

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

Court of Appeal Case No: CA (PHC) 70/10

Matara Provincial High Court Case No: Rev.41/08

Morawa Magistrate Court Case No: 32381

Nandanee Devika Abeywickrama  
48 Road, 3<sup>rd</sup> Step,  
Kiriwelkele,  
Pitabeddara.

**Petitioner**

**Vs.**

- 1) Lokuge Madhusanka.
- 2) Lokuge Sugathadasa,
- 3) Thanthiriwattage Seelawathi

all of

C/O Wickrama Stores,  
Neluwa Road, Galbadakanda,  
Kalubovitiyana.

**Respondents**

**AND**

- 1) Lokuge Madushanka
- 2) Lokuge Sugathadasa
- 3) Thanthiriwattage Seelawathi

All of

C/O Wickrama Stores,  
Neluwa Road, Galbadakanda,  
Kalubovitiyana.

**Respondent-Petitioner**

**Vs.**

Nandane Devika Abeywickrama  
48 Road, 3<sup>rd</sup> Step,  
Kiriwelkele,  
Pitabeddara.

**Petitioner-Respondent**

AND BETWEEN

- 4) Lokuge Madushanka
- 5) Lokuge Sugathadasa
- 6) Thanthiriwattage Seelawathi

All of

C/O Wickrama Stores,  
Neluwa Road, Galbadakanda,  
Kalubovitiyana.

**Respondent-Petitioner-  
Appellants**

Vs.

Nandane Devika Abeywickrama  
48 Road, 3<sup>rd</sup> Step Kiriwelkele,  
Pitabeddara.

**Petitioner-Respondent-**

**Respondent**

**CA(PHC)70/2010**

**PHC(Matara)41/2008(Rv)**

**Before** : **A.W.A. Salam, J**  
**Deepali Wijesundera, J**

**Counsel** : Rohan Sahabandu for the Appellant.  
Dinushika Alensu for the Petitioner.

**Decided on** : **05.10.2012**

**A.W.A. Salam, J**

Savithri Kumarawadu states that Mr. Rohan Sahabandu has no instructions from the Respondent-Petitioners and therefore she wants to have it placed on record that Mr. Rohan Sahabandu will not be appearing any more in this matter.

Counsel for the Petitioner – Respondents moves that this application be dismissed as the Respondent-Petitioners have not shown due diligence in prosecuting their appeals. Having given our anxious consideration to the progress of the matter made at various points in this case, we are of the view that the Respondent – Petitioners are guilty of not having prosecuted this appeal with due diligence. As such in terms of Rule 33 of the Supreme Court rules, we proceed to dismiss this appeal.

**Judge of the Court of Appeal**

**Deepali Wijesundera, J**

I agree

**Judge of the Court of Appeal**

Na/-