

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

CA Appeal No: 377/98(F)

DC Marawila Case No:- 805/M

W. Antony Fonseka
Batahira Kolinjadiya,
Wennappuwa.

Appellant

- Vs.-

K.R.M. Harischandra
Mahagedara,
Lunuwila.

Respondent

C.A. No. 377/98(F)

D.C . Marawila Case No. 805/M

Before : **K.T. Chitrasiri, J.**

Counsel : Parties are absent and unrepresented.

Decided on : 22.10.2012.

K. T. Chitrasiri, J.

Plaintiff-Respondent filed this action in the District Court of Marawila under the summary procedure referred to in the Civil Procedure Code in order to recover Rs. 54,000/= on the basis that the cheque bearing No. 536279 belonging to the Defendant-Appellant had been dishonoured. Having referred to the procedure stipulated in chapter 53 of the Civil Procedure Code, learned District Judge allowed the Defendant to file answer. Thereafter the matter was taken up for trial. At the trial, having considered the evidence, learned District Judge delivered the judgment in favour of the Plaintiff

directing the Defendant to pay the Plaintiff Rs. 15,000/= and the legal interest thereon until the said Rs. 15,000/= is paid. The cost of the action also is to be paid by the Defendant-Appellant to the Plaintiff-Respondent.

No parties are before Court to present their respective cases. Particularly, the appellant has not taken any interest to prosecute his appeal despite issuing of several notices informing him of the dates of argument. According to the journal entry made on 19.06.2012, it is stated that the appellant has left the country.

The Appellant in his appeal has basically challenged the way in which the learned District Judge evaluated the evidence. In the judgment, learned trial judge had discussed the way in which the parties did their transactions and the way the money was exchanged between the parties. Learned District Judge had concluded that the Defendant should pay Rs. 15,000/= to the Plaintiff after having considered the evidence of the plaintiff, an employee of the bank concern and the other relevant evidence.

Having considered the judgment, I do not see any reason to disturb the findings of the learned District Judge. Accordingly the appeal is dismissed without costs.

JUDGE OF THE COURT OF APPEAL

AKN