

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

Court Of Appeal case No: **CA 711/1998**

DC Matale 4586/L

D.M.G. Piyadasa
Ullekumbura,
Palledeniya,
Udasiya Paththuwa,
Udugoda,
Matale.

Appellant

Vs.

H.M. Paligu Manike
Mahawela,
Matale.

Respondent

Before : K.T. Chitrasiri, J.

Counsel : Both the Plaintiff Appellant and the Substituted Defendant Respondent are absent and unrepresented.

Decided on : 02.11.2012

K.T. CHITRASIRI, J.

The Registrar on the direction of this Court has sent notices to the Plaintiff Appellant and to the Substituted Defendant Respondent. The notice sent to the Appellant has been returned with the endorsement that the Appellant is dead. So far no steps have been taken to substitute the heirs of the deceased Appellant.

Accordingly, the Registrar of this Court is directed to send the record back to the District Court of Matale enabling the learned District Judge to make an order in terms of Section 402 of the Civil Procedure Code. Accordingly, the proceedings in this Court are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

KRL/-