

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

In the matter of an application for Revision under Article  
138 of the Constitution of the Democratic Socialist  
Republic of Sri Lanka.

Horemullage Gunapala  
"Seedevi",  
Sri Dharmaloka Mawatha,  
Karaputugala.

**PETITIONER**

C.A. Application No:1193/05.  
D.C. Matara Case No:P/20401.

Vs.

Dayawathie Mutha Merennege  
of "Siripaya", Mapalana,  
Kamburupitiya.

**PLAINTIFF RESPONDENT**

1. Wickremaratnesiri  
of Galedodewatte, Owitigama  
Karaputugala

And 03 others

**DEFENDANT RESPONDENTS**

CA Case No. 1193/2005 (Revi.)

DC Matara No. 20401/P

Before : **Eric Basnayake, J.**

Counsel : Ranjan Suwandaradne with Ranjith Perera for the  
Petitioner

A.A. De Silva P.C. with Sandamini Ranasinghe for  
the Plaintiff Respondent

Decided on : 20.01.2012

**Eric Basnayake, J.**

This case is settled as follows:

Counsel for both parties agreed to accept plan No. 171 of 14<sup>th</sup> and 15<sup>th</sup> of December 1951 prepared by S.C. Ferdinand, Licensed Surveyor. In that plan, the disputed lots are shown as lots B and C. In the present partition case, the corpus is shown as lot C of plan No. 171. Counsel agreed to have the boundary dividing lots B and C marked on the ground as shown in plan No. 171 of 14 & 15.12.1951. Counsel also conceded that the corpus of the partition case namely

partition case No. 20401/P should contain 01 acre. After the boundary is demarcated on the ground, Counsel agreed for the petitioner to construct the new fence in the presence of the Surveyor and the plaintiff. Counsel agreed to confine the corpus to 01 acre (as shown in plan No. 171). The survey charges to be borne out by both parties equally. The interlocutory decree and the final decree to be amended accordingly.

Proceedings are terminated.

The Registrar is directed to have a copy of today's proceedings sent to the District Court of Matara.

**JUDGE OF THE COURT OF APPEAL**

**KL./-**