

Personal reminiscences of my friend Daya Perera

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We lost a great lawyer and respected gentleman on June 16. I call him a great lawyer because he accepted the most difficult cases in every part of the Island, whether it be in the Colombo courts or in remote Kebitigollawa Magistrates Court. Clients used to call him on the telephone or come to meet him personally to his chambers at Siripa Road. He was respected, because he had the ability to command the respect of the seniors and the juniors at the bar and a cross section of the public.

I first came to know him in 1969, when I joined the Attorney General's Dept, where he too was a Crown Counsel. There were seniors like Mr. A.C. De Zoysa, Mr. H.L. de Silva and Mr. Kenneth Seneviratne who were amongst his contemporaries. I shared a room with the late Mr. Tivanka Wickremasinghe and Mr. S.L. Gunasekera (now one of the most senior Attorney's-at-law) which was known as the Nursery. He was then attached on secondment to the Army, where he set up the legal unit. He had the rank of Lieutenant Colonel. Saturday was then a working day. He used to drop in at the Attorney General's Dept. to check his mail and other files, and he walked into our room to see the new boys and asked us from which school we came from. When I said that I entered the University from Ananda College he said sarcastically "Oh that school in Mariyakade, but it has a good Principal (Mr. S.A. Wijayatilake) who speaks good English and that is why you have come from the University". I said that I was at St.Thomas' before that. He said "it depends where you were. At Mt. Lavinia or Gurutalawa?" I replied that I was at Gurutalawa. He said "you should have been a planter. But anyway, welcome to the Attorney General's Dept." and he went on to lecture to us the privileged position we held as Crown Counsel

This meeting with him made the bonds of friendship stronger and stronger and lasted until his death. In later years, after I returned from a stint abroad, when I called on him, he advised me: "Kosala, you have been long enough in the department. Why don't you resign and join me at the private Bar." I accepted his advice and did resign. He retired from the AG's dept in the early 70's. I appeared with him in some of the most sensational cases of that era. Just to watch him cross examine a witness was a treat. If the witness was not speaking the truth, he would ridicule the witness until he was forced to admit that he was speaking an untruth. I have seen only a handful of lawyers who could examine or cross examine a forensic or a hand writing expert. Daya was a

master at this. Prof. Salgado, late Dr. Chandra Amerasekera and late Dr. H.V.J. Fernando are some of those who had first hand experience of this. In fact one of the hand writing experts, Mr. Manatunga, who in later years passed out as a lawyer, was so enamored with Daya that he too became a Junior to Daya in some cases.

My friendship with Daya grew when I was sent to prosecute in the Assizes and later in the High Courts. I was prosecuting in Galle, Kalutara, Kandy, Ratnapura and Gampaha, Daya used to visit those courts quite often. I used to look forward to his coming because in the evening either at his place, which was a rest house or at my place, which was a room (except in Kandy) he would relate stories of past cases or incidents, where he used to keep all of us laughing our guts out. Sometimes he used to bring the late Mr. Kumar Ponnambalam and both of them used to relate these incidents, which we used to listen with rapt attention. Sometimes these incidents were related seriously; sometimes he was full of sarcasm. He knew that we Crown Counsel or in later years State Counsel, were financially not rich people. We had to manage with the subsistence that was paid to us. He was in the private Bar, where he earned good money. He used to bring a bottle of hard liquor, invite us for lunch or dinner, which was a great saving for us. He never drank even a drop of liquor even though he treated others.

In 1989 he was appointed Sri Lanka's Permanent Representative to the United Nations. I was the most senior Junior in his Chambers. He had to make some arrangement about the large number of briefs he had as he was expecting to be out for three years. He had so much trust in me that he handed over nearly 75 briefs to me and told me to handle those cases. I had to discharge the trust he placed in me and I won a majority of those cases. On his return to the Island, I handed over one brief which was a hoodoo case which was hanging around from his time, which I could not finish.

By this time I too had advanced in the profession and however much I liked to, I did not attend his chambers. I was appointed a President's Counsel and he was of the view that one President's Counsel should not work in the chambers of another President's Counsel. But we kept in touch and when his beloved wife, Irangani, died, he himself telephoned me and told me that she had passed away and the tone of his voice spoke volumes how he missed her. A couple of years later he lost his daughter, Suki, and that I thought was the last "straw" for him. He was devoted to his family and spoke in glowing terms of all of them. His son, Santush, who is an eminent cardiac surgeon in New York, survives him. Both the son and daughter took to medicine, but not to law or wanted to follow the foot steps of their father.

Daya is no more. It will take quite some time for a gentleman of his calibre to be born again. I am grateful for the kindness and friendship he has shown me. May he attain the Supreme Bliss of Nirvana.

Kosala Wijayatilake,

President's Counsel.