



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**CIVIL PROCEDURE CODE (AMENDMENT)
ACT, No. 38 OF 1998**

[Certified on 22nd June, 1998]

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Civil Procedure Code (Amendment) Act, No. 38 of 1998

[Certified on 22nd June, 1998]

L. D.— O. 35/97.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 38 of 1998.

Short title.

2. Section 524 of the Civil Procedure Code (hereinafter referred to as the “principal enactment”) is hereby amended as follows :—

Amendment of section 524 of Chapter 101.

(1) in subsection (1) of that section, by the insertion immediately after paragraph (b) thereof, of the following new paragraph :—

“(bb) the heirs of the deceased to the best of the petitioner’s knowledge ;”;

(2) by the repeal of subsection (5) of that section.

3. Section 757 of the principal enactment is hereby amended as follows :—

Amendment of section 757 of the principal enactment.

(1) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :—

“(2) Upon an application for leave to appeal being filed in the Registry of the Court of Appeal, the Registrar shall number such application and shall forthwith send notice of such application by registered post, to each of the respondents named therein, together with copies of the petition, affidavit and annexures, if any. The notice shall state that the respondent shall be heard in opposition to the application on the date to be specified in such notice. An application for leave to appeal may include a prayer for a stay order, interim injunction or other relief.”;

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- (2) by the repeal of subsection (3) of that section ;
- (3) by the repeal of subsection (4) of that section and the substitution therefor of the following subsection :-

“(4) On the date specified in the notice sent under subsection (2) or on such other date as the Court may fix, the Court shall hear the application for leave to appeal and shall grant or refuse leave to appeal :

Provided that pending the hearing and disposal of such application and in the event of leave to appeal being granted, pending the hearing and disposal of the appeal, the Court may make order granting such interim relief as it deems to be appropriate in the circumstances.”.

Sinhala text to prevail in case of inconsistency.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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