

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

CA (PHC) No. 47/2004

PHC Rathnapura 04/2001

Sapugaswatte Plantation Company
Palm Garden,
Rathnapura.

Appellant

Vs.

Commissioner of Labour
Narahenpita,
Colombo 05.

Respondent

C.A.(PHC) No. 47/2004

P.H.C. Ratnapura 4/2001

Before : **Rohini Marasinghe, J.**
Deepali Wijesundera, J.

Counsel : Appellant is absent and unrepresented.

Decided on : 04. 12.2012.

Rohini Marasinghe, J.

Appellant is absent and unrepresented. Appellant had been present on 06.07.2012 and Counsel had appeared on his behalf. However, appellant is not present today. Appellant seems to be not interested in prosecuting this appeal. Counsel for State is present and ready. As the appellant is absent and unrepresented. Appeal is dismissed.

Registrar is directed to send the original record to the relevant High Court.

Later the same day

Counsel for appellant Ms.Daphene Peiris appears and states that inadvertently she has been informed that all Courts would be sitting at 11.a.m. Counsel further submits she had come before 10.00 a.m. and marked her appearances in the 'list.' We accept the submissions of Counsel and we cancel the earlier order.

Registrar is directed to issue notice on the State and inform that the case has been re-listed for 22.02.2013.

Mention on 22.02.2013.

JUDGE OF THE COURT OF APPEAL

Deepali Wijesundera, J.

I agree.

JUDGE OF THE COURT OF APPEAL

KLP/-