

1963

*Present: Abeyesundere, J.***R. A. JOHN, Appellant, and P. C. PERERA, Respondent***S. C. 129/61—C. R. Colombo, 77919/R.E.*

*Appeal—Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960, s. 4 (1)—
Relief thereunder.*

When an appellant has failed to pay an additional fee due from him in respect of the copy of the Brief, extended time may be given to him, under section 4 (1) of the Supreme Court Appeals (Special Provisions) Act, to pay the fee, if no material prejudice will be caused to the respondent to the appeal.

APPPEAL from a judgment of the Court of Requests, Colombo.

No appearance for Defendant-Appellant.

D. R. P. Goonetilleke, for Plaintiff-Respondent.

February 11, 1963. ABEYESUNDERE, J.—

In this case the appellant has failed to pay the additional fee due from him in respect of the copy of the Brief. The appeal has been submitted to this Court for an order under Section 4 of the Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960.

In view of sub-section (1) of the said Act, it is necessary to ascertain whether material prejudice will be caused to the respondent to the appeal, if the appeal is not rejected on the ground of the default of the appellant. Mr. D. R. P. Goonetilleke, who appears for the respondent, states that he is unable to say that such material prejudice will be caused to the respondent.

I direct that the appellant deposit a sum of Rs. 2·50 being the additional fee due from him for his copy of the Brief within three weeks from today. If this direction is not complied with by the appellant, his appeal will be rejected.

Appellant given time to perfect appeal.