

Verdict today in Ratwatte's case against BCCSL elections

by V. Varathasuntharam

The enjoining order that restrains the newly elected Board of Control for Cricket in Sri Lanka from carrying out its functions was extended till today by Colombo District Judge A. W. Salam yesterday.

The enjoining order was earlier issued by Court following an application by Clifford Ratwatte through his counsel G. G. Arulpragasam.

Court held that any duties performed by the previous Board elected prior to March 28, would not be construed as contempt of Court, while the legality or constitutionality of such actions would be contestable in a court of law.

This was sequel to a clarification sought by S. L. Gunasekera, counsel for the respondents.

Court: We have had more cases than matches!

At the outset senior counsel for the plaintiff Romesh de Silva (PC) moved that the enjoining order be extended.

Counsel S. L. Gunasekera objecting to the extension of the enjoining order submitted that as a consequence of the issue of the enjoining order, the ongoing premier tournament has been suspended indefinitely.

The Sri Lanka team as the current World Champions of one day international cricket are due to defend their title at the World Cup in England in May/June, 1999. In view of the enjoining order the Board is unable to enter into contracts with the players of Sri Lanka

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cricket team.

He stated that the enjoining order had been obtained by submitting to court that club representatives have to vote according to the mandates of the club. This was not true. The clubs only appoint representatives but they are at liberty to vote according to their decision.

The concept of mandate by clubs is alien to the constitution of the BCCSL.

The photographs and stories that appeared in the newspaper regarding thuggery point towards the plaintiff and there was no basis for the allegation of thuggery by the respondents.

President's Counsel Romesh de Silva appearing for the plaintiff submitted that the

prevalence of thuggery at the said meeting was common ground. The plaintiff and the respondents make allegations against each other. In the circumstances, it is obvious that the said elections could not have been fair. In any case there was a prima facie case made out by the plaintiff for an enjoining order.

As regards the mandate given to clubs is a matter of law and could be decided at the end of the case. But, there too a prima facie case has been established. The question as to whether the club is a jurisdic person or not could be adjudicated at the proper stage. By mentioning mandates the plaintiff has not misrepresented facts, as it was a matter of interpretation of law, he concluded.

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Romesh de Silva (PC) with Harsha Amarasekera, Palitha Kumarasinghe instructed by G. G. Arulapragasam appeared for the plaintiff.

L. C. Seneviratne (PC) with S. L. Gunasekera, Ronald Perera, Hemaka de Alwis, Chandana Perera and Sudath Perera of Paul Ratnayake Associates appeared for the respondents.

Hiran de Alwis with Jyomy Perera appeared for the 2nd, 5th & 13th respondents.

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guilty of contempt of court after the institution of contempt of court proceedings, such person or persons would be liable for a fine or imprisonment, these sources explained.

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