

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

**CA PHC APN 117/2014**

Bartleet Produce Marketing (PVT) LTD  
No. 211/10 Veluwana Place,  
Colombo 09.

**Plaintiff - Petitioner**

**-Vs-**

Perusinghe Tea Manufacturing Company (PVT) LTD  
Kahaduwa,  
Galle.

**Defendant-Respondent**

C.A. (PHC)APN 117/2014 (Revision) : H.C. Colombo (Civil) Case No.  
167/2013 MR

Before : K.T. Chitrasiri,J. &  
Malinie Gunaratne,J.

Counsel : Nishkan Parthalingam for the Petitioner

Decided on : 26.11.2014

K.T. Chitrasiri,J.

Learned Counsel for the Petitioner submitted that the Petitioner in this case has failed to file an appeal to the Supreme Court due to the procedural law found in Section 88 of the Civil Procedure Code. It is the reason for the Petitioner to have filed this application seeking to exercise revisionary jurisdiction of this Court and to grant relief as prayed for in the Petition. However, having considered the decisions, in ***Merchant Bank of Sri Lanka Vs. Wijewardena and four others (2010) BLR 233, Australanka Exporters (Pvt.) Ltd. Vs. Indian Bank*** and also the Judgment in ***Ana Weeratunga Vs. Sepala Ekanayake, C.A. (P.H.C.) 204/2006*** we are of the opinion that this Court has no jurisdiction to entertain revision applications in which the decisions made

by the High Court of the Western Province (exercising civil jurisdiction) are being challenged.

In view of the decisions referred to above, this application stands dismissed.

*Application dismissed.*

JUDGE OF THE COURT OF APPEAL

Malinie Gunaratne,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-