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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 672/7 — 1991 ජූලි 24 වැනි දසය — 1991.07.24  
No. 672/7—WEDNESDAY, JULY 24, 1991

(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

THE CONSTITUTION OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF SRI LANKA

RULES made under Article 136 of the Constitution of the Democratic Socialist Republic of Sri Lanka, read with section 453 of the Code of Criminal Procedure Act, No. 15 of 1979, by the Chief Justice and the other Judges of the Supreme Court nominated by him under that Article.

1. K.A.P. RANASINGHE,  
Chief Justice.
2. G.P.S. DE SILVA,  
Judge of the Supreme Court.
3. MARK D.H. FERNANDO,  
Judge of the Supreme Court.
4. A.R.B. AMERASINGHE,  
Judge of the Supreme Court.

Colombo,  
11th February, 1991.

1. These rules may be cited as the Court of Appeal (Assigned Counsel) Rules, 1991.
2. Attorneys-at-law assigned by the Court of Appeal under the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, shall be entitled to the following fees :

Court of Appeal : appeals from High Courts	Rs. 750
Court of Appeal : other appeals	Rs. 500

08-218/1

THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA

RULES made under Article 136 of the Constitution of the Democratic Socialist Republic of Sri Lanka read with Section 11(3) of the Admiralty Jurisdiction Act, No. 40 of 1983 made by the Chief Justice and the other Judges of the Supreme Court nominated by him under that Article.

1. K.A.P. RANASINGHE,  
Chief Justice.
2. G.P.S. DE SILVA,  
Judge of the Supreme Court.
3. MARK D.H. FERNANDO,  
Judge of the Supreme Court.
4. A.R.B. AMERASINGHE,  
Judge of the Supreme Court.

Colombo,  
11th February, 1991.

1. These rules may be cited as the High Court (Admiralty Jurisdiction) Rules-1991.

Actions

2. Actions shall continue to be of two kinds, actions *in rem* and actions *in personam*.

3. All actions shall be numbered in the order in which they are instituted, and the number given to any action shall be the distinguishing number of the action, and shall be written or printed on all documents in the action as part of the title thereof. The form of an action shall be substantially as in Form No. 1 or 2 of the Schedule hereto.

Writ of Summons

4. Every action shall be commenced by a writ of summons which before being issued, shall be endorsed with a statement of the nature of the claim, and of the relief or remedy required, and of the amount claimed, if any. A writ of summons and the endorsement thereon shall be substantially as in Forms Nos. 3 and 6 of the Schedule hereto.

5. In an action for seaman's or master's wages, or for wages and disbursements, or for necessities, or for board, in any action in which the plaintiff desires and accounts for disbursement on the writ of summons may include a claim for account taken.

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14. The writ of summons shall be indorsed with the name and address of the plaintiff, and with an address to be called an address for service, not more than five kilometres from the registry, at which it shall be sufficient to leave all documents required to be served upon him.

15. The writ of summons shall be prepared and indorsed by the plaintiff, and shall be issued under the seal of the court, and a copy of the writ and of all the indorsements thereon, signed by the plaintiff, shall be left in the registry at the time of sealing the writ.

16. The Judge may allow the plaintiff to amend the writ of summons and the indorsements thereon in such manner and on such terms as he may deem fit.

SERVICE OF WRIT OF SUMMONS

17. In an action in rem, the writ of summons shall be served -

(a) upon a ship, or upon cargo, freight, or other property, if the cargo or other property is on board a ship, by attaching the writ for a short time to any mast of the ship, or to some other conspicuous part of the ship's superstructure and by leaving a copy of the writ attached thereto ;

(b) upon cargo, freight, or other property, if the cargo or other property is not on board a ship, by attaching the writ for a short time to such cargo or property, and by leaving a copy of the writ attached thereto ;

(c) upon freight in the hands of any person, by showing the writ to him and by leaving with him a copy thereof ;

(d) upon proceeds in court, by showing the writ to the registrar and by leaving with him a copy thereof ;

(e) if access cannot be obtained to the property on which it is to be served, the writ may be served by showing it to any person appearing to be in charge of such property, and by leaving with him a copy of the writ.

18. In an action in personam, the writ of summons shall be served by showing it to the defendant, and by leaving with him a copy of the writ.

19. A writ of summons against a firm may be served upon any member of the firm, or upon any person appearing at the time of service to have the management of the business of the firm.

20. A writ of summons against a corporation or a company may be served in the mode, if any, provided by the Civil Procedure Code, for service of summons or other legal process upon such corporation or company.

21. If the person to be served is under disability, or if for any reason personal service cannot, or cannot promptly be effected, in any action, whether in rem or in personam there is doubt as to the person to be served, or as to the mode of service, or where no provision exists for service the Judge may order in what manner service is to be made, or may order service to be given in lieu of service.

22. The writ of summons, whether in rem or in personam may be served by the plaintiff or his agent within twelve months from the date thereof, and shall, after service be filed with a certificate of service indorsed thereon.

15. The certificate shall state the date and mode of service and shall be signed by the person who served the writ. A certificate of service shall be substantially as in Form No 7 of the Schedule hereto.

APPEARANCE

16. A party appearing to a writ of summons shall file an appearance at the place directed in the writ.

17. A party not appearing within the time specified in the writ may, by consent of the other parties or by permission of the Judge, appear within a reasonable time on such terms as the Judge shall order.

18. If the party appearing has a set-off or counter-claim against the plaintiff, he may indorse on his appearance a statement of the nature thereof, and of the relief or remedy required, and of the amount, if any, of the set-off or counter-claim. But if in the opinion of the Judge such set-off or counter-claim cannot be conveniently disposed of in the action, the Judge may order it to be struck out.

19. The appearance shall be signed by the party appearing and shall state his name and address, and an address to be called an address for service, not more than five kilometers, from the registry, at which it shall be sufficient to leave all documents required to be served upon him. An appearance shall be substantially as in Form 8 of the Schedule hereto. An indorsement of set off or counter claim shall be substantially as in Form No. 9 of the Schedule hereto.

PARTIES

20. Any number of persons having interest of the same nature arising out of the same matter, may be joined in the same action whether as plaintiffs or as defendants.

21. (1) Where property against which an action in rem is brought is under arrest or money representing the proceeds of sale of that property is in court a person who has an interest in that property or money but who is not a defendant to the action may, with the leave of the Judge, intervene in the action.

(2) An application for the grant of leave under this rule must be accompanied by an affidavit showing the interests of the applicant in the property against which the action is brought, or in the money in court.

(3) The judge shall on receipt of an application under sub-rule (2) order the applicant within such period or periods as may be specified in the Order, to serve on any other party to the action notice of such application together with such pleadings as may be specified, and may give such further directions in the matter as to him shall seem fit.

(4) A person to whom leave is granted under this rule, shall thereupon become a party to the action.

22. For the purpose of rules 20 and 21 an underwriter or insurer shall be deemed to be a person interested in the action.

**CONSOLIDATION OF ACTIONS**

23. Two or more actions in which the questions at issue are substantially the same, or for matters which might properly be combined in one action, may be consolidated by order of the Judge upon such terms as to him shall seem fit.

24. The judge if he thinks fit, may order several actions to be tried at the same time, and on the same evidence or the evidence in one action to be used as evidence in another, or may order one of several actions to be tried as a test action, and the other actions to be stayed to abide the result.

**WARRANTS**

25. In an action *in rem*, a warrant for the arrest of property may be issued by the Judge at the time of, or at any time after the issue of the writ of summons, on an affidavit being filed by the person requesting the issue of the warrant, or his agent, as prescribed by the following rules. An affidavit to lead warrant shall be substantially as in Form No. 10 of the Schedule hereto.

26. An affidavit filed under rule 25, shall state -

- (a) the name, address and occupation of the applicant for the warrant;
- (b) the nature of the claim or counter claim in respect of which the warrant is required and that it has not been satisfied;
- (c) the nature of the property to be arrested and if the property is a ship, the name of the ship and the port to which she belongs; and
- (d) that the aid of the court is required.

27. The affidavit filed under rule 25 shall also state :-

- (a) in an action *in rem* brought against a ship by virtue of sub-section (4) of section 3 of the Admiralty Jurisdiction Act, No. 40 of 1983.
  - (i) whether the ship against which the action is brought is the ship in connection with which the claim in the action arose;
  - (ii) that in the belief of the deponent the person who would, apart from section 4 of that Act, be liable on the claim in an action *in personam* was, when the cause of action arose, the owner or charterer, or in possession or control, of the ship in connection with which the claim, arose, and was also, at the time of the issue of the writ, the beneficial owner of all the shares in the ship against which the action is brought or the charterer of it under a charter by demise;
  - (iii) where the action is brought against any other ship, that in the belief of the deponent, the person who would be liable on a claim in an action *in personam* (as aforesaid) was at the time when the action is brought the beneficial owner as respects all the shares in it; and
  - (iv) the grounds of the deponents belief.

(b) in an action for wages, the national character of the ship and if the ship is foreign, that notice of the action has been served upon a consular officer of the State to which the ship belongs, if there is one resident in Sri Lanka;

(c) in an action for a claim in respect of goods or materials supplied or services rendered to a ship for her operation or maintenance or any claim in respect of the construction, repair or equipment of a ship the national character of the ship, and that to the best of the deponent's belief, no owner or part owner of the ship was domiciled in Sri Lanka at the time when the supplies were made or services rendered or the work was done; and

(d) in an action between co-owners relating to the ownership possession, employment, or earnings of any ship, the port at which the ship is registered and the number of shares in the ship owned by the party proceeding.

28. In an action for bottomry, the bottomry bond in original, and if it is in a foreign language, a translation thereof, shall be produced for the inspection and perusal of the Judge, and a copy of the bond, or of the translation thereof, certified to be correct, shall be annexed to the affidavit.

29. The Judge, if he thinks fit, may issue a warrant, although the affidavit does not contain all the prescribed particulars, and in an action for bottomry, although the bond has not been produced.

30. The warrant shall be prepared in the registry, and shall be signed by the Registrar, and issued under the seal of court. A warrant shall be substantially as in Form No 11 of the Schedule hereto.

31. The warrant shall be served by the Marshal or his officer in the manner prescribed by these rules for the service of a writ of summons in an action *in rem* and thereupon the property shall be deemed to be arrested.

32. The warrant may be served on any day notwithstanding such day being a public holiday.

33. The warrant shall be filed by the Marshal within one week after service thereof has been completed, with a certificate of service indorsed thereon.

34. The certificate shall state by whom the warrant has been served, and the date and mode of service, and shall be signed by the Marshal. A certificate of service shall be substantially as in Form No. 12 of the Schedule hereto.

**Applications with Respect to Property under Arrest**

35. (1) The Marshal may at any time apply to the Judge in directioins with respect to property under arrest in an action and if the Judge so directs, shall give notice of the application to all or all of the parties to every action against the property.

(2) The Marshal shall send a copy of any order made under Sub-rule (1) to all the parties to every action against the property to which the order relates.

(3) Where any property arrested is subject to speedy decay, the Judge may on an application made in that behalf by the Marshal direct that such property be sold and the proceeds deposited in Court, pending the determination of the action.

BAIL

38. (1) Bail on behalf of a party to an action *in rem* shall be given by bond and shall be in such form as specified in Form number 13 of the Schedule hereto and the sureties to the bond must enter into the bond before a Commissioner to administer oaths, not being a Commissioner who, or whose partner, is acting as attorney-at-law or agent for the party on whose behalf the bail is to be given, or before the Registrar.

(2) Subject to Sub-rule (3), a surety to a bail bond must make an affidavit stating that he is able to pay the sum for which the bond is given.

(3) Where a corporation or a company is a surety to a bail bond given on behalf of a party, no affidavit shall be made under Sub-rule (2) on behalf of the corporation or company unless the opposite party requires it, but where such an affidavit is required it must be made by a director, manager, secretary or other similar officer of such corporation or company.

(4) The party on whose behalf bail is given must serve on the opposite party a notice of bail containing the names and addresses of the persons who have given bail on his behalf and of the Commissioner or Registrar before whom the bail bond was entered into; and after the expiration of 24 hours from the service of the notice (or sooner with the consent of the opposite party) he may file the bond and must at the same time file the affidavits (if any) made under paragraph (2) and an affidavit proving due service of the notice of bail to which a copy of that notice must be exhibited. A notice of bail shall be substantially as in Form No. 14 of the Schedule hereto.

RELEASES

39. (1) A release for property arrested by warrant may be granted, by order of the Judge :-

(a) on payment into court of the amount claimed, or of the appraised value of the property arrested or, where cargo is arrested for freight only, of the amount of the freight verified by affidavit;

(b) on one or more bail bonds being filed for the amount claimed, or for the appraised value of the property arrested;

(c) on a guarantee or other security issued or given to the satisfaction of the Judge, for the payment of the amount claimed or for the appraised value of the property arrested;

(d) on the application of the party at whose instance the property has been arrested;

(e) on a consent in writing being filed signed by the party at whose instance the property has been arrested;

(f) on discontinuance or dismissal of the action in which the property has been arrested.

(2) The Judge may, having regard to all the circumstances of the case reduce or increase the amount of any bail, a guarantee or other security given under this rule.

(3) Where the property has been arrested for salvage, the release shall not be issued under the foregoing rule, except on discontinuance or dismissal of the action, until the value of the property arrested has been agreed upon between the parties or determined by the Judge.

39. The release shall be prepared by the registry, and shall be signed by the Registrar, and issued under the seal of the court. The form of release shall be substantially as in Form No. 15 of the Schedule hereto.

40. The release shall be served on the Marshal, either personally, or by leaving it at his office, by the party by whom it is taken out.

41. On service of the release and on payment to the Marshal of all costs, charges and expenses due in connection with the release and custody of the property while under arrest by the party whose instance the release was issued the property shall be once released from arrest.

Preliminary acts

42. (1) In an action to enforce a claim for damage, loss of life or personal injury arising out of a collision between ships, unless the Court otherwise orders, the plaintiff must, within two months after issue of the writ, and the defendant must, within two months after acknowledging issue or service of the writ, and before an affidavit is served, lodge in the Registry a document (in the rules referred to as a "preliminary act") containing a statement of the following particulars -

(i) the names of the ships which came into collision and the ports of registry;

(ii) the date and time of the collision;

(iii) the place of the collision;

(iv) the direction and force of the wind;

(v) the state of the weather;

(vi) the state, direction and force of the tidal or other current;

(vii) the course steered and speed through the water of the ship when the other ship was first seen, or immediately before any measures were taken with reference to the presence, whichever was earlier;

(viii) the lights (if any) carried by the ship;

(ix) (a) the distance and bearing of the other ship if and when her echo was first observed by radar;

(b) the distance, bearing and approximate heading of the other ship when first seen;

(x) what light or combination of lights (if any) of the other ship was first seen;

(xi) what other lights or combinations of lights (if any) of the other ship were subsequently seen, before the collision and when;

(xii) what alterations (if any) were made to the course and speed of the ship after the earlier of the two times referred to in clause (vii) up to the time of collision, and when, and what measures (if any), other than alterations of course or speed were taken to avoid the collision, and when;

(xiii) the parts of each ship which first came into contact and the approximate angle between the 2 ships at the moment of contact;

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(6) The Court may, on such terms as it thinks just, set any judgment entered in pursuance of this rule.

(7) In this rule references to the prescribed periods shall be construed as references to the period within which by rule 45 or of any order of the Court the plaintiff or defendant shall be filed in a closed envelope (stamped with an official stamp showing the date of filing) and, unless the Court otherwise orders, no envelope shall be opened until the pleadings if any are closed and a consent signed by each of the parties or his Attorney-at-law to the opening of the preliminary acts is filed with the Registrar.

(3) Where the Judge orders the preliminary acts to be opened, the Judge may further order the action to be tried without pleadings, but, where the Judge orders the action to be so tried, any party who intends to rely on the defence of compulsory pilotage must give notice of his intention to do so to the other parties within seven days after the opening of the preliminary acts.

(4) Where the Judge orders the action to be tried without pleadings, it may also order each party, within such period as may be specified in the order, to file a statement of the grounds on which he charges any other party with negligence in connection with the collision and to serve a copy thereof on that other party.

(5) The provisions of rule 45 shall not apply to an action in which preliminary acts are required, but, unless the Judge orders the action to be tried without pleadings, the plaintiff must serve a petition on each defendant with in fourteen days after the latest date on which the preliminary acts of any party to the action is filed.

(1) of rule 42 the plaintiff fails to lodge a preliminary act within the prescribed period, any defendant who had lodged such an act may apply to the Court by motion for an order to dismiss the action, and the Court may by order dismiss the action or make such other order on such terms as it thinks just.

(2) Where in such an action, being an action in personam, a defendant fails to lodge a preliminary act within the prescribed period, the plaintiff may after the expiration of the prescribed period, the plaintiff has lodged a preliminary act, apply to the Court for an order to have judgment entered against the defendant.

(3) Where in such an action, being an action in rem, a defendant fails to lodge a preliminary act within the prescribed period, the plaintiff, if he had lodged such an act, may apply to the Court by motion for a judgment against the defendant, and it shall not be necessary for the plaintiff to file or serve a petition or an affidavit before the hearing of the motion.

(4) On the hearing of a motion under sub-rule (3) the Court may make such order as it thinks just, and, where the defendant does not appear at the hearing and the Court is of opinion that judgment should be given for the plaintiff provided he proves his case may order the plaintiff's preliminary act to be opened and require plaintiff to satisfy the Court that his claim is well founded.

(5) Where the plaintiff in accordance with a requirement under paragraph (4) satisfies the Court that his claim is well founded, the Court may give judgment for the claim and may at the same time order the property against which the action is brought to be appraised and sold and the proceeds to be paid into Court or make such order as it thinks just.

**DISCOVERY AND INSPECTION**

53. The Judge may order any party to an action to discover, on oath, or, all documents which are in his possession or power relating to any matter in question therein.

52. The Judge may order any interrogatory that is objectionable to be amended or struck out; and the Judge may order him to answer, or to answer either by affidavit or by oral examination. Forms No. 1 and 2 of the Schedule hereto.

51. At any time before the action is set down for trial the party desirous of obtaining the answers of the adverse party to any matters material to the issue, may apply to the Judge on oath, and the Judge may direct within what time a party shall be answered, whether by affidavit or by oral examination.

**INTERROGATORIES**

50. Any pleading may at any time be amended, with the consent of the parties or by order of the Judge.

49. Either party may apply to the Judge to decide any question of fact or of law raised by any pleading, and the Judge shall thereupon make such order as to him shall appear to be just.

48. It shall not be necessary to set out in any pleading the precise words of the document are material.

47. Every pleading shall be divided into short paragraphs numbered consecutively, which shall state concisely the facts which the party relies, and shall be signed by the party or his Attorney-at-law.

46. The defendant may, in his answer, plead any counter-claim. But if, in the opinion of the Judge, such counter-claim cannot be conveniently disposed of in the same answer, the Judge may order it to be struck out.

45. If an order is made for pleadings, the plaintiff shall file his petition, and within two weeks from the date of the order, file his answer, and within two weeks from the date of the filing of the plaintiff's reply, if any, and there shall be no further pleadings, except by permission of the Judge.

44. Every action shall be heard without pleadings, unless the Judge shall otherwise order.

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The plaintiff of discovery shall specify which if any, of the  
items therein mentioned the party objects to produce. A  
Statement of discovery will be found in Form No. 19 of the  
Schedule.

Any party to an action may file a notice to any other party  
demanding for inspection or transcription, any document in his  
possession or power relating to any matter in question in the action.  
Such notice to produce will be found in Form No. 20 of the  
Schedule.

If the party served with notice to produce, omits or refuses  
to do so within the time specified in the notice, the adverse party  
may apply to the Judge for an order to produce.

### ADMISSION OF DOCUMENTS AND FACTS

Any party may file a notice to any other party to admit  
document or fact (saving all just exceptions), and a party not  
admitting such notice shall be liable for the costs of proving  
document or fact, whatever the result of the action may be,  
if the taxing officer is of opinion that there was sufficient  
evidence for not admitting it. Forms of notice to admit will be  
found in Form No. 21 and 22 of the schedule hereto.

No costs of proving any document shall be allowed unless  
the party to admit shall have been previously given, or the taxing  
officer is of opinion that the omission to give such notice was  
reasonable and proper.

### SPECIAL CASE

Parties may agree to state the question at issue for the  
determination of the Judge in the form of a special case.

If it appears to the Judge that there is in any action  
a question of law which it would be convenient to have decided in  
that instance, he may direct that it shall be raised in a special  
case in such other manner as he may deem expedient.

Every special case shall be divided into paragraphs,  
numbered consecutively, and shall state concisely such facts and  
circumstances as may be necessary to enable the Judge to decide the  
question at issue.

Every special case shall be signed by the parties and may  
be signed by any party.

### MOTIONS

A party desiring to obtain an order from the Judge shall  
file a notice of motion with the affidavits, if any, on which he  
wishes to rely.

The notice of motion shall state the nature of the order  
sought, the day on which the motion is to be made, and whether  
it is to be heard in court or in chambers. A notice of motion shall be substantially  
as in Form No. 23 of the Schedule hereto.

Except by consent of the adverse party, or by order of the  
Judge, the notice of motion shall be filed forty-eight hours at least  
before the time at which the motion is made.

When the motion comes on for hearing, the Judge after  
examining the parties, or, in the absence of any of them, on proof  
that the notice of motion has been duly served, may make such  
order as to him shall seem fit.

67. The Judge may, on due cause shown, and after notice  
to the parties affected, vary or rescind any order previously made.

### TENDERS

68. A party desiring to make a tender in satisfaction of  
the whole or any part of the adverse party's claim shall pay into  
court the amount tendered by him, and shall file a notice of the  
tender on which the tender is made.

69. Within two weeks from the filing of the notice the  
adverse party shall file a notice, stating whether he accepts or rejects  
the tender, and if he shall not do so, he shall be held to have  
rejected it. A notice of tender and a notice of accepting or rejecting  
shall be substantially as in Form No. 24 and 25 of the Schedule  
hereto.

70. Pending the acceptance or rejection of a tender,  
the proceedings shall be suspended.

### EVIDENCE

71. Evidence shall be given either by affidavit or by  
oral examination, or partly in one mode, partly in another.

72. Evidence on a motion shall in general be given by affidavit  
and at the hearing by the oral examination of witnesses, but  
the mode or modes in which evidence shall be given, either on  
a motion or at the hearing, may be determined either by consent  
of the parties or by order of the Judge.

73. The Judge may order any person who has made an affidavit  
in an action to attend for cross-examination thereon before  
the Judge.

74. Witnesses examined orally before the Judge, shall  
be examined, cross-examined, and re-examined in such order as  
the Judge may direct, and questions may be put to any witness  
by the Judge.

75. If any witness is examined by interpretation, such  
interpretation shall be made by a sworn interpreter of the court, or  
by a person previously sworn according to the Form No. 26 of  
the Schedule hereto.

### OATHS AND AFFIRMATIONS

76. The Judge may appoint any person to administer oaths  
and affirmations in Admiralty proceedings generally or in any particular  
proceeding. Appointments to administer oaths (or affirmations)  
shall be substantially as in Form No. 27 of the Schedule hereto.  
Oaths and affirmations shall be substantially as in Form No. 28  
of the Schedule hereto.

### AFFIDAVITS

77. Every affidavit must be fairly written and must exhibit  
no erasures or blotting or blanks; if any alteration is needed to  
be made in the original writing before it is sworn, or affirmed,  
every excision of a word or letter or figure shall be made by  
drawing a line through it as to leave the word, letter or figure  
still legible; and every added word, letter or figure shall be added  
by interlineation, not by superposition or alteration; and every  
excision and interlineation shall be initialled by the Judge, Justice  
of the peace or Commissioner before whom the affidavit is affirmed  
or sworn.

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78. The name, address and description of every person making an affidavit shall be inserted therein.

79. Every affidavit shall be confined to the statement of such facts as the declarant is able of his own knowledge and observation to testify, provided however that a statement of his belief may be admitted, if reasonable grounds for such belief be set forth in the affidavit.

80. Every affidavit shall be entitled as in the court and action in which it is to be used and shall be signed by the declarant in the presence of the Judge, Justice of the Peace or Commissioner before whom it is sworn or affirmed.

81. In the event of the declarant being a blind or illiterate person, or not able to understand writing in the official language, the affidavit shall at the same time be read over and interpreted to him in his own language, and the jurat shall express that it was read over or interpreted to him in the presence of the Judge Justice of the Peace or Commissioner and that he appeared to understand the contents; and also that he made his mark or wrote his signature in the presence of the Judge, Justice of the Peace or Commissioner. And when a mark is made instead of the signature, the person who writes the marksman's name against the mark shall also sign his name and address in the presence of the Judge, Justice of the Peace or Commissioner.

82. (1) Any affidavit sworn or affirmed in any part of the Commonwealth before any Judge, Officer or other person duly authorized, or before any Commissioner duly authorized by the Court, to take affidavits therein may be used in the court in all cases where affidavits are admissible.

(2) Any affidavit sworn or affirmed in any foreign country not being a part of the Commonwealth before a Judge or Magistrate, authenticated by the official seal of the foreign court to which he is attached or of such Judge or Magistrate, or before a Notary Public or a British Consular officer, may be used in the court in all cases where affidavits are admissible.

(3) The fact that an affidavit purports to have been sworn or affirmed in the manner prescribed by sub-rules (1) or (2) of this Rule, shall be *prima facie* evidence of the seal or the signature as the case may be of any such court, judge, Magistrate, Commissioner or other officer or person therein mentioned, appended or subscribed to such affidavit, and of the authority of such court, judge, Magistrate, Commissioner or other officer or person to administer oaths.

83. The reception of any affidavit as evidence may be objected to, if the affidavit has been sworn or affirmed before an Attorney-at-Law for the party on whose behalf it is offered, or before a partner or clerk of such Attorney-at-Law.

**EXAMINATION OF WITNESS BEFORE TRIAL**

84. The Judge may order that any witness who cannot conveniently attend at the trial of the action, shall be examined previously thereto, before the Judge, who shall have power to adjourn the examination from time to time, and from place to place if he shall think necessary. A form of order for examination of witnesses shall be in such form as specified in Form No. 29 of the Schedule hereto.

85. If the witness cannot be conveniently examined before the Judge, or is beyond the territorial limits of the Republic of Sri Lanka, the Judge may order that he shall be examined before a Commissioner specially appointed for the purpose.

86. The Commissioner shall have power to administer an oath or affirmation to any witnesses produced before him for examination, and to adjourn, if necessary, the examination from time to time, and from place to place. A Commission to examine witnesses shall be substantially as in Form No. 30 of the Schedule hereto.

87. The parties and their Attorneys-at-Law may attend examinations, but where more than one Attorney-at-Law attend the fees of only one Counsel on each side shall be allowed taxation, except by order of the Judge.

88. The evidence of every witness shall be taken down in writing, and shall be certified as correct by the Judge, or by the Commissioner, as the case may be.

89. The certified evidence shall be lodged in the Registry if taken by commission, shall forthwith be transmitted by the Commissioner to the Registry, together with his commission. A form of return to commission to examine witnesses is found in Form No. 31 of the Schedule hereto.

90. As soon as the certified evidence has been received in the Registry, it may be taken up and filled by either party, and be used as evidence in the action, saving all just exceptions.

**SHORTHAND WRITER**

91. The Judge may order the evidence of the witnesses, to be examined before the Judge, or a Commissioner, to be taken by a shorthand writer, who shall have been previously sworn and affirmed faithfully to report the evidence, and a transcript of the shorthand writer's notes, certified by him to be correct and approved by the Judge, or Commissioner, as the case may be, shall be in or transmitted to the Registry as the certified evidence of the witnesses. A form of oath or affirmation to be administered to the shorthand writer is found in Form No. 32 of the Schedule hereto.

**ASSESSORS**

92. The Judge, on the application of any party, or on any such application if he considers that the nature of the case requires it, may appoint one or more assessors to advise upon any matters requiring nautical or other professional knowledge.

93. The fees of the assessors shall be paid in the first instance by the plaintiff, unless the Judge shall otherwise order.

**SETTING DOWN FOR TRIAL**

94. An action shall be set down for trial by filing a notice of trial. A notice of trial shall be substantially as in Form No. 33 of the Schedule hereto.

95. If there has not been any appearance, the plaintiff may set down the action for trial, on obtaining from the Judge an order to proceed *ex parte*—

(a) In an action *in personam*, or an action against a company, after the expiration of three weeks from the date of the writ of summons;

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105. In an action *in rem* (not being an action against proceeds in court), after the expiration of three weeks from the filing of the warrant.

106. If there has been an appearance, either party may set down the action for trial—

107. After the expiration of two weeks from the entry of the appearance, unless an order has been made for pleadings, or an application for such an order is pending ;

108. If pleadings have been ordered, when the last pleading has been filed, or when the time allowed to the adverse party for filing any pleading has expired without such pleading having been filed.

109. Where the writ of summons has been indorsed with a claim to have an account taken, or the liability has been admitted or determined, and the question is simply as to the amount due, the Judge may, on the application of either party, fix a time within which the accounts and vouchers, and the proofs in support thereof, shall be filed, and at the expiration of that time either party may have the matter set down for trial.

**TRIAL**

110. After the action has been set down for trial, the Registrar shall send notice to the parties of the day on which it will be tried.

111. At the trial of a contested action the plaintiff shall in general begin. But if the burden of proof lies on the defendant, the Judge may direct the defendant to begin.

112. If there are several plaintiffs or several defendants the Judge may direct which plaintiff or which defendant shall begin.

113. The party beginning shall first address the court, and then produce his witnesses, if any. The other party or parties shall then address the court, and produce their witnesses, if any, in such order as the Judge may direct, and shall have a right to sum up the evidence. In all cases the party beginning shall have the right to reply, but shall not produce further evidence, except by permission of the Judge.

114. Only one counsel shall in general be heard on each side ; but the Judge, if he considers that the nature of the case requires it, may allow two counsel to be heard on each side.

115. If the action is uncontested, the Judge may, if he thinks fit, give judgment on the evidence adduced by the plaintiff.

**REFERENCES**

116. Where judgment is given for damages to be assessed and no provision is made in the judgment as to how they are to be assessed, and where the taking of any accounts is ordered, the Judge may refer the assessment of damages and the taking of account to a special referee, either alone or assisted by one or more assessors nominated in that behalf by the Judge.

117. The rules as to evidence, and as to the trial, shall apply *mutatis mutandis* to a reference under Rule 104 and the proceedings thereat may be adjourned from time to time and from place to place, if the special referee thinks it necessary.

106. Counsel may attend the hearing of any reference, but the costs so incurred shall not be allowed on taxation unless the registrar shall certify that the attendance of Counsel was necessary.

107. When a reference has been heard, the special referee shall draw up a report in writing of the result, showing the amount, if any, found due, and to whom, together with any further particulars that may be necessary. A form of the report will be found in Form No. 34 of the Schedule hereto.

108. When the report is ready, notice shall be sent to the parties and either party may thereupon take up and file the report.

109. Within two weeks from the filing of the said report either party may file a notice of motion to vary the report, specifying the items objected to.

110. At the hearing of the motion the Judge may make such order thereon as to him shall seem fit, or may remit the matter to the special referee for further inquiry or report.

111. If no notice of motion to vary the report is filed within two weeks from filing the special referee's report, the report shall stand confirmed.

**COSTS**

112. In general costs shall follow the result, but the Judge may in any case make such order as to the costs as to him shall seem fit.

113. The Judge may direct payment of a lump sum in lieu of taxed costs.

114. If any plaintiff (other than a seaman sung for his wages or for the loss of his clothes and effects in a collision) or any defendant making a counter claim is not resident in Sri Lanka the Judge may on the application of the adverse party, order him to give security for costs.

115. A party claiming an excessive amount, either by way of claim or of set-off or counter claim, may be condemned in all costs and damages thereby occasioned.

116. If a tender is rejected, but is afterwards accepted, or is held by the Judge to be sufficient, the party rejecting the tender shall, unless the Judge otherwise orders, be condemned in the costs incurred after tender was made.

117. A party, who has not admitted any fact which in the opinion of the Judge he ought to have admitted, may be condemned in all costs occasioned by the non-admission.

118. Any party pleading at unnecessary length or taking any unnecessary proceedings in an action may be condemned in all costs thereby occasioned.

**TAXATION OF COSTS**

119. A party desiring to have a bill of costs taxed shall file the bill, and, as soon as conveniently may be, the Registrar shall send to the parties notice of the time at which the taxation will take place.

120. At the time appointed, if either party is present the taxation shall be proceeded with.

121. Within two weeks from the completion of the taxation application may be made to the Judge to review the taxation.

122. Costs may be taxed either by the Judge or by the Registrar, and as well between registered attorney and client, as between party and party.

123. If in a taxation between registered attorney and client more than one sixth of the bill is struck off, the registered Attorney shall pay all the costs attending the taxation.

**APPRAISEMENT AND SALE, ETC.**

124. The Judge may, either before or after final judgement, order any property under the arrest of the court to be appraised or to be sold with or without appraisement, and either by public auction or by private contract.

125. If the property is deteriorating in value, the Judge may order it to be sold forthwith.

126. If the property to be sold is of small value, the Judge may if he thinks fit, order it to be sold without a commission of sale being issued.

127. The Judge may either before or after final judgement, order any property under arrest of the court to be removed, or any cargo under arrest on board ship to be discharged.

128. The appraisement, sale, and removal of property, and the discharge of cargo, shall be effected under the authority of a commission addressed to the Marshal. Commissions of appraisement, sale, appraisement and sale, removal and discharge of cargo, shall be substantially as in Forms Nos 35 to 39 of the Schedule here to.

129. The commission shall, as soon as possible after its execution, be filed by the Marshal, with a return setting forth the manner in which it has been executed.

130. As soon as possible after the execution of a commission of sale, the Marshal shall pay into court the gross proceeds of the sale, and shall with the commission file his accounts and vouchers in support thereof.

131. The Registrar shall tax the Marshal's account and shall report the amount at which he considers it should be allowed; and any party who is interested in the proceeds may be heard before the Registrar on the taxation.

132. Application may be made to the Judge on motion to review the Registrar's taxation.

**DETENTION, PRESERVATION ETC., OF SUBJECT MATTER OF CAUSE OR MATTER:**

133. (1) On the application of any party to an action, the Judge may make an order for the detention, custody or preservation of any property which is the subject matter of the action or as to which any question may arise therein or for the inspection of any such property in the possession of a party to the action.

(2) For the purpose of enabling any order under sub (1) to be carried out the Judge may by the order authorize any person to enter upon any land or building in the possession of any party to the action.

(3) An order under this rule may be made on such terms as the Judge thinks just.

(4) An application for an order under this rule must be made by motion with affidavits if any and the provisions of rules 63 to 67 shall apply.

(5) Unless the Judge otherwise directs, an application for such an order may not be made before the party has entered appearance.

**POWER TO ORDER SAMPLES TO BE TAKEN**

134. (1) Where the Judge considers it necessary or expedient for the purpose of obtaining full information or evidence in an action he may, on the application of a party to the action, on such terms, if any, as he thinks just, by order authorize any person to require any sample to be taken of any property which is the subject matter of the action or as to which any question may arise the subject of any observation to be made on such property or any experiment to be tried on or with such property.

(2) For the purpose of enabling any order under sub (1) to be carried out, the Judge may, by the order authorize any person to enter upon any land or building in the possession of any party to the action.

(3) The provisions contained in sub-rules (4) and (5) of rule 133 shall apply in relation to an application for an order under this rule as they apply in relation to an application for an order under that rule.

**INSPECTION OF SHIP**

135. Without prejudice to the powers conferred by rules 133 and 134, the Judge may, on the application of any party to an action, make an order for the inspection by the Marshal, assess any, or by any party or witness, of any ship or other property under the arrest of court, the inspection of which may be necessary or desirable for the purpose of obtaining full information or evidence in connection with any issue in the action. An order for inspection shall be substantially as in Form No. 40 of the Schedule here to.

**DISCONTINUANCE**

136. The plaintiff may, at any time, discontinue his action by filing a notice to that effect, and the defendant shall thereupon be entitled to have judgement entered for his costs of action and to file a notice to enter the same. The discontinuance of an action by the plaintiff shall not prejudice any action consolidated with or any counter claim previously set up by the defendant. A notice of discontinuance and a notice to enter judgement shall be substantially as in Forms No. 41 and 42 of the Schedule hereto.

**CONSENTS**

137. Any consent in writing signed by the parties may, on the application of the Judge, be filed, and shall thereupon become an order of Court.

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**PAYMENTS INTO COURT**

148. A caveat may at any time be withdrawn by the person at whose instance it has been entered, on his filing a notice withdrawing it. A notice of withdrawal shall be substantially as in Form No. 51 of the Schedule hereto.

148. A caveat may at any time be withdrawn by the person at whose instance it has been entered, on his filing a notice withdrawing it. A notice of withdrawal shall be substantially as in Form No. 51 of the Schedule hereto.

149. The Judge may over-rule any caveat.

**SUBPOENAS**

150. Any party desiring to compel the attendance of a witness shall serve him with a subpoena, which shall be prepared by the party and issued under the seal of the Court. Subpoenas shall be substantially as in Forms Nos. 52 and 53 of the Schedule hereto.

151. A subpoena may contain the names of any number of witnesses, or may be issued with the names of the witnesses in blank.

152. Service of the subpoena must be personal, and may be made by the party or his agent, and shall be proved by affidavit.

**ORDERS FOR PAYMENT**

153. (1) On application by a party to whom any sum has been found due, the Judge may order payment to be made out of any money in Court applicable for the purpose.

(2) If there is no such money in Court, or if it is insufficient, the Judge may order that the party liable shall pay the sum found due, or the balance thereof, as the case may be, within such time as to the Judge shall seem fit. The party to, whom the sum is due may then obtain from the registry and serve upon the party liable an order for payment under seal of the Court. An order for payment shall be substantially as in Form No. 54 of the Schedule hereto.

**EXECUTION**

154. The provisions contained in the Civil Procedure Code relating to the execution of orders and decrees of a District Court shall *mutatis mutandis* apply to the enforcement of decrees or orders of the Court.

**INSTRUMENTS ETC.**

155. Every warrant, release, commission, attachment, and other instrument to be executed by any officer of, or Commissioner acting under the authority of, the Court, shall be prepared in the registry and signed by the Registrar, and shall be issued under the seal of the Court.

156. Every document issued under the seal of the Court shall bear the date of the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.

157. Every document requiring to be served shall be served within six months from the date thereof, unless otherwise specified.

158. Where a document is not served within 6 months, or such other specified period, such service shall not be valid.

159. Every instrument to be executed by the Marshal shall be left with the Marshal by the party at whose instance it is issued, with written instructions for the execution thereof.

**NOTICES FROM THE REGISTRY**

160. Any notice from the Registry may be either left at, or sent by post to, the address for service of the party to whom notice is to be given.

**PAYMENTS OUT OF COURT**

150. Any party desiring to prevent the arrest of any property shall file a notice, and thereupon the Registrar shall enter a caveat in the caveat warrant book hereinafter mentioned. Such notice and caveat warrant shall be substantially as in Forms Nos. 45 and 46 of the Schedule hereto.

**CAVEATS.**

149. The Judge may over-rule any caveat.

151. A subpoena may contain the names of any number of witnesses, or may be issued with the names of the witnesses in blank.

152. Service of the subpoena must be personal, and may be made by the party or his agent, and shall be proved by affidavit.

153. (1) On application by a party to whom any sum has been found due, the Judge may order payment to be made out of any money in Court applicable for the purpose.

(2) If there is no such money in Court, or if it is insufficient, the Judge may order that the party liable shall pay the sum found due, or the balance thereof, as the case may be, within such time as to the Judge shall seem fit. The party to, whom the sum is due may then obtain from the registry and serve upon the party liable an order for payment under seal of the Court. An order for payment shall be substantially as in Form No. 54 of the Schedule hereto.

154. The provisions contained in the Civil Procedure Code relating to the execution of orders and decrees of a District Court shall *mutatis mutandis* apply to the enforcement of decrees or orders of the Court.

155. Every warrant, release, commission, attachment, and other instrument to be executed by any officer of, or Commissioner acting under the authority of, the Court, shall be prepared in the registry and signed by the Registrar, and shall be issued under the seal of the Court.

156. Every document issued under the seal of the Court shall bear the date of the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.

157. Every document requiring to be served shall be served within six months from the date thereof, unless otherwise specified.

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**FILING**

161. Documents shall be filed by leaving the same in the Registry, with a minute stating the nature of the document, and the date of filing it. A minute on filing any document shall be substantially as in Form No. 55 of the Schedule hereto.

162. Any number of documents in the same action may be filed with one and the same minute.

163. No document, except preliminary acts, bail bonds, documents issued from the Registry, and minutes, shall be filed without a certificate endorsed thereon, signed by the party filing the same, that a copy thereof has been served upon the adverse party, if any.

**TIME**

164. If the time for doing any act or taking any proceeding in an action expires on a Sunday, or on any other day on which the Registry is closed, and by reason thereof such act or proceeding cannot be done or taken on that day, it may be done or taken on the next day on which the Registry is open.

165. Where, by these rules or by any order made under them any act or proceeding is ordered or allowed to be done within or after the expiration of a time limited from or after any date or event, such time if not limited by hours, shall not include the day of such date or of the happening of such event, but shall commence on the next following day.

166. The Judge may, on the application of either party, enlarge or abridge the time prescribed by these rules or forms or by any order made under them for doing any act or taking any proceeding upon such terms as to him shall seem fit, and any such enlargement, may be ordered although the application for the same is not made until after the expiration of the time prescribed.

**SITTINGS OF THE COURT**

167. The Judge shall appoint proper and convenient times for sittings in Court and in chambers, and may adjourn the proceedings from time to time.

168. The Registrar shall attend all sittings whether in Court or in Chambers. He shall have the custody of all records of the Court.

**MARSHAL**

169. The Marshal or any other officer authorized by him in that behalf, shall execute all instruments issued from the Court which are addressed to him, and shall make returns thereof.

170. Whenever, by reason of distance or other sufficient cause, the Marshal cannot conveniently execute any instrument in person, he shall employ some competent person as his officer to execute the same.

**RECORDS OF THE COURT**

171. There shall be kept in the Registry a book, to be called the minute book, in which the Registrar shall enter in order of date, under the head of each action, and on a page numbered with the number of the action, a record of the commencement of the action, of all appearances entered, all documents issued or filed, all acts done, and all orders and decrees of the Court, whether made by the Judge, or by the Registrar, or by consent of the parties in action.

172. There shall be kept in the registry a caveat warrant book, a caveat release book, and a caveat payment book, in which such caveats respectively and the withdrawal thereof shall be entered by the Registrar.

173. Any registered Attorney may, free of charge, inspect the minute and caveat books.

174. The parties to an action may, while the action is pending and for one year after its termination, inspect, free of charge, the records in the action.

175. Except as provided by the two last preceding rules, no person shall be entitled to inspect the records in a pending action without the permission of the Registrar.

176. In an action which is terminated, any person may, on payment of a search fee, inspect the records in the action.

**COPIES**

177. Any person entitled to inspect any document in an action shall on payment of the proper charges for the same, be entitled to a certified copy thereof under seal of the Court.

**FORMS**

178. The forms in the schedule to these rules shall be followed with such variations as the circumstances may require, and any party using any other forms shall be liable for any costs occasioned thereby.

**FEES**

179. Until rules are made in respect of fees, the fees to be allowed on taxation shall be determined by the Judge from time to time.

180. The Judge may in any action order that half fees only shall be allowed.

181. If the same practitioner acts as both Counsel and registered Attorney in an action, he shall not for any proceeding be allowed to receive fees in both capacities, nor to receive a fee as Counsel where the act of a registered Attorney only is necessary.

182. Nothing in these rules shall be deemed to limit or affect the inherent powers of the Court to make any order as may be necessary to prevent injustice or to prevent an abuse of the process of the court.

183. In these rules unless the context otherwise requires—  
"Action" means any action, cause, suit or other proceeding instituted in the Court;

"Action in Rem" means any Admiralty action in Rem;

"Attorney-at-Law" means an Attorney-at-Law admitted and enrolled as an Attorney-at-Law of the Supreme Court of Sri Lanka and entitled to practice as such;

"Counsel" means an Attorney-at-Law appearing instructed by a registered Attorney;

"Defendant" includes a registered Attorney-at-Law of the defendant if he appears by such registered Attorney;

"Judge" means the judge of the court, or any person lawfully authorized to act as judge thereof ;

"Marshal" means the Marshal referred to in section 9 of the Admiralty Jurisdiction Act No. 40 of 1983, and includes the Deputy Marshal referred to in that section.

"Master," used with reference to a ship shall mean any person (except a pilot) having for the time being control or charge of a ship ;

"Party" shall include the party's registered Attorney-at-Law who appears by a registered Attorney ;

"Plaintiff" includes a registered Attorney if he sues by a registered Attorney ;

"Registered Attorney" means an Attorney who has entered a memorandum of appearance on behalf of a party ;

"Registrar" means the registrar of the Court or and includes any deputy thereof ;

"Registry" means the registry of the Court ;

"Ship" includes any description of vessel used in navigation

SCHEDULE

FORMS

(Rule 3)

No. 1  
Title of Action in rem

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction,

No. \_\_\_\_\_ (number of the action).

A. B., (plaintiff)

against

- (a) The ship \_\_\_\_\_ ; or
- (b) The ship \_\_\_\_\_ and freight ; or
- (c) The ship \_\_\_\_\_ her cargo and freight ; or (if the action is against cargo only)
- (d) The cargo ex the ship (state name of ship or board of which the cargo now is or lately was laden) ; or (if the action is against the proceeds realised by the sale of the ship or cargo)
- (e) The proceeds of the ship \_\_\_\_\_ ; or
- (f) The proceeds of the cargo ex the ship \_\_\_\_\_ (or as the case may be).

Action for (state nature of action, whether for damage by collision, wreck, bottomry etc. as the case may be).

No. 2

Title of Action in personam

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.

No. \_\_\_\_\_ (number of the Action)

A. B., (plaintiff)

against

C.D. & E.F. (Defendants)

The owners of the ship \_\_\_\_\_ (or as the case may be) Action for (state nature of action as in proceeding form).

No. 3

(Rule 4)

Writ of Summons in Rem

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.

No. \_\_\_\_\_

A.B., (plaintiff) (as in form No. 1)

against

The ship \_\_\_\_\_ (as in form No. 1)

Mr. \_\_\_\_\_ Judge of the High Court

To.—The owners and all others interested in the ship \_\_\_\_\_ (her cargo and freight etc., or as the case may be).

We command you that within two weeks after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in the above named action and take notice that in default of your so doing the said action may proceed therein, and judgement may be given in your absence, and if the res described in this writ is then under the arrest of the court, it may be sold by order of the court.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_

Registrar,

High Court of the Republic of Sri Lanka holden in Colombo.

Memorandum to be subscribed on the Writ

This writ may be served within twelve months from the date thereof exclusive of the day of such date, but not afterwards unless renewed by order of Court.

The defendant (or defendants) may appear hereto by entering an appearance (or appearances) either personally or by an Attorney-at-law at the registry of the said court situated at \_\_\_\_\_

No. 4

(Rule 4)

Writ of Summons in personam

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.

No. \_\_\_\_\_ (number of action)

A.B., (plaintiff) (as in form No. 2)

against

CD and EF (Defendant) (or as the case may be) as in form No. 2

Mr. \_\_\_\_\_ Judge of the High Court

To.— CD of \_\_\_\_\_ and EF of \_\_\_\_\_

We command you that, within two weeks after the service of this writ, exclusive of the day of such service, you do cause an appearance to be entered for you in the High Court of Colombo in the above named action; and take notice that in default of your so doing the said action may proceed, and judgement may be given in your absence.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_.

Registrar,  
 High Court of the Republic of Sri Lanka holden in Colombo.

**Memorandum to be subscribed on the writ**

This writ may be served within twelve months from the date of the date of the writ, exclusive of the day of such date, but not afterwards.

The defendant (or defendants) may appear hereto by entering appearance (or appearances) either personally or by attorney-at-law at the registry of the said Court situated at \_\_\_\_\_.

(Rule 4)

**Indorsements to be made on the writ before issued thereof**

(1) The plaintiff claims (insert description of claim as given in form No. 6)

(2) This writ was issued by the plaintiff in person who resides at \_\_\_\_\_ (State plaintiff's place of residence, with name of street and number of house, if any); or,

This writ was issued by CD of \_\_\_\_\_ (state place of business) attorney-at-law for the plaintiff.

(3) All documents required to be served upon the said plaintiff in the action may be left for him at (insert address for service) within five kilometers of the registry).

(Rule 4)

**Indorsements of Claim**

(1) *Damage by collision.*—The plaintiffs, as owners of the ship "Rani" (her cargo and freight, etc., or as the case may be), claim the sum of Rs. \_\_\_\_\_ against the ship "Devi" for damage occasioned by a collision which took place (State where) on the \_\_\_\_\_ day of \_\_\_\_\_ and for costs.

(2) *Salvage.*—The plaintiffs, as the owners, master, and crew of the ship "Rani" claim the sum of Rs. \_\_\_\_\_ for salvage services rendered by them to the ship "Devi" (her cargo and freight, etc., or as the case may be) on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in or near (state where the services were rendered), and for costs.

(3) *Pilotage.*—The plaintiff claims the sum of Rs. \_\_\_\_\_ for pilotage of the ship "Devi" on the \_\_\_\_\_ day of \_\_\_\_\_ from (state where pilotage commenced) to (state where pilotage ended), and for costs.

(4) *Towage.*—The plaintiffs, as owners of the ship "Rani" claim the sum of Rs. \_\_\_\_\_ for towage services rendered by the ship to the ship "Devi" (her cargo and freight, etc., or as the case may be), on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_, in or near (state where the services were rendered), and for costs.

(5) *Master's wages and disbursements.*—The plaintiff claims the sum of Rs. \_\_\_\_\_ for his wages and disbursements as master of the ship "Rani", and to have an account taken thereof, and for costs.

(6) *Seamen's wages.*—The plaintiffs as seamen on board the ship "Rani", claim the sum of Rs. \_\_\_\_\_ for wages due to them, as follows, and for costs:

To A.B., thereto Rs. \_\_\_\_\_ for two months wages from the \_\_\_\_\_ day of \_\_\_\_\_.

The C.D., able seaman Rs. \_\_\_\_\_, etc., (and the plaintiffs claim to have an account taken thereof).

(7) *Necessaries, repairs, &c.*—The plaintiffs claim the sum of Rs. \_\_\_\_\_ for necessaries supplied (or repairs done, &c, as the case may be) to the ship "Rani" at the port of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and for costs (and the plaintiffs claim to have an account taken thereof).

(8) *Possession.*—(a) The plaintiff, as sole owner of the ship "Rani" of the port of \_\_\_\_\_, claims possession of the said ship.

(b) The Plaintiff, as owner of 48/64 shares of the ship "Rani" of the port of \_\_\_\_\_, claims possession of the said ship as against C.D., owner of 16/64th shares of the same ship.

(9) *Mortgage.*—The plaintiff, under a mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_ claims against the proceeds of the ship "Rani" the sum of Rs. \_\_\_\_\_, as the amount due to him for Principal and interest, and for costs.

(10) *Claims between co-owners.*—(a) The plaintiff, as part owner of the ship "Rani" claims against C.D., part owner of the same ship, the sum of Rs. \_\_\_\_\_ as part of the earnings of the said ship due to the plaintiff, and for costs, and to have an account taken thereof.

(b) The plaintiff, as owner of 24/64th shares of the ship "Rani" being dissatisfied with the management of the said ship by his co-owners, claims that his co-owners shall give bail in the sum of Rs. \_\_\_\_\_, the value of his said shares for the safe return of the ship to this country.

(11) *Bottomry.*—The plaintiff, as assignee of a bottomry bond, dated the \_\_\_\_\_ day of \_\_\_\_\_ and granted by C.D., as master of the ship "Rani" of \_\_\_\_\_ to A.B., at the port of \_\_\_\_\_, claims the sum of Rs. \_\_\_\_\_ against the ship "Rani" (her cargo and freight & or as the case may be) as the amount due to him under the said bond, and for costs. (Rule 15) No. 7

**Certificate of service to be indorsed on the writ after service thereof**

This writ was served by X.Y. (here state the mode in which the service was effected, whether on the owner, or on the ship, cargo, or freight, &c., as the case may be) on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_. (Rule 19) No. 8

**Appearance**

(1) By Defendant in Person  
 In the High Court of the Republic of Sri Lanka holden in Colombo.  
 in exercise of its Admiralty Jurisdiction.  
 (Title of Action)

The plaintiff claims  
and disbursements as  
amount taken thereof.

men on board the  
for wages due to

months wages from the

(and the plaintiffs

claim the sum of  
repairs done, &c, as  
port of on  
(and the plaintiffs

owner of the ship  
possession of the said

of the ship "Rani"  
said ship as against

mortgage dated  
proceeds of the ship  
due to him for

plaintiff, as part owner  
owner of the same  
earnings of the said  
have an account

of the ship "Rani"  
said ship by his  
bail in the sum of  
the safe return of

a bottomry bond,  
by C.D., as master  
port of  
"Rani" (her cargo  
amount due to him

(Rule 15)

service thereof

mode in which the  
the ship, cargo,  
the day

(Rule 19)

in Colombo.

Take notice that I appear in this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Signed) C.D., Defendant

My address is \_\_\_\_\_

My address for service is \_\_\_\_\_

**Appearance**

By Attorney-at-Law for defendant.

In the High Court of the Republic of Sri Lanka holden in  
Colombo, In Exercise of its Admiralty Jurisdiction.  
(Title of Action)

Take notice that I appear for C.D., of (insert address of C.D. in  
this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Signed) X.Y.  
Attorney-at-Law C.D.

My place of business is \_\_\_\_\_

My address for service is \_\_\_\_\_

(Rule 19)

**Indorsement of set-off or counterclaim**

The defendants (or, if he be one of several defendants, the  
defendant C.D.,) owner of the ship "Rani" (or as the case may  
be), claim from the plaintiff (or claim to set-off against the plain-  
tiff's claim) the sum of \_\_\_\_\_ for (state the nature of the set-off  
or counter-claim and the relief or remedy required as in Form No.6  
mutatis mutandis) and for costs.

No. 10 (Rule 25)

**Affidavit to lead warrant**

In the High Court of Republic of Sri Lanka holden in  
Colombo, In the exercise of its Admiralty Jurisdiction  
(Title of Action)

I, A.B., (state name and address), make oath and say that I  
have a claim against the ship "Rani" for (state nature of claim)

And I further make oath and say that the said claim has  
not been satisfied, and that the aid of this court is required to  
enforce it.

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 the said A.B., Signed)  
was duly sworn to the truth of this Affidavit at \_\_\_\_\_ A.B.

Before me,  
B.F. etc.,

No. 11 (Rule 30)

**Warrant**

In the High Court of the Republic of Sri Lanka holden in  
Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action)

Mr. \_\_\_\_\_, Judge, of the High Court,  
To the Marshal,

We command you to arrest the ship \_\_\_\_\_ of the post of  
\_\_\_\_\_ (and the cargo now or lately laden therein, together with  
the freight due for the transportation thereof) or (and the freight  
due for the transportation of the cargo now or lately laden therein)  
and to keep the same under safe arrest until you shall receive further  
orders from us.

Witness \_\_\_\_\_, Registrar of the High Court of the Republic  
of Sri Lanka, holden in Colombo, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

Registrar,  
High Court of the Republic of  
Sri Lanka holden in Colombo.

The plaintiff's claim is for (copy from the writ).  
Warrant taken out by \_\_\_\_\_ (Attorney-at-Law) for the \_\_\_\_\_

No. 12 (Rule 34)

**Certificate of Service to be indorsed on the warrant after  
service thereof**

This warrant was served by (state by whom and in what mode  
service was effected) on \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_.

(Signed) G. H. Marshal  
(Rule 36)

**Bail Bond**

In the High Court of the Republic of Sri Lanka holden in  
Colombo, in the exercise of its Admiralty Jurisdiction,  
(Title of Action)

Whereas this Admiralty action is rem against the above men-  
tioned property is pending in this Court and the parties to the  
said action are the above mentioned plaintiffs and defendants;

Now, THEREFORE, We, A.B. of \_\_\_\_\_ and C.D. of \_\_\_\_\_  
hereby jointly and severally submit ourselves to the jurisdiction of  
this Court and consent that if they, the above mentioned defendant  
(or plaintiffs, in the case of a counterclaim) do not pay what may  
be adjudged against them in this action, with costs, or do not pay  
any sum due to be paid by them in consequence of any admission  
of liability therein or under any agreement by which this action  
is settled before judgement and which is filed in the said Court  
execution may issue against us, our executors or administrators,  
goods and chattels, for the amount unpaid or an amount of \_\_\_\_\_  
whichever is the less.

(Signed) \_\_\_\_\_

This bail bond was signed by the said, A.B. and C.D., the  
sureties, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

a Commissioner for Oaths,  
(or the Registrar)

No. 14 (Rule 36)

**Notice of Bail**

In the High Court of the Republic of Sri Lanka holden in  
Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action)

Take notice that I tender the undermentioned persons as bail  
on behalf of (state name, address and description of party  
whom bail is to be given, and whether plaintiff or defendant)

the sum of (state sum in letters and figures), to answer judgment in this action (or judgment and costs, or costs only, or as the case may be) Names, addresses, and descriptions of sureties :

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) X.Y.

(Rule 39)

No. 15.

Release

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction (Title of Action)

Mr. \_\_\_\_\_, Judge of the High Court

To the Marshal, greeting,

Where as by our warrant issued in the above-named action on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, we did command you to arrest (state name and nature of the property arrested) and to keep the same under safe arrest until you should receive further orders from us : We do hereby command you to release the said (state name and nature of the property released) from the said arrest upon payment being made to you of all fees due to and charges incurred by you in respect of the arrest and custody thereof.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) E. F. Registrar.

Release taken out by \_\_\_\_\_ attorney-at-law for \_\_\_\_\_.

Marshal's indorsement

On \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, the \_\_\_\_\_ was released from arrest pursuant to this instrument.

(Signed) Marshall.

(Rule 47)

No. 16

Pleadings

(1) In an action for Damage by Collision (The "Samudra") Petition

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction. (Title of Action)

Writ issued \_\_\_\_\_, 19\_\_\_\_\_.

1. Shortly before 7 p.m. on January 31, 1989, the brig "Ganga" of 234 tons register of which the plaintiff, G. de S. was then owner, whilst on a voyage from Colombo to Male, laden with coals, and manned with a crew of nine hands, all told, was about fifteen miles S. E. E. from the Lizard Light.

A 7 D - 15316

2. The wind at that time was, &c. \_\_\_\_\_ 3 to 6 \_\_\_\_\_

7. The said collision, and the damages and losses consequent thereon, were occasioned by the negligent and improper navigation of those on board the "Samudra".

The plaintiff claims—

- (1) A declaration that he is entitled to the damage proceeded for
- (2) The condemnation of the defendants (and their bail) in such damage and in costs.
- (3) To have an account taken of such damage with the assistance of merchants.
- (4) Such further or other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) A. B. Plaintiff

\* The pleadings are not reproduced in full.

Answer and Counterclaim

In the High Court of the Republic of Sri Lanka holden in Colombo in the exercise of its Admiralty Jurisdiction.

(Title of Action.)

1. The defendants are the owners of the barque "Samudra" of 988 tons register, carrying a crew of nineteen hands, all told and at the time of the circumstances hereinafter stated bound on voyage to Colombo.

2. A little before 6.30 p.m. of January 31, 19\_\_\_\_\_, the "Samudra" was about fifteen miles S.E. by S. of the Lizard, &c.

3. \_\_\_\_\_\*

4. Save as is hereinbefore admitted the several statements in the petition are denied.

5. and 6 \_\_\_\_\_\*

7. The collision was caused by one or both of the things stated in the fifth and sixth paragraphs hereof, or otherwise by the negligence of the plaintiffs, or of those on board the "Ganga".

8. The collision was not caused or contributed to by the defendants, or by any of those on board the "Samudra".

And by way of counterclaim, the defendants say - They have suffered great damage by reason of the collision. And they claim as follows :-

- (1) Judgement against the plaintiff (and his bail) for the damage occasioned to the defendants by the collision, and for the costs of this action.

(2) To have an account taken of such damage with the assistance of merchants.

(3) Such further and other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) C.D. &c., Defendants

\*The Pleadings are not reproduced in full.

Reply

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

The plaintiff denies the several statements contained in the answer and counterclaim (or admits the several statements contained in paragraphs \_\_\_\_\_ and \_\_\_\_\_ of the answer and counterclaim, but denies the other statements contained therein).  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) A.B., Plaintiff.

(2) In an Action for Salvage.  
(The "Kuveini").  
Petition.

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

Writ issued \_\_\_\_\_, 19—.

1. The "Sita" is an iron screw steamship of 902 tons nett register tonnage, fitted with engines of 120 horse-power nominal, is of the value of £15,000, and was at the time of the services hereinafter stated manned with a crew of twenty-three hands under the command of G. H. B. her master.

2. At about 9 a.m. on April 29, 19—, while the "Sita" which was in ballast proceeding on a voyage to Colombo to load a cargo of grain was between Bombay and Singapore, those on board her saw a steamship ashore on a bank situated about ten miles to the westward of Singapore. The "Sita" immediately steamed in the direction of the distressed vessel, which made signals for assistance \_\_\_\_\_, and at the request of the master of the "Kuveini" the master of the "Sita" agreed to endeavour to tow the "Kuveini" afloat.

3 to 10 \_\_\_\_\_

11. By the services of the plaintiffs the "Kuveini" and her cargo were rescued from a very dangerous and critical position, as in the event of bad weather coming on whilst she lay aground she would have been in very great danger of being lost with her cargo.

12. The "Sita" encountered some risk in being lashed alongside the "Kuveini" and she ran risk of also getting aground and of losing her charter, the blockade of the port of Colombo being at the time imminent.

13. The value of the hawser of the "Sita", brodden as herein stated, was \_\_\_\_\_.

14. The "Kuveini" is an iron screw steamship of 1,118 tons nett (1,498 gross) register tonnage. As salvaged the "Kuveini" and her cargo and freight have been agreed for the purposes of this action at the value of \_\_\_\_\_.

The Plaintiffs claim—

(1) Such an amount of salvage, regard being had to the said agreement, as the court may think fit to award.

(2) The condemnation of the defendants (and their bail) in the salvage and in costs.

(3) Such further and other relief as the case may require.  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) A.B., &c., Plaintiffs

Answer

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

1. The defendants admit that the statement of facts contained in the petition is substantially correct, except that the reshipment of the cargo on board the "Kuveini" was completed by 4 a.m. on April, 30.

2. The defendants submit to the judgement of the court to award such a moderate amount of salvage to the plaintiffs under the circumstances aforesaid as to the said court shall seem meet.

(Signed) C.D., &c., Defendants.

Reply

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

The plaintiffs deny the statement contained in the 1st paragraph of the answer, that the shipment of the cargo was completed by 4 a.m. on April 30.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) A.B., &c., Plaintiffs.

(3) In an Action for Distribution of Salvage Petition.

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

Writ issued \_\_\_\_\_, 19—.

1. Describe briefly the salvage services, stating the part taken in them by the plaintiffs, and the capacity in which they were serving.

2. The sum of \_\_\_\_\_ has been paid by the owners of the ship, &c. (state name of ship or other property seized), to the defendants, as owners of the ship (state name of sailing vessel), and has been accepted by them in satisfaction of their share of salvage, but the said defendants have not paid and refuse to pay any part of that sum to the plaintiffs for their share in the said salvage services.

The Plaintiffs claim -

- (1) An equitable share of the said sum of \_\_\_\_\_, to be apportioned among them as the court shall think fit, and the costs of this action.
- (2) Such other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) A.B., &c., Plaintiffs.

(4) In an Action for Master's Wages and Disbursements (The "Kumari").

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction. (Title of Action.)

Write issued \_\_\_\_\_, 19\_\_\_\_\_.

1. The plaintiff, on February 10, 1989, was appointed by the owner of the \_\_\_\_\_, proceeded against in this action, master of the said barque, and it was agreed between the plaintiff and the said owner that the wages of the plaintiff as master should be \_\_\_\_\_ per month.

2. The plaintiff acted as master of the said barque from the said February 10 until October 25, 19\_\_\_\_\_, and there is now due to him for his wages as master during that time the sum of \_\_\_\_\_

3. The plaintiff, as master of the said barque, expended various sums of money for necessary disbursements on account of the said barque; and there is now due to him in respect of the same a balance of \_\_\_\_\_.

The plaintiff claims -

- (1) A decree pronouncing the said sums, amounting in the whole to \_\_\_\_\_ to be due to him or wages and disbursements, and directing the said vessel to be sold, and the amount due to him to be paid to him out of the proceeds.
- (2) Such further and other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) A.B., Plaintiff.

(5) In and Action for Seamen's Wages Petition

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of it's Admiralty Jurisdiction,

(Title of Action.)

Write issued \_\_\_\_\_, 19\_\_\_\_\_.

1. The Plaintiff, A.B., was engaged as mate of the "Venus" at the rate of \_\_\_\_\_ per month, and in pursuance of that engagement was appointed to the said brig from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, and during that time as mate of the said brig earned wages amounting to \_\_\_\_\_. After giving credit for the sum received by him for his wages a balance of \_\_\_\_\_ is still due to him.

2. The plaintiffs C.D., E.F., and G.H. were engaged as able seamen on board the said brig, and having in pursuance of that engagement served as able seamen on board the said brig during the period specified in the schedule hereto, earned thereby as wages the sums set forth in the same schedule, and after giving credit for the sums received by them respectively, on account of the said wages, there remain due to them the following sums, namely:

- To C. D., the sum of \_\_\_\_\_.
- To E. F., the sum of \_\_\_\_\_.
- To G. H., the sum of \_\_\_\_\_.

3. The plaintiffs I. K. and L. M. were engaged as ordinary seamen on board the said brig, and having served on board the same in pursuance of the said engagement during the period specified in the schedule hereto, earned thereby the sums set forth in the same schedule, and after giving credit for the sums received by them respectively, on account of the said wages, there remain due to them the following sums, namely:

- To I. K., the sum of \_\_\_\_\_.
- To L. M., the sum of \_\_\_\_\_.

Schedule referred to above

Wages due to A. B., mate, from the \_\_\_\_\_, 19\_\_\_\_\_, to the \_\_\_\_\_ 19\_\_\_\_\_, \_\_\_\_\_ months and \_\_\_\_\_ days, at \_\_\_\_\_ per month:

Less received on account .. \_\_\_\_\_.  
Balance due .. \_\_\_\_\_.

Wages due to C.D., able seaman, from the \_\_\_\_\_, 19\_\_\_\_\_, to the \_\_\_\_\_, 19\_\_\_\_\_, \_\_\_\_\_ months and \_\_\_\_\_ days, at \_\_\_\_\_ per month:

Less received on account .. \_\_\_\_\_.  
Balance due .. \_\_\_\_\_.

(So on with the wages due to the other plaintiffs.)

The plaintiffs claim -

- (1) The several sums so due to them respectively with the costs of this action.
- (2) Such double pay as they are entitled to,
- (3) Such other relief as the nature of the case may require,

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signed) A.B. & C., Plaintiffs

(6) In an Action for Bottomry  
 Petition  
 In the High Court of the Republic of Sri Lanka holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction.  
 (Title of Action.)  
 Writ issued \_\_\_\_\_, 19\_\_\_\_\_.

- In the month of July, 19\_\_\_\_\_, the barque "Rani" is lying in the port of \_\_\_\_\_, and P.O. her master, being in want of funds, was compelled to borrow on bottomry of the said barque and her freight from C.M. the sum of \_\_\_\_\_ for the necessary and indispensable repairs, charges, and supplies of the said vessel in the said port of \_\_\_\_\_ and to enable her to prosecute her voyage from \_\_\_\_\_ to \_\_\_\_\_, and thence to \_\_\_\_\_.
- Accordingly, by a bond of bottomry, dated the day of \_\_\_\_\_, 19\_\_\_\_\_, and duly executed by him, the said P.O. in consideration of the sum of \_\_\_\_\_, lent by the said C.M. upon the said adventure upon the said barque and freight at the maritime premium of \_\_\_\_\_ per cent., bound himself and the said barque and the freight to become payable in respect of the said voyage to pay to the said C.M., their successors or assigns, the sum \_\_\_\_\_ (which included the principal charges and the maritime interest due thereon), within 30 days after the said barque should arrive at her port of discharge; and the said bond provided that the said C.M. should take upon themselves the maritime risk of the said voyage.
- The "Rani" has since successfully prosecuted her said intended voyage for which the aforesaid bond was granted, and arrived at \_\_\_\_\_ as her port of discharge on or about \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.
- Before the issue of the writ in the action the said bond became due and payable, and was duly endorsed by the said C.M. to the plaintiffs, who thereby became and are the legal holders hereof, and the said sum of \_\_\_\_\_ is now due and owing hereon to the plaintiffs.

- The plaintiffs claim—
- A declaration for the force and validity of the said bond.
  - The condemnation of the said barque "Rani" and her freight in the sum of \_\_\_\_\_ with interest thereon at \_\_\_\_\_ percent, per annum from the time when the said bond became payable, and in costs.
  - A sale of the said barque, and the application of the proceeds of her sale and of her freight in payment to the plaintiffs of the said amount and interest and costs.
  - Such further and other relief as the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_  
 (Signed) A.B., & c., Plaintiffs.

(7) In an Action for Mortgage  
 In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
 (Title of Action)  
 Writ issued \_\_\_\_\_, 19\_\_\_\_\_.

- The above-named brigantine or vessel "Jupiter" is a ship belonging to the port of \_\_\_\_\_, of the registered tonnage of 109 tons or thereabouts, and at the time of the mortgage herein-after mentioned, T.B. of \_\_\_\_\_ was the registered owner of the said brigantine.
- On \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, 32/64 parts or shares of the said brigantine were mortgaged by the said T.B. to the plaintiff, to secure the payment by the said T.B. to the plaintiff of the sum of \_\_\_\_\_ together with interest thereon at the rate of \_\_\_\_\_ per cent per annum on or before \_\_\_\_\_, 19\_\_\_\_\_.
- The said mortgage of the "Jupiter" was made by an instrument dated July 4, 19\_\_\_\_\_, in the form prescribed by the \_\_\_\_\_ Act and was duly registered in accordance with the provisions of the said Act.
- No part of the said principal sum or interest has been paid, and there still remains due and owing to the plaintiff on the said mortgage security the principal sum of \_\_\_\_\_, together with a large sum of money for interest and expenses, and the plaintiff, although he has applied to the said T.B. for payment thereof, cannot obtain payment without the assistance of this court.

- The plaintiff claims—
- Judgment for the said principal sum of \_\_\_\_\_, together with interest and expenses.
  - To have an account taken of the amount due to the plaintiff
  - Payment out of the proceeds of the said brigantine now remaining in court, of the amount found due to the plaintiff, together with costs.
  - Such further and other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_  
 (Signed) A. B., Plaintiff.

(8) In an Action between co-owners (for Account)  
 Petition  
 In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.  
 (Title of Action)  
 Writ issued \_\_\_\_\_, 19\_\_\_\_\_.

- The "Sirima" is a sailing ship of about 40 tons register, trading between \_\_\_\_\_ and \_\_\_\_\_.

2. By a bill of sale duly registered on June 11, 19\_\_\_\_, the defendant, J.H., who was then sole owner of the above-mentioned ship "Sirima" transferred to T.W. of \_\_\_\_\_, 11,64th parts or shares of the ship for the sum of \_\_\_\_\_.

3. By a subsequent bill of sale duly registered on \_\_\_\_\_, 19\_\_\_\_, the said T.W. transferred his said 11,64th shares of the ship to G.W. the plaintiff, for the sum of \_\_\_\_\_.

4. The defendant, J.H. has had the entire management and the command of the said ship from \_\_\_\_\_, 19\_\_\_\_ down to the present time.

5. The defendant has from time to time up to and including \_\_\_\_\_, 19\_\_\_\_, rendered accounts of the earnings of the ship to the afore-mentioned T.W, but since the said \_\_\_\_\_, 19\_\_\_\_, the defendant has rendered no accounts of the earnings of the ship.

6. Since \_\_\_\_\_, 19\_\_\_\_, the ship has continued to trade between \_\_\_\_\_ and \_\_\_\_\_, and the plaintiff has made several applications to the defendant, J.H., for an account of the earnings of the ship, but such applications have proved ineffectual.

7. The plaintiff is dissatisfied with the management of the ship, and consequently desires that she may be sold.

The plaintiff claims—

- (1) That the court may direct the sale of the said ship "Sirima".
- (2) To have an account taken of the earnings of the said ship, and that the defendant may be condemned in the amount which shall be found due to the plaintiff in respect thereof, and in the costs of this action.
- (3) Such further or other relief as the nature of the case may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B. Plaintiff.

Answer

In the High Court of the Republic of Sri Lanka holden in Colombo in the exercise of its Admiralty Jurisdiction, (Title of Action)

- 1. The defendant denies the statements contained in paragraph 2 of the petition.
- 2. The defendant further says that he never at any time signed any bill of sale, transferring any shares whatever of the ship "Sirima" to the said T.W., and further says that, if any such bill was registered as alleged on \_\_\_\_\_, in the said 2nd paragraph (which the defendant denies), the same was made and registered fraudulently and without the knowledge, consent, or authority of the defendant.
- 3. The defendant does not admit the statements contained in the 3rd paragraph of the petition, and says that, if the said T.W. transferred any shares of the said ship to the plaintiff as alleged (which the defendant does not admit), he did so wrongfully and unlawfully, and that he had no possession of or no right to the said shares.

4. The defendant denies the statements contained in paragraph 5 of the petition, and says that he never rendered an such account as alleged therein.

5. The defendant does not admit the statements contained in paragraph 6 of the petition.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) C.D., Defendant.

Reply

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction (Title of Action)

The plaintiff denies the several statements in the answer. Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B., Plaintiff.

(9) In an Action for Possession Petition.

In the High Court of the Republic of Sri Lanka holden in Colombo

in the exercise of its Admiralty Jurisdiction. (Title of Action)

Writ issued \_\_\_\_\_, 19\_\_\_\_.

1. The plaintiffs are registered owners of 44/64th shares in the ship "Mercury Menika," and such shares are held by them respectively as follows:

M.P.G. is owner of 16/64th shares, E.N. of 8/64th shares, W.M. of 4/64th shares, I.B. of 8/64th shares and W.H. of 8/64th shares.

2. The only owner of the said ship other than the plaintiffs is J.N.R., who is the registered owner of the remaining 20/64th shares of the said ship, and has hitherto acted as managing owner and ship's husband of the said ship, and has possession of and control over the said ship and her certificate of registry:

3. The defendant, the said J.N.R. has not managed the said ship to the satisfaction of the plaintiffs, and has, by his management of her, occasioned great loss to the plaintiffs, and the plaintiffs in consequence thereof before the commencement of this action gave notice to the defendant to cease acting as managing owner and ship's husband of the said ship, and revoked his authority in that behalf, and demanded from the defendant the possession and control of the said ship and of her certificate of registry, but the defendant has refused and still refuses to give possession of the said ship and certificate to the plaintiffs, and the plaintiffs cannot obtain possession of them without the assistance of this court.

4. The defendant has neglected and refused to render proper accounts relating to the management and earnings of the said ship and such accounts are still outstanding and unsettled between the plaintiffs and the defendant.

plaintiffs claim—  
 ment giving possession to the plaintiffs of the said  
 and of her certificate of registry.  
 ve an account taken, with the assistance of merchants,  
 e earnings of the ship.  
 e of the defendant's shares in the said ship.  
 ment out of the proceeds of such sale of the balance  
 y) found due to the plaintiffs, and of the costs of this  
 n.  
 a further and other relief as the nature of the case may  
 ire.  
 ..... day of ....., 19.....

(Signed) A.B., &c., Plaintiffs.

(10) In an Action for Necessaries  
 Petition

h Court of the Republic of Sri Lanka holden in Colombo  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

Writ issued ....., 19.....

e plaintiffs at the time of the occurrences hereinafter  
 d carried on business at the port of ..... as  
 ore and provision merchants and ship chandlers.  
 mercury" is a ..... ship, and in the months of,  
 ....., and .....  
 was lying in the said port of ..... under the  
 of one G.L. a foreigner, her master and owner, and in  
 month of ..... she proceeded on her voyage to  
 .....

e plaintiffs, at the request and by the direction of the  
 er, supplied during the said months of .....,  
 ....., and ....., 19.....

d other necessaries for the necessary use of the said ship  
 said then intended voyage to the value of ....., for  
 an acceptance was given by the said G.L. to the  
 ; but on ..... 19....., the said acceptance,  
 en became due, was dishonoured, and the said sum  
 ....., with interest, thereon from .....  
 still remains due and unpaid to the plaintiffs.

the month of ..... aforesaid the plaintiffs, at  
 est of the said master, advanced to him the sum of .....  
 or the necessary disbursements of the said ship at the said  
 ....., and otherwise on account of the said  
 id also at his request paid the sum of ....., which  
 for goods supplied for the necessary use of the said ship  
 id voyage; and of the sums so advanced and paid there  
 ins due and unpaid to the plaintiffs, the sum of .....  
 rest thereon from ..... 19....., on which last-  
 day a promissory note given by the said G.L. to the  
 ntiffs for the said sum of ..... was returned to  
 honoured.

5. The plaintiffs also at the said master's request, between .....  
 ..... 19....., and the commencement of this action, paid  
 various sums amounting to ..... for the insurance of the  
 said debt.

6. The said goods were supplied and the said sums advanced  
 and paid by the plaintiffs upon the credit of the said ship, and not  
 merely on the personal credit of the said master.

The plaintiffs claim—

(1) Judgement for the said sums of ..... and .....  
 together with interest thereon.

(2) That the defendant (and his bail) be condemned therein,  
 and in costs, or

A sale of the said ship, and payment of the said sums and  
 interest out of the proceeds of such sale, together with costs.

(3) Such further and other relief as the case may require.  
 Dated the ..... day of ....., 19.....

(Signed) A.B., &c., Plaintiffs.

No. 17

(Rule 52)

Interrogatories

In the High Court of the Republic of Sri Lanka holden in Colombo  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

Interrogatories on behalf of the plaintiff A.B., (or defendant  
 C.D.) for the examination of the defendants C.D. and E.F. (of  
 plaintiff A.B., or as the case may be).

- (1) Did not, &c.
- (2) Have not, &c.

The defendant C.D. is required to answer the interrogatories  
 (numbered .....

The defendant E.F. is required to answer the interrogatories  
 numbered .....

Dated the ..... day of ....., 19.....

(Signed) A.B. (or C.D., as the case  
 may be).

No. 18

(Rule 52)

Answers to Interrogatories

In the High Court of the Republic of Sri Lanka holden in Colombo  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

The answers of the defendant C.D., (or plaintiff A.B., &c.) to  
 the interrogatories filed for his examination by the plaintiff A.B.  
 (or defendant C.D., &c.)

In answer to the said interrogatories I, the above-named C.D.  
 (or A.B., &c.), make oath and say as follows :

1. \_\_\_\_\_  
2. \_\_\_\_\_

No. 20  
**Notice to Produce**

On the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, the said C.D. (or A.B., &c.),  
was duly sworn to the truth of this  
affidavit at \_\_\_\_\_  
Before me,  
E.F., &c.

(Signed, C.D.  
or A.B.)-

In the High Court of the Republic of Sri Lanka holden in C  
in the exercise of its Admiralty Jurisdiction.  
(Title of Action)

Take notice that the plaintiff A.B. (or defendant C.D.)  
you to produce for his inspection; or before the \_\_\_\_\_  
\_\_\_\_\_, the following documents.

No. 19

(Rule 54)

**Affidavit of Discovery**

In the High Court of the Republic of Sri Lanka holden in Colombo,  
in the exercise of its Admiralty Jurisdiction.

(Title of Action)

I, the defendant C.D. (or plaintiff A.B., & c.), make oath and  
say as follows:—

- (1) I have in my possession or power the documents relating to  
the matters in question in this action, set forth in the first  
and second parts of the first schedule hereto.
- (2) I object to produce the documents set forth in the second  
part of the said first schedule on the ground that (state  
grounds of objection, and verify the facts as far as may be.)
- (3) I have had, but have not now, in my possession or power  
the documents relating to the matters in question in this  
action as set forth in the second schedule hereto.
- (4) The last-mentioned documents were last in my possession  
or power on (state when).
- (5) (Here state what has become of the last-mentioned documents  
and in whose possession they now are).
- (6) According to the best of my knowledge, information, and  
belief, I have not now, and never had in my possession,  
custody, or power, or in the possession, custody or power  
of my registered Attorney-at-law or agent, or of any other  
person or persons on my behalf, any deed, account, book of  
account, voucher, receipt, letter, memorandum, paper, or  
writing, or any copy of or extract from any such document,  
or any of them, or any other document whatsoever, relating  
to the matters in question in this action, or any of them, or  
wherein any entry has been made relative to such matters,  
or any of them other than except the documents set forth in  
the said first and second schedules hereto.

(Here describe the documents required to be produced.)  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B., Plaintiff (or C.D., Defe

To C.D., Defendant.  
(or as the case may be).

No. 21

**Notice to Admit Documents.**

In the High Court of the Republic of Sri Lanka  
holden in Colombo,  
in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

Take notice that the plaintiff A.B. (or defendant C.D.)  
action proposes to adduce in evidence the several doc  
hereunder specified, and that the same may be inspected  
defendant (or plaintiff), his attorney-at-law or agent, at —  
on \_\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_  
and the defendant (or plaintiff) is hereby required, withi  
eight hours from the last-mentioned hour, to admit that s  
the said documents as are specified as originals were resp  
written, signed, or executed as they purport respectively t  
been; that such as are specified as copies are true copie  
that such documents as are stated to have been served, s  
delivered, were so served, sent, or delivered respectively: sa  
just exceptions to the admissibility of all such docum  
evidence in this action.

**SCHEDULE I**

**PART I**

(here set out documents)

**PART 2**

(Set out documents)

**SCHEDULE II**

(Set out documents)

Description of Documents	Dates	Time and mode of Service or Delivery, &c.
(Here briefly describe documents)	(Here state the date of each document)	(Here state whether original or a duplicate was sent by post served or delivered when and by whom)
(1) Originals		
(2) Copies		

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B., Plaintiff  
(or C.D. Defendant).

(Signed C.D. of A.B.)

To C.D., Defendant.  
(Or as the case may be.)

On the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, the said C.D. (or A.B.,  
&c.) was duly sworn to the truth  
of this affidavit at \_\_\_\_\_,  
me, (B.F., & c.)

No. 22

**Notice to Admit Facts**

In the High Court of the Republic of Sri Lanka  
holden in Colombo

in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

Take notice that the plaintiff A.B. (or defendant C.D.) demands  
admission of the under-mentioned facts, saving all just exceptions

- 1. } Here state briefly the facts of which admission is
- 2. } demanded

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B., Plaintiff  
(or C.D., Defendant).

To C.D., Defendant.  
(Or as the case may be.)

No. 23

**Notice of Motion**

In the High Court of the Republic of Sri Lanka  
holden in Colombo

in the exercise of its admiralty Jurisdiction.  
(Title of Action.)

Take notice that on (state day of week) the \_\_\_\_\_ day of  
\_\_\_\_\_, the plaintiff (or defendant) will (by counsel, or by his  
attorney-at-law, if the motion is to be made by counsel or attor-  
ney at-law) move the Judge in court (or in chambers, as the case  
may be) to order that (state nature of order to be moved for.  
In an notice of motion to vary a report of the registrar, the  
items objected to must be specified).

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B., Plaintiff  
(Or C.D. Defendant).

No. 24

**Notice of Tender**

In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction.  
(Title of Action.)

Take notice that I have paid into court and tender is satisfaction  
of the plaintiff's claims (Or as the case may be) (if the tender is for  
costs also, add including costs), the sum of (state sum tendered  
in letters and figures, and on what terms, if any, the tender  
is made).

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) C.D., Defendant.

(Rule 57) No. 25

**Notice Accepting or Rejecting Tender**  
In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction. (Title of Action)

Take notice that I accept (or reject) the tender made by the  
defendant in this action.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B. Plaintiff.

No. 26

**Interpreter's Oath**

In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction.

You swear that you are well acquainted with the English and  
\_\_\_\_\_ languages, and that you will faithfully interpret between  
the court and the witnesses.

So-help you God.

**Affirmation**

You solemnly, sincerely and truly affirm and declare that you  
are well acquainted with the English and \_\_\_\_\_ languages and  
you will faithfully interpret between the court and the witnesses.

No. 27

**Appointment to Administer Oaths or Affirmations**

In the High Court of the Republic of Sri Lanka holden in  
Colombo

in the exercise of its Admiralty Jurisdiction.  
To (State name and address of Commissioner)

I hereby appoint you ..... to be a Commissioner  
to administer oaths or affirmation in all proceeding in this court.

(Signed) A.B., Judge.

(2) In Any Particular Proceeding

In the High Court of the Republic of Sri Lanka holden in Colombo

in the exercise of its Admiralty Jurisdiction.

To (State name and address of appointee)

I hereby authorize you ..... to administer (an oath  
or affirmation as the case may be) to (state name of person or  
persons to whom, and proceeding in which the oath or affirmation  
is to be administered, or as the case may be).

(Signed) A.B., Judge.

(Rule 60)

(Rule 64)

(Rule 70)

(Rule 70)

(Rule 69)

No. 33 Notice for Hearing (Rule 94) With interest thereon from the day of 19 at the rate of per cent, per annum until paid.

In the High Court of the Republic of Sri Lanka holden in Colombo. In the exercise of its Admiralty Jurisdiction. (Signed) H. F., Special Referee.

No. 35 Commission of Appraisalment In the High Court of the Republic of Sri Lanka holden in Colombo.

No. 34 Special Referee's Report In the High Court of the Republic of Sri Lanka holden in Colombo.

To : The Honourable the Judge of the ... (Title of Action) in the exercise of its Admiralty Jurisdiction

Whereas by your decree of the 19 you were pleased to pronounce in favour of the plaintiff (or defendant), and (or as the case may be) in the amount to be found due to the plaintiff (or defendant) (and in costs), and you were further pleased to order that an account should be taken, and to refer the same to the special referee (assisted by assessors) to report the amount due :

Now, I do report that I have, with the assistance of (here state names and description of assessors, if any,) carefully examined the accounts and vouchers and the proofs brought in by the plaintiff (or defendant) in support of his claim (or counter-claim), and having on the day of , heard the evidence of (state names) who were examined as witnesses on behalf of the plaintiff, and of (state names) who were examined as witnesses on behalf of the defendant (and having heard the attorneys-at-law of counsel, on both sides, (or as the case may be), I find that there is due to the plaintiff (or defendant) the sum of (state sum in letters and figures), together with interest thereon as stated in the schedule hereto annexed. I am also of opinion that the plaintiff (or defendant) is entitled to the costs of this reference (or as the case may be).

Dated , 19 (Signed) H. F., Special Referee. Schedule annexed to the foregoing report

No. 36 Commission of Sale In the High Court of the Republic of Sri Lanka holden in Colombo.

Whereas by Order dated the court has ordered that (state whether ship or cargo, and state name of ship, and if part only of cargo, what part) shall be sold : We, therefore, hereby command you to reduce into writing an inventory of the said (ship or cargo, & c., as the case may be), and to cause the said (ship or cargo & c.) to be sold by public auction for the highest price that can be obtained for the same.

Total	Claimed	Allowed

- (1) (Here state as briefly as possible the several items of the claim with figures opposite the item), &c.
- (2)
- (3) the amount claimed and allowed
- (4) on each item in the columns for
- (5) figures opposite the item), &c.

Mr. Judge, of the High Court. (Title of Action) in the exercise of its Admiralty Jurisdiction.

(Rule 136) Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**Notice of Discontinuance**

Court of the Republic of Sri Lanka holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

Notice that this action is discontinued.  
 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A. B., Plaintiff

(Singed), J.K. Judge.

Witness ;E.F., Registrar,  
 No.. 45 (Rule 141)

(Rule 136)

**Notice to Enter Judgment for Costs,**

Court of the Republic of Sri Lanka holden in Colombo  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action.)

Notice that I apply to have judgment entered for my costs  
 on.  
 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) C. D., Defendant.

**Notice for Caveat Warrant**

In the High Court of the Republic of Sri Lanka  
 holden in Colombo  
 in the exercise of its Admiralty Jurisdiction.

Take notice that I, A.B., of \_\_\_\_\_, apply for a caveat against  
 the issue of any warrant for the arrest of (State name and nature  
 of property), and I undertake within three days after being required  
 to do so, to give bail to any action or counter-claim that may have  
 been or may be brought against the same in this court in a sum not  
 exceeding (state sum in letters or to pay such sum into court.

My address for service is \_\_\_\_\_.  
 Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B. (Rule 141)

(Rule 138)

**Receivable Order**

High Court of the Republic of Sri Lanka holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction,  
 (Title of Action.)

I have to request that you will receive from (state name of  
 paying in the money) the sum of \_\_\_\_\_, on account in  
 the named action, and place the same to the credit of the  
 \_\_\_\_\_ of the registrar of the High Court of the Republic of Sri  
 Lanka holden in Colombo.

\_\_\_\_\_ Registrar of the High Court of the Republic  
 Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Manager of (state name or style of) bank to which the  
 payment is to be made.

\_\_\_\_\_  
 Registrar

No. 46 (Rule 141)

**Caveat Warrant**

In the High Court of the Republic of Sri Lanka  
 holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction.  
 (State Name of Ship, &c.)

Caveat entered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, against  
 the issue of any warrant for the arrest of (state name and nature  
 of property) without notice being given to (state name and address  
 of persons to whom, and address at which notice is to be given),  
 who has under taken to give bail to any action or counter claim  
 that may have been or may be brought in the said court against  
 the said (state name and nature of property).

(On withdrawal of caveat, add-)  
 Caveat withdrawn the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Singed) A.B. (Rule 142)

44 (Rule 140)

**Order for Payment out of Court**

In the High Court of the Republic of Sri Lanka  
 holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction.  
 (Title of Action)

\_\_\_\_\_, Judge of the \_\_\_\_\_, hereby order payment of  
 the sum of (state sum in letters and figures), being the amount  
 due whether found due for damages or costs, or tendered in the  
 action, or as the case may be) to be made to (state name and address  
 of party or attorney-at-law to whom the money is to be paid  
 out of the (proceeds of sale of ship, &c., or as the case may be)  
 now remaining in court.

No. 47 (Rule 142)

**Notice for Caveat**

In the High Court of the Republic of Sri Lanka  
 holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction.  
 (Title of Action).

Take notice that I, A.B., plaintiff (or defendant) in the above-  
 named action, apply for a caveat against the release of (state name  
 and nature of property).

(If the person applying for the caveat is not a party to the action  
 he must also state his address, and an address for service within  
 five kilometers of the registry).  
 Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B.

And we further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into this court, and to file an account signed by you, together with this commission.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Commission of Sale.  
Taken out by \_\_\_\_\_.

Registrar,  
High Court of the Republic of Sri Lanka holden in Colombo.

No. 37

Commission of Appraisalment and Sale

(Rule 128)

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction.

To : The Marshal, Greeting

Whereas by order dated \_\_\_\_\_ the court has ordered that (state whether ship or cargo, and state name of ship, and if part only of cargo, what part) shall be appraised and sold : We, therefore, hereby command you to reduce into writing an inventory of the said (ship or cargo, &c., as the case may be), and having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof, and when a certificate of such value has been reduced into writing and signed by yourself and by the appraiser or appraisers, to cause the said (ship or cargo, &c., as the case may be) to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same.

And we further command you, as soon as the sale has been completed, to pay the proceeds arising therefrom into this court, and to file the said certificate of appraisalment and an account sale signed by you, together with this commission.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Commission of Appraisalment and Sale.  
Taken out by \_\_\_\_\_.

Registrar,  
High Court of the Republic of Sri Lanka holden in Sri Lanka.

No. 38

Commission of Removal

(Rule 128)

In the High Court of the Republic of Sri Lanka holden in Colombo in the exercise of its Admiralty Jurisdiction

To : The Marshal, Greeting

Whereas by order dated \_\_\_\_\_ the court has ordered that the (state name and description of ship) shall be removed from \_\_\_\_\_ to \_\_\_\_\_ on a policy of insurance in the sum of \_\_\_\_\_

\_\_\_\_\_ being deposited in the registry of this court ; and whereas a policy of insurance for the said sum has been so deposited : We, therefore, hereby command you to cause the said ship to be removed accordingly. And we further command you, as soon as the removal has been completed, to file a certificate thereof, signed by you, in the said registry, together with this commission.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Commission of Removal; Taken out by \_\_\_\_\_.

Registrar,  
High Court of the Republic of Sri Lanka holden in Colombo.

(Rule 128)

No. 39

Commission for Discharge of Cargo

In the High Court of the Republic of Sri Lanka holden in Colombo in the exercise of its Admiralty Jurisdiction

To : The Marshal Greeting

Whereas by order dated \_\_\_\_\_ the court has ordered that the cargo of the ship \_\_\_\_\_ shall be discharged : We, therefore, hereby command you to discharge the said cargo from on board the said ship, and to put the same into some fit and proper place of deposit, And we further command you, as soon as the discharge of the said cargo has been completed, to file your certificate in the registry of this court, together with this commission.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Commission for Discharge of Cargo.  
Taken out by \_\_\_\_\_.

Registrar,  
High Court of the Republic of Sri Lanka holden in Colombo.

(Rule 135)

No. 40

Order for Inspection

In the High Court of the Republic of Sri Lanka holden in Colombo, in the exercise of its Admiralty Jurisdiction (Title of Action)

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Before \_\_\_\_\_, Judge.

The Judge, on the application of (state whether plaintiff or defendant) ordered that the ship \_\_\_\_\_ (or describe the property to be inspected) should be inspected by (state whether by the marshal or by the assessors of the court, or by any party or witness or as the case may be), and that a report in writing of the inspection should be lodged by him (or them) in the registry.

(Signed) E. F., Registrar.

No. 48

Caveat Release

(Rule 142) No. 51

(Rule 142)

In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction  
(Title of Action)

Caveat entered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, against  
the issue of any release of (state name and nature of property) by  
(state name and address of person entering caveat, and his address  
for service),

(On withdrawal of caveat, add-)

Caveat withdrawn this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B.

Notice for Withdrawal of Caveat

In the High Court of the Republic of Sri Lanka  
holden in Colombo;

in the exercise of its Admiralty Jurisdiction  
(Title of Action)

Take notice that I withdraw the caveat (State whether caveat,  
warrant, release, or payment) entered by me in thss action (or as  
the case may be.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B.

No. 49

Notice for Caveat Payment

(Rule 143)

In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction  
(Title of Action)

Take notice that I, A.B., plaintiff (or defendant) in the above  
named action, apply for a caveat against the payment of any  
money. (if costs, add for costs, or as the case may be) out of  
the proceeds of the sale of (state whether ship or cargo, and name  
of ship, &c.) now remaining in court, without notice being first  
given to me.

(If the person applying for the caveat is not a party to the action  
he must also state his address, and an address for service within  
five kilometers of the registry.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B.

No. 50

Caveat Payment

(Rule 143)

In the High Court of the Republic of Sri Lanka  
holden in Colombo,

in the exercise of its Admiralty Jurisdiction  
(Title of Action)

Caveat entered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, against  
the payment of any money (if for costs, add for costs, or as the  
case may be) out of the proceeds of the sale of (State whether  
ship or cargo, and if ship, state name of ship, &c.) now remaining  
in court, without notice being first given to (state name and address  
of person to whom, and address at which, notice is to be given.)

(On withdrawal of the caveat, add-)

Caveat withdrawn this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) A.B.

No. 52

Subpoena

(Rule 150)

In the High Court of the Republic of Sri Lanka holden in Colombo  
in the exercise of its Admiralty Jurisdiction

(Title of Action)

To: \_\_\_\_\_

We command you, \_\_\_\_\_, that, all other things set aside  
you appear in person before the Judge (or the registrar, or  
G. H., a commissioner appointed by an order of this court) at  
\_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at  
\_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of the same day, and so  
from day to day as may be required, and give evidence in the  
above-named action.

And herein fail not at your peril.

Witness \_\_\_\_\_ Registrar of the High Court of the Republic  
of Sri Lanka holden in Colombo on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Registrar,

High Court of the Republic of  
Sri Lanka holden in Colombo.

Taken out by \_\_\_\_\_

No. 53

Subpoena "Duces Tecum"

(Rule 150)

The same as the preceding form, adding before the words "And  
herein fail not at your peril", the words "and that you bring with  
you for production before the said Judge (or registrar or commis-  
sioner, as the case may be) the following documents, viz."

(Here state the documents required to be produced)

7 A  
 1991  
 246

(Rule 153) said A. B. to the said C. D. for (state whether for damages, salvage, or costs) or (as the case may be), in the above-named action.

**Order for Payment**

(Signed) E.F., Registrar,  
 of the High Court of the  
 Republic of Sri Lanka holden  
 in Colombo.

Court of the Republic of Sri Lanka holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

No. 55

(Rule 161)

**Minute on Filing any Document**

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Before \_\_\_\_\_,

In the High Court of the Republic of Sri Lanka holden in Colombo,  
 in the exercise of its Admiralty Jurisdiction  
 (Title of Action)

That A. B. (Plaintiff or defendant, &c.) do pay to  
 C. D. (Plaintiff, &c.) within \_\_\_\_\_ days, from the  
 date of this order, the sum of \_\_\_\_\_ (state sum in letters and figures),  
 being the amount (or balance of the amount) found due from the

I, A. B. (State whether plaintiff or defendant), file the following  
 documents, viz., (here describe the documents filed).  
 dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

08-218/2

(Signed) A.B.