

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

CA 1238/98(F)
DC Galle 9533/L

1. Kamala Abywickrama
2. Wannigamage chulananda Abywickrama

No.54/29, kopi watta,
Rewatha Mawatha, Heenpanlanda,
Galle.

Defendant-Appellant

VS.

Kankanam Arachchige Sirisena
(deceased)

1. Kankanam Arachchige Sudharma
No. 21/6, Osanagoda,
2nd lane, Wekungoda Road,
Galle.
2. Kankanam Arachchige Shanthi
No.33/8, Wekungoda Road,
Galle.
3. Kankanam Arachchige Ranjith
No.33/8, Wekungoda Road,
Galle.
4. Kankanam Arachchige Mallika
No. 66/24E, Wanathamulla,
Colombo-8
5. Kankanam Arachchige Priyani Dammika
Abaya Niwasa, Niyagama,
Akmemana.
6. Kankanam Chithra Ranjani
No. 33/8, Wekungoda Road,
Galle.

Substituted Defendant Respondents

C.A. 1238/98(F)

D.C.Galle No.9533/L

Before : K.T.Chitrasiri, J.

Counsel : Ranjith Patabendige with Colin A. Amarasinghe
for the defendant - Appellants.

Dr. Sunil Cooray for Substituted-Plaintiff-
Respondents.

**Argued and
Decided on** : 16.10.2012.

K.T.Chitrasiri,J.

Both Counsel heard in support of their respective cases. Consequent to the submissions made by both the counsel, it is agreed that a fresh decree be filed amending the decree that had already been filed on 10/5/1989.

(Journal Entry 37). They further agree that the decree which is to be filed should be in terms of the judgment dated 26.4.1989.

Both Counsel submit that the said judgment dated 26/4/1989 allows the substituted plaintiff-respondent to have a roadway over the land of the defendant-appellant, as shown in plan 2346 made by the Licensed Surveyor

Dayananda Weerasekera upon the survey carried out on 07.01.1984. The roadway referred to above is 4 feet in width and is shown to ~~as~~ lot 2A in the plan number 2346 which ^{is} coloured in yellow.

y
y

Incorporating the terms of settlement referred to above, learned District Judge of Galle is directed to enter decree in accordance with the judgment dated 26.4.1989 amending the decree that had already been filed. Accordingly, the substituted plaintiff-respondent is entitled to obtain a writ of execution in terms of the decree that is to be entered.

Considering the above terms of settlement, I make order terminating these proceedings.

JUDGE OF THE COURT OF APPEAL

WC/-