a judgment not pronounced in accordance with the law.

Thereafter, the learned Judges of the High Court have proceeded to apply the correct principles of law as to the facts of the matter in pronouncing the impugned appellate judgment, for which I have no basis to disagree.

Hence, I answer the two questions of law under which leave to appeal was granted in the negative.

The appeal is dismissed for want of any merit. The appellate judgment dated 03-05-2017 is affirmed.

There will be no costs of this appeal.

Judge of the Supreme Court

Yasantha Kodagoda, P.C., J.

I agree.

Judge of the Supreme Court

A.H.M.D. Nawaz, J.

I agree.

Judge of the Supreme Court