

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

CA 551/98 (F)

DC Mt.Lavinia 491/95/L

Jayawardana Kankanamge Chandradasa
No: 113,
Kaudana Road,
Dehiwala.

Defendant – Appellant

Vs.

Palliya Dora Hewage Dayarathna
No: 113/9,
Kaudana Road,
Dehiwala.

Respondents

CA Case No. 551/98(F)

DC Mt. Lavinia No. 491/95/L

Before : **Anil Gooneratne, J.**

Counsel : Appellant is absent and unrepresented.
D.P. Mendis P.C. with Saliya Mathew for the
Respondent

Argued &

Decided on : 27.08.2012

Anil Gooneratne, J.

It is recorded that (vide Journal Entry dated 04.07.2012) the Appellant has not deposited the brief fees. As such this Court directed the Registrar to dispatch a Rule 13(b) notice on the Appellant and his registered Attorney. Said notice has been dispatched on 19.07.2012 to the Appellant as well as his registered Attorney. There has been no response to the said notice and the said notice has not been returned to this Court. Previously this Court had on several dates noticed the Appellant and the registered Attorney for which there was no response.

On the last date also Appellant was absent & unrepresented. Having perused the docket this Court has no alternative but to reject this

appeal in terms of Rule 13(b) and 34 of the Supreme Court Rules. It appears that the Appellant has not exercised due diligence to prosecute this appeal. In the above circumstances, this Court makes order to reject this appeal. However, in the event an application is made for re-listing this Court will consider such application.

Appeal rejected.

JUDGE OF THE COURT OF APPEAL

KL./-