

In the Court of Appeal of the Democratic

Socialist Republic of Sri Lanka

CA 1275/96 F

DC Kandy : 12466/P

Gangoda Kumarihamy,
Peradeniya Walawwa,
Udispattuwa

11th defendant-appellant

Vs

K M M G Wijeratna,
Mahawela,
Udispattuwa.

plaintiff-respondent and others

Before : A.W.A. Salam, J.
Parties absent and unrepresented
Decided on : 09.05.2011

A.W. Abdus Salam, J.

This appeal has been preferred by the 11th defendant-appellant against the judgment of the learned district judge directing that the corpus be partitioned according to the schedule of distribution set out in the judgment. Accordingly the learned district judge directed that interlocutory decree be entered.

As the 11th defendant had not been represented at the trial despite her having nominated and appointed an attorney-at-law on record, the trial was taken up without any points of contests being raised by the parties.

Having considered the evidence of the plaintiff and the documents produced at the trial the learned district judge after investigation of title declared the undivided rights of the parties. The 11th defendant has not apparently made any attempt to explain her default. In the circumstances, the appeal preferred by the 11th defendant does not appear to me as one that

merits any favourable consideration. As such, this appeal stands dismissed. There shall be no costs.

Judge of the Court of Appeal