

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

Hewawasam Patuwatha Badaturuge  
Gnanatilake,  
Kuamarakanda,  
Dodanduwa.

Plaintiff

C.A. No. 1116 / 2000 F

**Vs.**

D.C. Galle No. 11149 / L

1. Peduru Hewage Simon Silva,  
2. Peduru Hewage Nihal,  
Both of  
Kuamarakanda,  
Dodanduwa.

Defendant

**AND NOW BETWEEN**

Hewawasam Patuwatha Badaturuge  
Gnanatilake,  
Kuamarakanda,  
Dodanduwa.  
Battaramulla.

Plaintiff Appellant

**Vs**

1. Peduru Hewage Simon Silva,  
2. Peduru Hewage Nihal,  
Both of  
Kuamarakanda,  
Dodanduwa.

Defendant Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Plaintiff Appellant- Absent and unrepresented  
Defendant Respondents- Absent and unrepresented

DECIDED ON : 22.05.2012

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted the said action against the Defendant Respondents (hereinafter referred to as the Respondents) in the District Court of Galle seeking a declaration of title to the land described in the Plaint.

The Respondents filed answer denying the averments contained in the plaint and prayed for a declaration of title to the land described in the answer. The case proceeded to trial upon 13 issues. After trial, the learned Additional District Judge dismissed the action of the Appellant. Being aggrieved by the said judgment dated 28.01.2000 the Appellant has preferred the present appeal to this court.

The Appellant has set out several grounds of appeal in paragraph 13 of the petition of appeal. His main grievance was that the learned trial judge has failed to evaluate the evidence of the case.

I have carefully considered the impugned judgment of the learned Additional District Judge. The learned Trial Judge was of the view that the Appellant has failed to prove the case on a balance of probability. When I consider the evidence of this case it seems to me that the learned trial judge has come to a right conclusion after going through the evidence led before court.

In the said circumstances I see no reason to interfere with the judgement of the learned Additional District Judge dated 28.01.2000. Therefore I dismiss the appeal of the Appellant without costs.

*Appeal dismissed.*

Judge of the Court of Appeal