



CIVIL COURTS PROCEDURE

(SPECIAL PROVISIONS)

LAW, No. 19 OF 1977

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 29th November, 1977]

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Civil Courts Procedure (Special Provisions)
Law, No. 19 of 1977

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L. D.—O. 23/77.

A LAW TO REGULATE THE PROCEDURE OF THE CIVIL COURTS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Civil Courts Procedure (Special Provisions) Law, No. 19 of 1977, and shall come into operation on such date (hereinafter referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. The Administration of Justice Law is hereby amended as follows:—

Amendment
of the Admin-
istration of
Justice Law.

(1) in section 3, by the omission in paragraph (a) of subsection (1) of that section, of the following:—

(a) the expression "the Civil Procedure Code,"; and

(b) the expression "the Destruction of Valueless Documents Ordinance,";

(2) by the insertion, immediately after section 26 thereof, of the following new section:—

"Penalty
for proceeding
in District
Court when
case
recognizable by
Magistrate's
Court.

26A. If any action or suit be commenced in a District Court for any debt, damage or demand which might have been recovered in a Magistrate's Court, the plaintiff if successful shall not by reason thereof be entitled to any costs whatsoever but it shall be competent to the court to make an order as to costs as justice may require.";

(3) in section 30 thereof by the repeal of subsection (1) of that section and the substitution therefor of the following new subsection:—

"(1) A Magistrate's Court shall, within its division, have original jurisdiction to hear and determine all actions, proceedings or matters in which the debt, damage, demand or claim does not exceed five hundred rupees, or the value of the movable

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or immovable property or the particular share, right or interest in dispute does not exceed five hundred rupees." ; and

(4) by the repeal of Chapters III, V and VI thereof.

Chapter IV
of the
Administration
of Justice
Law not be
apply to civil
courts.

3. Notwithstanding anything to the contrary in Chapter IV of the Administration of Justice Law, the provisions of that Chapter shall cease to regulate the right of, and procedure in, appeals to the Supreme Court from judgments and orders of all original courts in the exercise of their civil jurisdiction.

Civil
Procedure
Code deemed
to have
been in
operation.

4. (1) The provisions of the Civil Procedure Code shall for all purposes, be deemed to be, and to have been, in operation as if the same had not been repealed and shall continue to be the law governing the procedure and practice in all civil courts.

(2) The provisions of the Civil Procedure Code shall apply to all actions, applications and other matters before a Magistrate's Court in the exercise of its civil jurisdiction as if such Magistrate's Court were a Court of Requests referred to in the Civil Procedure Code, and accordingly every reference in such Code to a Court of Requests, Commissioner, and a Chief Clerk, shall be read and construed as a reference to a Magistrate's Court, a Magistrate, and a Registrar of such Court respectively.

Pending
actions.

5. (1) Every action, application or other matter pending in any civil court, original or appellate, on the day immediately preceding the appointed date shall be continued and proceeded with to final judgment, completion and execution as if such action, application or other matter had been instituted or made under the provisions of the Civil Procedure Code.

(2) Every application, matter or thing pending and incomplete before the Public Trustee under the provisions of the Administration of Justice Law repealed by this Law shall be continued and completed to final determination and execution as if the same had been made or instituted under the provisions of the Civil Procedure Code.

(3) All civil actions, proceedings or matters in which the debt, damage, demand or claim exceeds five hundred rupees or the value of the movable and

immovable property or the particular share, right or interest in dispute exceeds five hundred rupees and pending in a Magistrate's Court on the day preceding the appointed date shall stand removed to the District Court of the district within which such Magistrate's Court is situated.

6. (1) All orders made, judgments delivered and decrees entered in any civil court under the provisions of the Administration of Justice Law shall be deemed to have been made, delivered and entered under the provisions of the Civil Procedure Code:

Actions, applications and other matters already completed.

Provided, however, that a judgment-creditor shall be entitled to make a fresh application under the Civil Procedure Code for the execution of any unsatisfied decree notwithstanding any order previously made under the provisions of subsection (10) or subsection (11) of section 496 of the Administration of Justice Law.

(2) All orders, acts and things validly made or done by the Public Trustee under the provisions of the Administration of Justice Law repealed by this Law shall continue to be valid and operative.

7. If any matter or question of procedure shall arise before any civil court in consequence of the coming into operation of the preceding provisions of this Law, or in respect of any matter or question of procedure not provided for by this Law, the court shall have the power to make such orders and give such directions as the court considers necessary to prevent injustice and as the justice of the case may require.

Court to make appropriate orders in certain matters.

8. (1) No party to any action, application or other matter instituted in or made to any civil court shall be non-suited or be prejudiced in any manner whatsoever by reason only of non-compliance with any of the provisions of the Administration of Justice Law, if such party has complied substantially with the requirements of the Civil Procedure Code and provided no substantial prejudice has been caused to any other party to the action, application or other matter by such non-compliance.

Effect of non-compliance with the provisions of the Administration of Justice Law or the Civil Procedure Code.

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(2) The non-compliance with any of the provisions of the Administration of Justice Law in relation to civil actions, applications or other matters or with the provisions of the Civil Procedure Code or with any rules made under such Law or Code and in force for the time being, shall not render any proceedings in such action, application or matter void unless the court shall direct that such proceedings shall be set aside, either wholly or in part, as irregular or be amended or otherwise dealt with in such manner and upon such terms as the court shall think fit.

(3) An application to set aside any proceedings for irregularity shall not be allowed unless it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

(4) An application under the preceding subsection shall be made by way of petition setting out the grounds of objection and shall be supported by an affidavit.

Rules made under the Administrator of Justice Law to continue to be in force.

9. All rules of court relating to civil matters made under section 15 of the Administration of Justice Law and for the time being in force shall, in so far as they are not inconsistent with the principles and provisions of the Civil Procedure Code, *mutatis mutandis*, apply to all civil courts, both original and appellate, in the exercise of their civil jurisdiction.

All orders, directions, &c., issued under section 11 of the Constitution of Sri Lanka, and all determinations, directions, &c., made under Law No. 14 of 1973, deemed to be made under the Civil Procedure Code.

10. All orders, directions and instructions issued under section 11 of the Constitution of Sri Lanka, and all determinations, directions and regulations made or issued under the Language of the Courts (Special Provisions) Law, No. 14 of 1973, and in force on the day preceding the appointed date shall continue to be in force and to apply to all civil courts, both original and appellate, in the exercise of their civil jurisdiction and all acts done in accordance with the provisions of such orders, directions, instructions, determinations and regulations and in compliance with the provisions of the Administration of Justice Law repealed by this Law, shall be deemed to have been validly done under the provisions of the Civil Procedure Code.

11. In this Law, unless the context otherwise requires—

Interpre-
tation.

“Administration of Justice Law” means the Administration of Justice Law, No. 44 of 1973, as amended by Law No. 25 of 1975 and Law No. 31 of 1975;

“civil court” means every court exercising civil jurisdiction and includes a High Court Judge exercising concurrent jurisdiction with a District Judge or a Magistrate, and a District Judge exercising concurrent jurisdiction with a Magistrate; and

“Civil Procedure Code”—

(a) in section 4 means the Civil Procedure Code (Ordinance No. 2 of 1889, Cap. 101, Legislative Enactments of Ceylon, Revised Edition, 1956) as amended from time to time, and in force on December 31, 1973; and

(b) in every other section means the Civil Procedure Code, as amended from time to time, and in force for the time being.

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