

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

**CA 1385/00 (F)**

**Lower Court No: DC Balapitiya 1894/P**

Eurin Kiriwendala,  
Thalgahawatta,  
Karadeniya.

**Substituted plaintiff**

**Vs.**

Thusaya Hakuru Senanayake  
Kotawela.  
Karadeniya.

**and other defendants**

**and Now**

Thusaya Hakuru Senanayake  
Kotawela.  
Karadeniya.

**1<sup>st</sup> Defendant – Appellant**

**Vs.**

Eurin Kiriwendala,  
Thalgahawatta,  
Karadeniya.

**Plaintiff Respondent**

Kaluwadeva Premalatha

and others

**Defendant Respondents**

**C.A. No. 1385/2000(F)****D.C. Balapitiya Case No. 1894/P****Before : Upaly Abeyrathne, J.****Counsel : 1<sup>st</sup> and 2<sup>nd</sup> Defendant-Appellants are absent and unrepresented.**

Wickrema Jayathilake for Substituted-Plaintiff-Respondent.

**Argued & Decided on : 29.08.2012.**

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**Upaly Abeyrathne, J.**

1<sup>st</sup> and 2<sup>nd</sup> Defendant-Appellant are absent and unrepresented. They have not paid the brief fees. The Registrar of this Court was directed to issue notice under Rule 13(b) of the Supreme Court – Court of Appeal Appellate Procedure copies of records rules 1978 directing the appellant to pay brief fees on or before 28.08.2012. Accordingly the notice under said rule has been sent to the said appellant directing him to pay the brief fees on or before the said date. But the appellant has failed to comply with the said direction given by this Court. Hence I acting under Rule 13(b) of the said rules reject the appeal of the 1<sup>st</sup> and 2<sup>nd</sup> defendant-appellants without costs. Registrar is directed to send the main record to the relevant District Court.

Appeal rejected.

JUDGE OF THE COURT OF APPEAL

AKN