

Civil Procedure Code (Amendment)

Act No 9 of 1991

AN ACT TO AMEND THE CIVIL PROCEDURE CODE (AMENDMENT) ACT, NO.
79 OF 1988

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Short title. **1.** This Act may be cited as the Civil Procedure Code (Amendment) Act. No. 79 of 1988 (Amendment) Act, No. 9 of 1991.

Amendment of section 1 of Act, No. 79 of 1988. **2.** Section 1 of the Civil Procedure Code (Amendment) Act, No. 79 of 1988 (hereinafter referred to as the "principal enactment") is hereby amended by the substitution for the words

'(hereinafter referred to as the "appointed date")', of the following words:- '(herein after referred to as the "appoint date")'. Different dates may be appointed in respect of different provisions of this Act.'

Replacement of section 9 of the principal enactment. **3.** Section 9 of the principal enactment is hereby repealed and the following section substituted therefor:"

'9. Section 93 of the principal enactment is hereby repealed and the following section substituted therefor:-

"Amendment 93.
of pleadings.

(1) Upon application made to it before the day first fixed for trial of the action, in the presence of, or after reasonable notice to all the parties to the action, the Court shall have full power of amending in its discretion, all pleadings in the action, by way of addition, or alteration, or of omission.

(2) On or after the day first fixed for the trial of the action and before final judgement, no application for the amendment of any pleadings shall be allowed unless the Court is satisfied, for reasons to be recorded by the Court, that grave and irremediable injustice will be caused if such amendment is not permitted, and on no other ground, and that the party so applying has not been guilty of laches.

(3) Any application for amendment of pleadings which may be allowed by the Court under subsection (1) or (2) shall be upon such terms as to costs and postponement or otherwise as the Court may think fit.

(4) The additions or alterations or omissions shall be clearly made on the face of the pleading affected by the Order ;or if this cannot conveniently be done, a fair copy of the pleading as altered shall, be appended in the record of the action to the pleading amended. Every such addition or alteration or omission shall be signed by the Judge.",.

Sinhala text to prevail in case of inconsistency.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.