

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

C.A. 875/96F
D.C. Mt Lavinia 706/S

B A P Gunasekara,
No 3 Wijayaba Mawatha
Kalubowila
Dehiwala
Plaintiff-Appellant

Vs.

1. Dehiwala Mt: Lavinia
Municipal Council,
Dehiwala
2. S L Kumarasingha,
Mayor, Dehiwala Mt:
Lavinia Municipal
Council, Dehiwala

Defendant-Respondents

BEFORE : A W A SALAM, J

COUNSEL : Appellant absent and unrepresented.

J P Hapuarachchi for the respondents.

ARGUED ON : 11.07.2011

DECIDED ON : 02.08.2012

A W Abdus Saām, J

This appeal arises on the judgement of the learned district judge of Mount Lavinia delivered on 28 October 1996. The

facts briefly are that the plaintiff-appellant filed action against the 1st 2nd and 3rd defendants for a declaration that he is the tenant of the premises described in the schedule to the plaint under the 1st defendant and for damages resulting from his unlawful eviction from the premises and for the demolition of the articles belonging to him. The position of the plaintiff was that he was the lawful tenant of the premises under the 1st defendant at all times material to this action and the officers of the 1st defendant along with the other two defendants have unlawfully caused his eviction from the shop premises and destroyed the articles in the premises thereby causing damage. After trial the learned district judge dismissed the plaintiff's action for want of proof of tenancy.

On a perusal of the judgement and the reasoning adopted by the learned district judge, it appears that the learned district judge has exhaustively dealt with every material question that had arisen in the course of the trial and come to the right decision that the plaintiff is not entitled to maintain the action. Having considered the reasoning adopted by the learned district judge, I do not see any reason to interfere with his decision on this matter. In the circumstances the impugned judgement is affirmed and appeal dismissed without costs.

Judge of the Court of Appeal

CR/-