

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

Senarath Pathiranage Hinnihamy,
Aluthge Polmandiya,
Omara,
Walasmulla.

C.A. No. 1024 / 2000 (F)

Plaintiff

Vs.

D.C. Walasmulla No. 424 / L

1. Pinnagodage Babunappu,
2. Pinnagodage Sirisena,
All of Kajumandiya,
Pahala Obada,
Walasmulla.

Defendants

And Now Between

Senarath Pathiranage Hinnihamy,
Aluthge Polmandiya,
Omara,
Walasmulla.

Plaintiff-Appellant

Vs

1. Pinnagodage Babunappu,
2. Pinnagodage Sirisena,
All of Kajumandiya,
Pahala Obada,
Walasmulla.

Defendant -Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Plaintiff Appellant – Absent and
Unrepresented

Defendant Respondent – Absent and
unrepresented

DECIDED ON : 04.05.2012

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted an action against the Defendant Respondent (hereinafter referred to as the Respondent) in the District Court of Walasmulla seeking for a judgment to possess the land described in the 2nd paragraph of the Plaint. Since the Respondent did not appear in court on summons the learned District Judge ordered an ex-parte trial and after the hearing dismissed the action of the Appellant. The Appellant has appealed to this court.

It appears from the said judgement of the learned District Judge dated 22.11.2000 the action has been dismissed on the basis that it had not been brought within one year and one day.

I have carefully examined the facts of the action and the judgment of the learned District Judge. The Appellant's action was a possessory action and it has been instituted after 07 years from the dispossession.

In the said circumstances I see no reason to interfere with the judgement of the learned District Judge dated 22.11.2000. Therefore I dismiss the appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal