

Partition *(Amendment) Act, No. 32 of 1987*

[Certified on 25th June, 1987]

L. D.-O. 40/86.

AN ACT TO AMEND THE PARTITION LAW, No. 21 OF 1977.

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

1. This Act may be cited as the Partition (Amendment) Act, No. 32 of 1987. short title.

2. Section 16 of the Partition Law (hereinafter referred to as the "principal enactment"), is hereby amended by the addition, immediately after subsection (2) of that section, of the following new subsections :- Amendment
of section 16
of Law No. 21
of 1977.

" (3) Where the court orders the issue of a commission to a surveyor under subsection (1) of this section, it shall in addition order the issue to such surveyor of such number of copies of a notice substantially in the form set out in the Second Schedule to this Law together with the translations thereof, as the court may deem sufficient in the circumstances, to be served on any person (not being a party to the action) or his agent who at the time of the survey may prefer any claim to the land to which the action relates,

(4) The surveyor shall serve the copy of the notice referred to in subsection (3) of this section on any person (not being a party to the action) or his agent who at the time of the survey prefers any claim, by personally tendering to such person or his agent such copy together with the translation thereof in the language of such person or his agent whose language is not the language of the court.

(5) The surveyor shall obtain from the person on whom a notice is served under subsection (4) of this section an acknowledgement of the receipt of such notice by signature or thumb impression of such person or his agent and the date of such service.

(6) Where any person on whom a notice is served under subsection (4) of this section is subsequently added as a defendant to the action, the notice served on such person or his agent by the surveyor under subsection (4) of this

section shall be deemed to be a summons served on such person in such action under the provisions of this Law, and no further service of summons on such person shall be necessary. ”.

**Amendment
of section 18
of the
principal
enactment.**

3. Section 18 of the principal enactment is hereby amended in subsection (1) of that section, as follows : —

(1) by the substitution, in sub-paragraph (iv) of paragraph (a) of that subsection, for the words “ preferred any claim, and the nature of such claim ; ”, of the words “preferred any claim, the nature of such claim and the date of service of the notice referred to in subsection (3) of section 16 ; ”;

(2) by the addition immediately after paragraph (c) of that subsection, of the following new paragraph :-

“ (d) the acknowledgement of the receipt of the notice served on any person referred to in subsection (4) of section 16, together with the remaining copies and translations. of such notice ; ”.

**Amendment
of section 21
of the
principal
enactment.**

4. Section 21 of the principal enactment is hereby amended by the substitution for the words “Every person named in the plaint, or desiring ”, of the words “ Every person named in the plaint or added as a defendent, or desiring ”.

**Amendment
of the
Second
Schedule
to the
principal
enactment.**

5. The Second Schedule to the principal enactment is hereby amended as follows : —

(1) by the substitution, in the form prescribed under section 16 entitled “ **COMMISSION FOR PRELIMINARY SURVEY** ” for all the words and figures from “A sum of Rs. ” to “day of , 19.. ”, of the following :-

“ You are further required to serve the copy of the notice referred to in subsection (3) of section 16 on any person (not being a party to the action) or his agent, who at the time of the survey may prefer any claim to the land.

A sum of Rs. is deposited in court against your fees.

This case will be next called in open court on the day of , 19..

Dated this day of , 19.. ” ;

(2) by the insertion immediately after the form prescribed under section 16 entitled, " **COMMISSION FOR PRELIMINARY SURVEY**", of the following new form :—

" FORM OF NOTICE TO BE SERVED BY
SURVEYOR ON CLAIMANT OR AGENT.

(Section 166(3))

In the District Court of

Action No.

A.B. Plaintiff

vs.

C.D. Defendants

and others

To : *a

(Insert name of claimant or agent)

You are hereby notified that action No. has been instituted in the District Court of under the Partition Law, No. 21 of 1977, as amended by Act, No. 32 of 1987, for the partition/sale of the land/lands called and situated in the village/villages of in the District,

If you claim any interest in the land/lands you are hereby required to move to be added as a party to the aforesaid action on or before the day of 19 . . and file your statement of claim, and to comply with the requirements of section 19. This case will be next called in open court on the , , . . day of , 19 . .

Signed*

Commissioner.

This day of , 19";

(3) by the substitution in the form prescribed under section 18 (1) (a) entitled " **FORM: OF SURVEYOR'S REPORT**", for- subparagraph (viii) thereof, of the following new subparagraph : —

" (viii) Persons claiming (not being parties to the action), their addresses, nature of claims and the date of service of notice to them. ".