

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

CA 1043/00(F)

CA DC Colombo : 3309/M

The Finance Company Ltd
No: 97,
Hyde Park Corner,
Colombo 02.

Formerly of

No: 69,
Ceylinco Tower,
3rd floor,
Janadhipathi Mawatha,
Colombo 01.

PLAINTIFF

Vs.

Malagammana Jayaweera Samarakkody
Kulugammana,
Malagammana.

Moragoda Galangedara Premasiri
Polgasdeniya,
Imbulmalgama,
Pilimalalawa.

Dissanayake Arachchige Sarath Dissanayake
No: 07,
Pilimalalawa,

DEFENDANTS

AND

Malagammana Jayaweera Samarakkody
No: 87,
St.Peters' Road,
Koralawella,
Moratuwa.

Formerly at

Kulugammana,
Malagammana.

1st DEFENDANT-PETITIONER

Vs.

The Finance Company Ltd
No: 97,
Hyde Park Corner,
Colombo 02.

Formerly of

No: 69,
Ceylinco Tower,
3rd floor,
Janadhipathi Mawatha,
Colombo 01.

PLAINTIFF-RESPONDENT

Moragoda Galangedara Premasiri
Polgasdeniya,
Imbulmalgama,
Pilimalatalawa.

2nd DEFENDANT-RESPONDENT

Dissanayake Arachchige Sarath Dissanayake
No: 07,
Pilimalatalawa.

3rd DEFENDANT-RESPONDENT

AND NOW BETWEEN

Malagammana Jayaweera Samarakkody
No: 87,
St.Peters' Road,
Koralawella,
Moratuwa.

Formerly at

Kulugammana,
Malagammana.

1st DEFENDANT -PETITIONER-APPELLANT

Vs.

The Finance Company Ltd,
97, Hyde Park Corner,
Colombo 02.

Formerly of

No: 69, Ceylinco Tower,
3rd floor,
Janadhipathi Mawatha,
Colombo 01.

PLAINTIFF-RESPONDENT –RESPONDENT

Moragoda Galangedara Premasiri of Polgasdeniya,
Imbulmalgama,
Pilimalalawa.

2nd DEFENDANT -RESPONDENT- RESPONDENT

Dissanayake Arachchige Sarath Dissanayake
No: 07,
Pilimalalawa.

3rd DEFENDANT -RESPONDENT -RESPONDENT

Before : **Upaly Abeyrathne, J.**

Counsel : Suboda W.Weliamuna for the 1st Defendant-Appellant
Ravindra Mahindaratne for the Plaintiff-Respondent

Decided on : 30.10.12

Upaly Abeyrathne, J.

Learned Counsel for the 1st Defendant-Appellant informs Court that she has informed the appellant on several occasions, but the appellant has failed to contact her. Counsel further informs Court that she has been made to understand that the appellant has died and the heirs of the appellant are not interested in taking steps for substitution. In the said circumstances Counsel for the Respondent makes an application to abate this appeal.

I have considered the said circumstances. Accordingly this appeal is abated.

Registrar is directed to send the main record to the relevant District Court.

JUDGE OF THE COURT OF APPEAL

KLP/-n