

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

Court Of Appeal Case No: **CA 1261/1998**

DC Galle 12015/L

M.H. Somapala
Mawanana,
Neluwa.

Plaintiff-Appellant

Vs.

H.S. Sugathadasa Senevirathna
Mawanana,
Neluwa.

Respondent

C.A. No. 1261/98(F)

D.C. Galle Case No. 12015/L.

Before : **K. T. Chitrasiri, J.**

Counsel : J. Joseph for the Plaintiff-Appellant.

Lasitha Chaminda for the Defendant-Respondent.

Argued &

Decided on : 01.11.2012.

K.T. Chitrasiri, J.

Counsel for the appellant moves to withdraw this appeal since a partition action (No. 14968/P) is pending in the District Court of Galle in respect of the land in dispute in this case. Counsel for the Respondent has no objection to this application. Accordingly, the application for withdrawal is allowed. Appeal is dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

AKN