

SENEVIRATNE BANDA
v.
CHANDRAWATHIE

SUPREME COURT.
G. P. S. DE SILVA, C.J.,
KULATUNGA, J. AND
RAMANATHAN, J.
S.C. APPEAL NO. 48/94
H.C. KANDY NO. 23/93
M.C. TELDENIYA NO. 75/92
SEPTEMBER 5, 1994.

Maintenance Ordinance – Section 13 – Objection to the validity of the application.

Held:

The affidavit of the applicant alone constitutes sufficient compliance with Section 13 of the Maintenance Ordinance.

APPEAL from the judgment of the High Court, Kandy.

Nimal Jayasinghe for appellant.

D. P. Abeysiriwardena with *Thusitha Gamage* for respondent.

Cur. adv. vult.

September 5, 1994.

G. P. S. DE SILVA, C.J.

This is an application for maintenance. The parties are admittedly married. The only point urged before us is that there is no application in terms of section 13 of the Maintenance Ordinance inasmuch as there is only an affidavit before the Court. However, in the affidavit dated 19.8.91 filed of record the applicant has described herself as "the applicant". Moreover, the affidavit sets out all facts which are material to her application for maintenance. We hold that the affidavit alone constitutes sufficient compliance with section 13 of the Maintenance Ordinance.

The point raised before us is of a highly technical nature and is wholly inappropriate in maintenance proceedings. In a maintenance

case the liability is of a civil nature, although the forum is the Magistrate's Court. The Maintenance Ordinance was intended to provide a speedy and an inexpensive mode for the enforcement of a civil liability, unfettered by technical objections. The High Court Judge was correct in rejecting the objection taken in terms of section 13 of the Ordinance.

We accordingly affirm the order of the High Court and dismiss the appeal. The appellant must pay Rs. 750/- as costs of appeal to the applicant respondent.

KULATUNGA, J. – I agree.

RAMANATHAN, J. – I agree.

Appeal dismissed.
