

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

Mathu Ragavan,  
No 58/15, Colambage Mawatha,  
Kirullapona,  
Colombo 05.

Plaintiff

C.A. No. 86 / 2000 F

Vs.

D.C. Colombo No. 3617 / SPL

1. Pattiyage Sunetra Peiris,  
No 126/6/2, 6<sup>th</sup> Floor,  
Y.M.B.A. Building,  
Fort, Colombo 01.
2. Lional Kuruwitage,  
No 126/6/2, 6<sup>th</sup> Floor,  
Y.M.B.A. Building,  
Fort, Colombo 01.
3. Balasingham Aruran,  
No 541/1 B, Galle Road,  
Colombo 06.
4. Eshwarie Aruran,  
No 541/1 B Galle Road,  
Colombo 06.
5. W.D. Wijesekara,  
Commissiner of Motor Traffic,  
Department of Motor Traffic,  
Elvitigala Road, Colombo 05.

Defendants

**AND NOW BETWEEN**

2. Lional Kuruwitage,  
No 126/6/2, 6<sup>th</sup> Floor,  
Y.M.B.A. Building,  
Fort, Colombo 01.  
2<sup>nd</sup> Defendant Appellant

**Vs**

**Mathu Ragavan,  
No 58/15, Colambage Mawatha,  
Kirullapona,  
Colombo 05.**

**Plaintiff Respondent**

- 1. Pattiyage Sunetra Peiris,  
No 126/6/2, 6<sup>th</sup> Floor,  
Y.M.B.A. Building,  
Fort, Colombo 01.**
- 3. Balasingham Aruran,  
No 541/1 B, Galle Road,  
Colombo 06.**
- 4. Eshwarie Aruran,  
No 541/1 B Galle Road,  
Colombo 06.**
- 5. W.D. Wijesekara,  
Commissiner of Motor Traffic,  
Department of Motor Traffic,  
Elvitigala Road, Colombo 05.**

**Defendant Respondents**

**BEFORE : UPALY ABEYRATHNE J.**

**COUNSEL : 2<sup>nd</sup> Defendant Appellant – Absent and unrepresented**

**Tissa Bandara for the Plaintiff Respondent**

**ARGUED ON : 13.12.2011**

**DECIDED ON : 03.02.2012**

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendants in the District Court of Colombo seeking a declaration inter alia that the Toyota Town-ace vehicle bearing No 52-0221 was a property of the Prabhashwari Garments and the Respondent was the lawful registered owner of the said vehicle on behalf of the said Prabhashwari Garments. The 1<sup>st</sup> to 4<sup>th</sup> Defendants filed a joint answer praying for a dismissal of the Respondent's action. After trial the learned Additional District Judge delivered judgement in favour of the Respondent with taxed costs. Being aggrieved by the said judgment dated 01.09.1999 (delivered on 14.02.2000) has preferred the present appeal to this court.

The Appellant has set out the grounds of appeal in paragraph 8 to 14 of the petition of appeal. I have carefully considered the said grounds of appeal with the evidence led in the case.

The Respondent had closed his case leading the evidence of the Respondent and three other witnesses with the documents marked P 1 to P 18. The Appellant has closed his case leading only his evidence. The Appellant had not produced any document to support his oral testimony. When I consider the said evidence I find no reason to interfere with the said judgment of the learned Additional District Judge of Colombo dated 01.09.1999. Therefore I dismiss the instant appeal of the Appellant with costs.

*Appeal dismissed.*

Judge of the Court of Appeal