

1929.

*Present : Fisher C.J. and Garvin J.***WEERAKOON APPUHAMY v. WIJESINGHE.**

214—D. C. Colombo, 20,711..

Privy Council—Application for conditional leave to appeal—Fourteen days' notice to respondent—Order in Council.

An applicant for conditional leave to the Privy Council is bound to give notice of such application to the opposite party within fourteen days of the judgment of the Supreme Court.

APPPLICATION for conditional leave to appeal to the Privy Council from a judgment of the Supreme Court.

H. V. Perera (with Garvin), for the applicant.

E. W. Perera, for respondent.

February 4, 1929. FISHER C.J.—

It is contended that section 5 of the local Order in Council of 1921 modifies the express obligation contained in rule 2 of the Imperial Order in Council of March 22, 1918, which requires an applicant for conditional leave to appeal from a judgment of this Court to give notice of the application to the opposite party within fourteen days of the judgment. I cannot see, however, notwithstanding the arguments which have been put before us by Mr. Perera, any ground for holding otherwise than that the wording of the rule is peremptory and paramount. There are several ways of effecting service, but the obligation is that the service must be effected within fourteen days. In view of the fact that section 2 has not been complied with, the application must be dismissed with costs.

GARVIN J.—I agree.

Application disallowed.