

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

CA Appeal No. 953/98 (F)

DC Homagama No. 918/RC

Sarath Abeysinghe
No: 251/11,
Dharmapala Mawatha,
Colombo 07.

Appellant

Vs.

O.D.S. Ajith Perera
No: 01,
Sarabumi Garden,
Ihala Bomiriya,
Kaduwela.

D.S.A.U. Wikramasinghe
No: 01,
Sarabumi Garden,
Ihala Bomiriya,
Kaduwela.

Respondent

C.A. Appeal No. 953/98 (F) - D.C. Homagama No. 918/RC

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

Counsel : Shantha Karunadhara for the Plaintiff-Appellant.

Rajindh Perera for the Defendants-Respondents

Argued & Decided on : 04.12.2012.

K.T. Chitrasiri, J.

Mr. Karunadhara who appears for the plaintiff-appellant, informs court that the plaintiff-appellant is dead. This has already been informed to court on the 14th February, 2012. Since the plaintiff-appellant is dead, his heirs are entitled to make an application to court for them to be substituted if necessary. However due to the death of the plaintiff-appellant, this court is not ^{in a} position to make any further order. J

Accordingly the Registrar of this court is directed to send the Original Record to the District Court of Homagama to take necessary steps. The learned District Judge may, act

according to Section 402 of the Civil Procedure Code, if necessary steps are not taken according to law. In the circumstances, proceedings of this court are terminated.

Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

/mds