

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

Ranathunga Appulage Sirisena,
352/26, Koswatta,
Thalangama North,
Battaramulla.

Plaintiff

C.A. No. 82 / 2000 F

Vs.

D.C. Colombo No. 16613 / L

Karuppu Arachchige Piyadasa,
352/25, Koswatta,
Thalangama North,
Battaramulla.

Defendant

AND NOW BETWEEN

Karuppu Arachchige Piyadasa,
352/25, Koswatta,
Thalangama North,
Battaramulla.

Defendant Appellant

Vs

Ranathunga Appulage Sirisena,
352/26, Koswatta,
Thalangama North,
Battaramulla.

Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Defendant Appellant- Absent and unrepresented
Plaintiff Respondent- Absent and unrepresented

DECIDED ON : 21.02.2012

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Colombo seeking inter alia a declaration that the land described in the 2nd schedule to the plaint is a common threshing floor (*Kamatha*) of the paddy fields consisting of lots 2 to 8 depicted in plan No 10962 prepared by M.B. Silva Licensed Surveyor.

The Appellant filed answer denying the plaint and prayed for a declaration of title to the land described in the schedule to the answer. The case proceeded to trial upon 11 issues. After trial, the learned Additional District Judge delivered judgment in favour of the Respondent. Being aggrieved by the said judgment dated 18.02.2000 the Appellant has preferred the present appeal to this court.

The Appellant has set out several grounds of appeal in paragraph 5 of the petition of appeal. His main grievance was that the learned trial judge has failed to evaluate the evidence of the case.

I have carefully considered the impugned judgment of the learned Additional District Judge. It seems to me that the learned trial judge has come to the conclusion after going through the evidence led before court.

When I consider the said circumstances I am of the view that the learned Additional District Judge has rightly concluded that the Respondent was entitled for a judgment.

In the said circumstances I see no reason to interfere with the judgement of the learned Additional District Judge dated 18.02.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal