

In the Court of Appeal of the Democratic
Socialist Republic of Sri Lanka

CA 87/97F
DC Avissawella 613/Land

A M Leelawathie,
C/O Kadewatta,
Arapola,
Ehaliyagoda
Plaintiff-appellant

Vs

SirisenaLiyanarachchi,
Arapola,
Ehaliyagoda
Defendant-respondent

Before: A W A Salam, J
Parties absent and unrepresented
Decided on: 05.09.2011.

A W Abdus Salam, J

The plaintiff-appellant (hereinafter referred to as the plaintiff) has filed the present action against the defendant-respondent (hereinafter referred to as the defendant) for a declaration of title to the subject matter and ejection of the defendant. The defendant took up the position that he is a co-owner of the property.

The learned district judge after trial came to the conclusion that the evidence led at the trial points probably to the subject matter being co-owned by the parties and dismissed the plaintiff's action observing that it is a partition action that would be more appropriate to put an end to the dispute that had arisen between the parties. Having considered the entire matter and the reasoning adopted by the learned district judge I see no reasons to interfere with the judgment of the learned district judge. Hence, I dismiss this appeal without costs.

Judge of the Court of Appeal