



Ceylon Government Gazette

EXTRAORDINARY.

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Part II.—Legal.

Separate paging is given to each Part in order that it may be filed separately.

DRAFT ORDINANCE.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance further to amend "The Civil Procedure Code, 1889."

Preamble.

WHEREAS it is expedient further to amend "The Civil Procedure Code, 1889": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The Civil Procedure Code (Amendment) Ordinance, No. of 1921."

Amendment of section 756 of the principal Ordinance.

2 Section 756 of the principal Ordinance is amended by inserting at the end thereof the following paragraph :

In the case of any mistake, omission, or defect on the part of any appellant in complying with the provisions of this section, the Supreme Court, if it should be of opinion that the respondent has not been materially prejudiced, may grant relief on such terms as it may deem just.

Section 756 of the principal Ordinance as amended to apply to pending appeals.

3 Section 756 of the principal Ordinance, as amended by this Ordinance, shall apply to appeals pending at the time of the commencement of this Ordinance as well as to appeals instituted after such commencement. But nothing in this Ordinance contained shall be deemed to affect any appeal in which the decision of the Supreme Court thereon shall have been given prior to the commencement of this Ordinance.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, November 15, 1921.

GRAEME THOMSON,
Colonial Secretary.

Statement of Objects and Reasons.

It has been found lately that a number of appeals have had to be dismissed owing to failure of strict compliance with the provisions of section 756 of the Civil Procedure Code. This non-compliance has in certain cases been in respect of matters not of material importance; and it is thought well to give the Supreme Court power to waive such failures to comply in cases where the respondent is not materially affected by such waiver.

2. It is proposed also that this amendment should cover not only future appeals, but appeals pending at the time of the commencement of the Ordinance, in which the decision of the Supreme Court has not been actually pronounced.

Attorney-General's Chambers,
Colombo, November 11, 1921.

H. C. GOLLAN,
Attorney-General.