

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

Court of Appeal No: **CA (PHC) 230/2002**

PHC Case No: 119/ 2002

MC Case No: 98380

Officer in charge,  
Police Station,  
Rathnapura.

**Plaintiff**

**Vs.**

01. Hewa Geeganage Jayasundara
02. Weerasekarage Lalitha Indrawathie.

Both of  
Gurubewilagama,  
Balangoda.

**Respondents**

**And**

Hewa Geeganage Jayasundara,  
Gurubewilagama,  
Balangoda.

**1<sup>st</sup> Respondent- Petitioner**

**Vs.**

Weerasekarage Lalitha Indrawathie,  
Gurubewilagama,  
Balangoda.

**2<sup>nd</sup> Respondent- Respondent**

**And**

Hewa Geeganage Jayasundara,  
Gurubewilagama,  
Balangoda.

**1<sup>st</sup> Respondent- Petitioner Appellant**

**Vs.**

Weerasekarage Lalitha Indrawathie,  
Gurubewilagama,  
Balangoda.

**Respondents**

**CA(PHC)230/2002**

**PHC(Ratnapura)119/2002**

**Before** : **A.W.A. Salam, J**  
**Deepali Wijesundera, J**  
**Counsel** : **M. Gamage for the Respondent.**  
**Decided on** : **05.10.2012**

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

Appellant absent and unrepresented on the last occasion. Counsel appearing for the appellant had been informed by court to collect the briefs and in his presence appeal has been fixed for argument today. As the appellant is absent and unrepresented, and offered no plausible excuse for his absence, we are made to believe that he is no more interested in prosecuting the appeal or has failed to prosecute the appeal with due diligence. Hence we proceed to dismiss this appeal in terms of Rule 33 of the Supreme Court.

**Deepali Wijesundera, J**

**Judge of the Court of Appeal**

I agree.

**Judge of the Court of Appeal**

Na/-