1957 *Present :* Pulle, J., and Sansoni, J.

RATNAM PILLAI, Petitioner, *and* ABDUL LATIFF, Respondent

S. C. 551—Application for revision in D. C. Kandy, M. R. 6,329

Civil Procedure Code—Section 84—Non-appearance of plaintiff—Decree nisi—Proper Form.

Where a decree nisi for non-appearance of plaintiff recited that the action was dismissed "unless sufficient cause be shown to the contrary within *one month* from the date hereof to Court "—

Held, that the decree nisi was not in conformity with Form No. 21 in the First Schedule to the Civil Procedure Code.

[1] *(1935) E. D. L. 143 at 159.*

APPLICATION to revise a decree entered by the District Court, Kandy.

A. C. Nadarajah, for the plaintiff-petitioner.

Siva Rajaratnam, for the defendant-respondent.

January 30, 1957. PULLE, J.—

The decree entered in this case is not in conformity with Form No. 21 in the First Schedule to the Civil Procedure Code inasmuch as it recites that the action is dismissed by Court " unless sufficient cause be shown to the contrary within *one month* from the date hereof to Court ". The " Decree Nisi " is, therefore, set aside and the case remitted to the District Court with the direction that a fresh " Decree Nisi " in conformity with Form No. 21 be entered up and bearing the date on which it is actually signed. It would thereafter be open to the plaintiff to take the necessary steps, if he is so advised, to have it set aside. There will be no costs.

SANSONI, J.—I agree.

Decree set aside.