

Hon' Chief Justice
Superior Court Complex
Colombo 12

25th May 2015

Your Lordship the Chief Justice,

CA/Writ/83/2014 - Appeal to nominate an impartial Bench

Being the Counsel who represents the Petitioners in the above case, which was fixed for arguments on 21st May 2015, before a Bench Presided over by V K Malalgoda, PC (P/CA), I respectfully submit the following for Your Lordship's consideration.

For the reasons explained in the Affidavit attached herewith, which is supported by several marked documents already filed in the Court of Appeal, a Motion was filed in Court by me, on 20th May 2015, requesting that the said matter be moved to another Bench that would not include Justice V K Malalgoda.

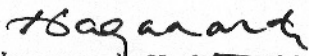
However, the said Motion was not considered and instead the matter was called up on 21st May 2015, before Justice V K Malalgoda, who informed me in the open court that he had the right to hear the case. Then I had no other option but to inform Justice Malalgoda, that 'I had lost my trust and confidence in him', and pleaded once again in the open Court, that the matter be transferred to another Bench.

However, no order was made on the request, and I was informed by Justice Malalgoda, that the 'serious allegation made by the Counsel' would be reported to the Hon' Chief Justice.

In view of the above, supported by the affidavit attached hereto, I respectfully request that the case CA/Writ/83/2014, be referred to another Bench.

With due respect and honour

Yours faithfully


Nagananda Kodituwakku

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