

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

**CA (PHC) 86/2010**

HC Nuwara Eliya No: NE/PRATHY/18/09.

PC Nuwara Eliya 82601

Ramasamy Balan  
Court Lodge Estate,  
Kandapola.

**PETITIONER**

**Vs.**

Bernard Kurukuladitya  
Court Lodge Estate,  
Kandapola.

Head Quarter Inspector  
Police Station,  
Nuwara Eliya.

**RESPONDENTS**

**And**

Bernard Kurukuladithya  
Court Lodge Estate,  
Kandapola.

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

**Vs.**

Ramasamy Balan  
Court Lodge Estate,  
Kandapola.

**PETITIONER-RESPONDENT**

Head Quarter Inspector  
Police Station,  
Nuwara Eliya.

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

Ramasamy Balan  
Court Lodge Estate,  
Kandapola.

**PETITIONER -RESPONDENT-**  
**APPELLANT**

**Vs.**

Bernard Kurukulaaditya  
Court Lodge Estate,  
Kandapola.

Head Quarter Inspector  
Police Station,  
Nuwara Eliya.

**RESPONDENT-PETITIONER-**  
**RESPONDENTS**

**C.A (PHC) 86/2010**

**PHC Nuwara Eliya Case  
No: 18/2009 Rev.**

Before : A.W.A.Salam J &  
Deepali Wijesundera J.

Counsel : Sudarshani Cooray for the Appellant.  
Anura Maddegoda with Suhadini De Silva  
For the Respondent.

Argued &  
Decided on : 10.10.2012.

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

The connected civil matter having been decided by the District Court was followed up by a decision in the Civil Appeal Court. Presently the Civil Appellate Court decision is being impugned before the Supreme Court by way of special appeal. The Supreme Court reference Number is S.C A 153/2011. Since the Supreme Court matter is due to be decided in due course parties agree that this appeal has now turned out of an academic exercise. As such proceedings are terminated subject to the understanding that the parties will abide by the Supreme Court judgment.

**JUDGE OF THE COURT OF APPEAL**

**Deepali Wijesundera, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

Vkg/-