

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

**CA 10/98 (F)**

DC Kuliyaipitiya 7176/P

Jayakodi Arachchige Don Pedri Reginold Meril  
Thabakandawa,  
Sadalankawa.

**Defendant – Appellant**

**Vs.**

Subasingha Mudiyanseelage Premachandra Subasinghe  
Sandalankawa.

And others

**Plaintiff - Respondents**

C.A. No. 10/98(F)

D.C. Kuliyapitiya Case No. 7176/P

Before : Anil Gooneratne, J.

Counsel : Chula Bandara for the 1<sup>st</sup> and 3<sup>rd</sup> Defendant-Appellant.

S,N. Vijithsingh with C. Liyanage for the Plaintiff-Respondents.

Argued &  
Decided on : 03.08.2012.

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**Anil Goonerathne, J.**

Vide journal entry of 27.07.2012, this Court directed Counsel on either side to have a consent motion filed of record and accordingly motion (03.08.2012) is presented to Court today. This is a case where several parties 1A, 3A and 4<sup>th</sup> defendant-respondent expired pending the judgment in the District Court. No substitution have been effected in the District Court. As such the judgment of the learned District Judge becomes defective. However by this motion of August 2012 parties have agreed that in view of the legal provisions and the judgment being defective, to have the record sent back to District Court, in view of the fact that the judgment delivered by the learned District Judge is a nullity. By this motion names of parties to be

substituted are mentioned and all parties have signed, namely 3A Defendant-Appellant, 1A Plaintiff-Respondent, 2<sup>nd</sup> Plaintiff-Respondent, 2A Defendant-Respondent and 4A Defendant-Respondent.

In view of the motion filed of record (August 2012) I direct the Registrar of this Court to return the original brief to the Registrar of the respective District Court. I also declare that the judgment of the original court is a nullity. Learned District Judge is directed to Endeavour to expedite proceedings in the District Court since the parties have now agreed on the allocation of shares. Parties have endeavored to settle this matter and also have agreed to have the shares allocated in the manner described in the motion of August 2012.

Proceedings terminated.

Registrar is directed to have the proper date entered in the motion filed of record.

JUDGE OF THE COURT OF APPEAL

AKN