

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA

S.C. Appeal No. 02/2010
CA (Revision) 88/2005
D.C. Ratnapura 10830/P

In the matter of an Application for Special
Leave to Appeal against the Judgment
dated 08.06.2009 of the Court of Appeal in
terms of Article 128 of the Constitution.

Ayagama Pradeshiya Sabhawa,
Ayagama.

Petitioner-Respondent-Petitioner

Vs.

P. Chandra Kusuma Perera
Wijegunawardena of
Uswattakanda,
Ayagama.

**7th Defendant-Respondent-Petitioner-
Respondent**

1. Ukwatta Arachchilage Thilakaratne,
2. Dassanayake Lekamalage
Chandrawathie,
Both of Ukwatte Kanda,
Ayagama.

**Plaintiff-Respondents-Respondents-
Respondents**

S.C. Appeal No. 02/2010

1. U.A. Kusumawathie
2. U.A. Kamalawathie
3. U.A. Nalini
All of Gangoda Kanda,
Ayagama.
4. U.A. Ranjani
5. U.A. Jayasinghe
6. U.A. Wimalawathie,
All of Ukwattakanda,
Ayagama.
8. U.A. Wijesinghe
9. U.A. Gunawardena (deceased)
- 9(a) Lionel Gunawardena
both of Ukwattakanda,
Ayagama.

**Defendants-Respondents-Respondents-
Respondents**

BEFORE : **TILAKAWARDANE, J**
IMAM, J &
DEP, PC, J

COUNSEL : Hemasiri Withanachchi for Petitioner-Respondent-
Petitioner.
Anuruddha Dharmaratne for 7th Defendant-
Respondent-Ptitioner-FRespondent.

ARGUED &
DECIDED ON : **30/05/2012**

TILAKAWARDANE, J.

In this case, parties agree that the contest is only limited to the road way. The compensation is to be paid for all claims which may exist with regard to the roadway.

Parties further more agree that this matter could be also resolved in the partition case in District Court of Ratnapura bearing No. 10830/Partition.

Under these circumstances, as the matter could be resolved in the aforesaid case, mentioned above, Counsel for the Petitioner-Respondent-Petitioner moves to withdraw this application. The right to pursue this matter in the partition case is reserved to parties

Proceedings in this case are terminated. Accordingly, application is pro-forms dismissed. No costs.

JUDGE OF THE SUPREME COURT

IMAM, J.

I agree

JUDGE OF THE SUPREME COURT

DEP, PC, J.

I agree

JUDGE OF THE SUPREME COURT

PR/-