

CHAPTER 101

CIVIL PROCEDURE CODE  
(AMENDMENT)

Acts  
Nos. 32 of 1957,  
49 of 1958,  
3 of 1960,  
24 of 1961,  
5 of 1964.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE.

[Act No. 32 of 1957—2nd May, 1957.]

[Act No. 49 of 1958—31st December, 1958.]

[Act No. 3 of 1960—14th October, 1960.]

[Act No. 24 of 1961—15th May, 1961.]

[Act No. 5 of 1964—9th January, 1964.  
16th March, 1964.\*]

Short title.

1. This Act may be cited as the Civil Procedure Code (Amendment) Act.

Insertion of  
new section  
186A in  
Chapter 101.  
[§ 2, 3 of 1960.]

2. The following section is hereby inserted immediately after section 186 of the Civil Procedure Code, hereinafter referred to as the principal enactment, and shall have effect as section 186A of that Code :—

“Validation  
in certain  
circumstances  
of judgments  
pronounced  
by successors  
in office of  
Judges.

186A. Where a Judge pronounces a judgment written by his predecessor but not pronounced as provided in section 185, such judgment shall, if such predecessor was a judicial officer within the meaning of subsection (5) of section 55 of the Ceylon (Constitution) Order in Council, 1946, at the time such judgment was written, not be deemed to be invalid by reason only of the fact that such predecessor had no jurisdiction to write such judgment.”

Cap. 379.

\* 16th March, 1964, appointed by Order published in Gazette No. 13,950 of 14th February, 1964.

3. Section 218 of the principal enactment is hereby amended as follows :—

Amendment  
of section  
218 of the  
principal  
enactment.

(1) in the first proviso to that section—

[§ 2, 24 of 1961.]

(a) in clause (g) of that proviso, by the substitution, for the words “ stipend and the cost of living allowance ”, of the words “ stipend, the cost of living allowance and the special living allowance ” ;

(b) in clause (h) of that proviso, by the substitution, for the words “ salary and the cost of living allowance ”, of the words “ salary, the cost of living allowance and the special living allowance ” ;

[§ 2, 49 of 1958.]

(c) by the substitution, for clause (m) of that proviso, of the following new clause :—

[§ 2, 24 of 1961.]

“ (m) the salary or wages and allowances of an employee other than a public officer or servant, if the aggregate amount of such salary or wages and allowances does not exceed five hundred rupees per mensem ; ” ; and

(d) by the insertion, immediately after clause (m) of that proviso, of the following new clauses :—

“ (n) any house which is not mortgaged as security for the payment of the whole or a part of the sum referred to in such decree and which is the actual residence of the judgment-debtor at the time of the execution of such decree and has been such residence from the time of the institution of the action in which such decree has been entered ;

[§ 2, 49 of 1958.]

(o) the amount standing to the credit of an employee’s individual account in the Employees’ Provident Fund established under the

[§ 2, 24 of 1961.]

Employees' Provident Fund Act, No. 15 of 1958, or in any other provident fund established for the benefit of employees in any employment ; and

[§ 2, 24 of 1961.]

(p) the salary and allowances of a teacher in an assisted school in respect of whom a grant may be made under any regulation made under, or continued in force by, the Education Ordinance. ” ;

Cap. 185.

[§ 2, 24 of 1961.]

(2) in the “Explanation” attached to that section, by the substitution, for the words and letters “clauses (g), (h), (i), (j) and (m)”, of the words and letters “clauses (g), (h), (i), (j), (m), (o) and (p) ” ; and

[§ 2, 24 of 1961.]

(3) by the substitution, for all the words and figures from “In paragraph (m) of the first proviso” to the end of that section, of the following :—

‘In clause (p) of the first proviso to this section, “assisted school” and “grant” shall have the same meaning as in the Education Ordinance.’

Amendment of section 286 of principal enactment.

[§ 2, 32 of 1957.]

4. Section 286 of the principal enactment is hereby amended, in the proviso to that section, by the substitution, for the words “there shall be annexed”, of the words “there shall, if the purchaser so requires but not otherwise, be annexed”.

Amendment of section 818 of the principal enactment.

[§ 2, 5 of 1964.]

5. Section 818 of the principal enactment is hereby amended, in paragraph (a) of that section, by the substitution, for the words “is over three hundred rupees” of the words “is over seven hundred and fifty rupees”.

Omission of heading appearing below section 833 of the principal enactment.

[§ 2, 5 of 1964.]

6. The heading “Appeals” appearing immediately below section 833 of the principal enactment is hereby omitted.

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7. Section 833A of the principal enactment is hereby repealed.

Repeal of  
section 833A  
of the  
principal  
enactment.  
[§ 2, 5 of 1964.]

8. The Second Schedule to the principal enactment is hereby amended as follows:—

Amendment  
of Second  
Schedule  
to the  
principal  
enactment.  
[§ 4, 49 of 1961.]

(1) in Part III of that Schedule—

(a) in paragraph A of that Part, by the addition, at the end of that paragraph, of the following new items:—

“Above Rs. 300 and not  
exceeding Rs. 400 .. 25. 0  
Above Rs. 400 and not  
exceeding Rs. 500 .. 30. 0  
Above Rs. 500 and not  
exceeding Rs. 750 .. 40. 0”

and

(b) in paragraph B of that Part, by the addition, at the end of that paragraph, of the following items:—

“Above Rs. 300 and not  
exceeding Rs. 400 .. 30. 0  
Above Rs. 400 and not  
exceeding Rs. 500 .. 35. 0  
Above Rs. 500 and not  
exceeding Rs. 750 .. 40. 0”

and

(2) in Part IV of that Schedule, under the heading “Appeals from Courts of Requests”, by the substitution, for the item—

“Brief fee on argument .. 10.50 to 21.0”,  
of the following items:—

“ Brief fee on argument In all cases—  
Not exceeding Rs. 300  
10.50 to 21. 0  
Above Rs. 300 and  
not exceeding  
Rs. 500 .. 31. 50  
Above Rs. 500 .. 42. 0”