

1971 Present : Sirimane, J., and Samerawickrame, J.

S. ADIRIS FERNANDO, Appellant and S. ROSALIN and
another, Respondents

S.C. 183/69 Inty—D.C. Badulla, 801/P.

Conciliation Boards Ordinance—Applicability to a partition action—Certificate of Conciliation Board—Objection as to its absence taken too late—Effect.

Even assuming that a certificate from the Conciliation Board is necessary in a partition action, it would be too late to raise an objection as to the absence of such certificate if interlocutory decree has been already entered.

APPEAL from an order of the District Court, Badulla.

Nimal Senanayake, with *Bala Nadarajah* and *Miss S. M. Senaratne*,
for the plaintiff-appellant.

T. B. Dissanayake, for the 1st defendant-respondent.

2nd defendant-respondent absent and unrepresented.

September 10, 1971. SIRIMANE, J.—

This is a partition action in which the Interlocutory Decree has been entered. No objection had been taken before the Decree was entered that the parties should first obtain a certificate from the Conciliation Board.

Counsel for the 1st Defendant-respondent refers us to the judgment in *Fernando v. Fernando*.¹

It is too late now to raise this objection, even assuming for the purposes of argument only that such a certificate is necessary in a partition action.

The appeal is dismissed with costs.

SAMERAWICKRAME, J.—I agree.

Appeal dismissed.

¹ (1971) 80 O. L. W. 14; 74 N. L. R. 57.