

**RIZNIYA  
v.  
NAUSHAD**

COURT OF APPEAL  
UDALAGAMA, J. AND  
NANAYAKKARA, J.  
CALA NO. 105/2001  
BOARD OF QUAZI NO. 837/88/T  
NOVEMBER 27, 2001

*Muslim Marriages and Divorce Act, No. 13 of 1951 – S. 43, 44, 50, 60 (1) – Divorce granted by Quazi – Application in Revision to the Board of Quazi refused – Is it a final appeal or interlocutory appeal?*

On a preliminary objection, that the appellants are precluded from seeking leave to Appeal?

**Held:**

- (1) Once the Board of Quazi makes an order in Revision in accordance with section 44 (3) it has the effect of an order made by Board of Quazi, on appeal from an order by a Quazi which attracts a right of appeal.
- (2) The order complained of is an appealable order with leave of the Court first obtained.

**APPLICATION** for Leave to Appeal from the order of the Board of Quazi.

**Case referred to :**

1. *Amera Jabir v. Fahis Yasmin Jabir* – CA No. 134/80 (Not followed).
2. CA No. 784/96.

*Farook Thahir* for petitioner.

A. *Samsudeen* for respondent.

order by a Quazi. Therefore, once the Board of Quazi makes an order in revision in accordance with section 44 (3) it has the effect of an order made by the Board of Quazi on appeal from an order by a Quazi which attracts a right of appeal. Therefore, I am of the view that the order that is being canvassed is an appealable order with leave of the Court first obtained.

100

**UDALAGAMA, J.** – I agree.

*Preliminary objection overruled. Order is an appealable order with leave of the Court first obtained.*