

1958

Present : Weerasooriya, J.

S. DISSANAYAKE, Petitioner, and SIYANE ADIKARI
CO-OPERATIVE STORES UNION *et al.*, Respondent.*S. C. 232—Application for a Writ of Certiorari**Co-operative Societies Ordinance (Cap. 107)—Arbitration proceedings—Application for writ of certiorari—Necessary parties.*

When an application is made for a writ of *certiorari* by a person against whom an award has been given in proceedings referred to arbitration under the provisions of the Co-operative Societies Ordinance, the arbitrator is a necessary party and must be made a respondent.

APPPLICATION for a writ of *certiorari*.

S. W. Jayasuriya, with *N. Abeysinghe*, for the debtor-petitioner.

E. R. S. R. Coomaraswamy, with *E. B. Vannitamby*, for the 1st respondent.

T. M. K. Seneviratne, Crown Counsel, for the 2nd respondent.

September 19, 1958. WEERASOORIYA, J.—

This is an application for a Writ of *Certiorari* by a person against whom an award has been made in proceedings referred to arbitration under the provisions of the Co-operative Societies Ordinance (Cap. 107). The only respondents to this application are the Co-operative Society whose claim against the petitioner was the subject matter of the arbitration proceedings and the Registrar of Co-operative Societies, Colombo.

Mr. Vannitamby who appeared for the 1st respondent (the Co-operative Society) took preliminary objection that the arbitrator, though a necessary party, had not been made a respondent to this application, and he relied on *Soyza v. de Silva*¹. As specific relief is sought for in the way of an order quashing the arbitration proceedings and declaring the award of the arbitrator null and void, in my opinion the preliminary objection is entitled to succeed.

The application is accordingly dismissed with costs payable by the petitioner to both respondents.

Application dismissed.

¹ (1949) 52 N. L. R. 309.