

**ALL CEYLON MATCH  
WORKERS UNION  
v.  
JAUFFER HASSAN AND OTHERS**

SUPREME COURT,  
AMERASINGHE, J.,  
DHEERARATNE, J.,  
GOONEWARDENE, J.  
S C. APPEAL No. 35/90,  
NOVEMBER 13, 1990.

*Appeal – Written Submissions – Compliance with Rule 35 (b) of the Supreme Court – Petitioner ceasing to exist – Article 134 of the Constitution*

Failure by the petitioner to file written submissions in compliance with Rule 35 (b) of the Supreme Court will bar the petitioner from being heard.

**Semle :**

Where the petitioner has ceased to exist the Court is precluded in terms of Article 134 of the Constitution from proceeding with the appeal.

*Preliminary objection to hearing of appeal.*

*R. Weerakoon* for petitioner.

*Lakshman Kadiragamar* with *Harsha Cabraal* for 4th respondent.

November 13, 1990

**AMERASINGHE, J.**

Mr. Kadiragamar has brought to our notice that the petitioner has not filed any written submissions and that there has therefore been a failure on the part of the petitioner to comply with Rule 35 (b) of the Supreme Court Rules of 1975. He objects to the hearing of the petitioner on that ground.

In view of the decisions of this Court in S.C. Appeal No. 20/82 – D.C. Colombo B-505 S.C. Minutes of 17.1.1983 and S.C. Appeal No. 53/87, S.C. Special leave to appeal 171/86 – C.A. 337/79 – 21698/PD.C. Kegalle, S.C. Minutes of 26.05.1988, I uphold the objection.

Further, Counsel for the appellant brought to our notice that since the petitioner has ceased to exist this Court is precluded in terms of Article 134 of the Constitution from proceeding with this matter.

For these reasons the appeal is dismissed without costs.

**DHEERARATNE, J.** – I agree.

**GOONEWARDENE, J.** – I agree  
*Appeal dismissed.*