

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

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CA APPEAL No: 1091/96F

DC Kurunegala: 3136/L

Jawaranage Syadoris,
3rd Mile Post,
Kohilagedara

Plaintiff-Appellant

Vs

Jawaranage Eladu,
Kohila Gedara
Junction,
Kohilagedara
Defendant-Respondent

Before: A W A Salam J

Plaintiff-Appellant absent and unrepresented. W.Dayaratna PC with
Mrs Jayawardena for Defendant-Respondent.

Decided on: 01.03.2011

A W Abdus Salam, J

■his appeal arises from the judgment dated 20.09.1996. The plaintiff-appellant instituted action against for a declaration of title to the subject matter and ejection of the defendant on the premise that the latter is his licensee. The defendant denied the several averments in the plaint and maintained that her father was in possession of the land since 1934. Quite noticeably, the

land described by the defendant in the schedule to the answer is quite different from the land described in the plaint.

Both parties gave evidence and called witnesses as well. At the end of the trial and after written submissions were tendered, the learned district judge delivered his judgment dismissing the plaintiff's action inter alia on the ground that he had failed to establish a case for a declaration of title. As has been observed by the learned district judge, the plaintiff has failed to produce P1, a deed on which he is said to have acquired title to the subject matter. It is trite law that the onus of proving the title in an action such as this, is on the plaintiff. As the plaintiff has failed to discharge the burden to prove his title, the learned district judge has quite rightly dismissed the plaintiff's action.

On a perusal of the judgment, therefore I do not find any ground to interfere with the findings, judgment and decree appealed against. Hence, this appeal stands dismissed.

There shall be no costs.

Judge of the Court of Appeal