

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

Kachchu Mohamed Samzeer,
No. 10, St. Anthony's Road,
Negombo.

Presently of:

Marine Light Henveriy,
Male City,
Republic of Maldives

Respondent-Petitioner-Petitioner

CA CASE NO: CA/LA/10/2016

BOARD OF QUAZIS CASE NO: BQ/7/14/R/CMB

**QUAZI COURT OF VAVUNIYA CASE NOS: 488/WM,
489/CM**

Vs.

M.A.C. Fathima Siyaniya,
No. 21/1B,
Palli Veediya,
Pattanichur,
Vavuniya.

Applicant-Respondent-Respondent

Before: Mahinda Samayawardhena, J.

Counsel: Yoosuf Nazar for the Respondent.

Safana Gul Begum for the Petitioner.

Decided on: 04.12.2018

Samayawardhena, J.

This is an application filed by the petitioner for leave to appeal against the undated order of the Board of Quazis marked P7. By this order the Board of Quazis overruled the preliminary objection raised by the petitioner to dismiss the respondent's application *in limine*.

The preliminary objection is briefly as follows. The petitioner filed an application before the Board of Quazis to set aside a maintenance order made by the Quazi. Thereafter both parties informed the Board of Quazis that the matter was settled between the parties and therefore the impugned order of the Quazi could be vacated. The Board of Quazis did not vacate the order of the Quazi, but instead, laid by the case. This the Board did in front of both the parties and their senior lawyers.

After a few months, the respondent moved to reopen the case on the basis that the settlement was a farce and the petitioner has no genuine interest in reuniting with the family. It is in response to that, the petitioner moved to dismiss the reopening application *in limine* on the premise that the Board of Quazis did not have jurisdiction to lay by the case, when the parties informed the Board that they have settled the matter and therefore the order of the Quazi be vacated.

As I said earlier, the case was laid by in front of both the parties and their senior lawyers. The parties or their lawyers at that time did not object the Board laying by the case. The petitioner or his senior lawyer did not insist to vacate the order of the Quazi and *pro forma* allow the application of the petitioner or terminate the proceedings. Nor did the petitioner appeal against that order if

he was dissatisfied with that order. Having accepted that order at that time, it does not lie in the mouth of the petitioner now to say that the order is contrary to law.

Leave to appeal against the impugned order is refused. No costs.

Judge of the Court of Appeal