

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

CA APPEAL No: 1000/96F

DC Embilipitiya: 3563P

Somaratna Ranatunga,
Alagalkanda,
Thalla,
Kolonna

2nd Plaintiff-Appellant

Vs

U G Wimalasena,
Thalla,
Kolonna

Defendant Respondent

Before: A W A Salam J

Counsel: S Siriwardena for the 2nd Plaintiff-Appellant. Defendant-Respondent
absent and unrepresented.

Argued: 10.01.2011

Written submissions tendered on : 06.12.2010.

Decided on: 24. 01.2011.

A W Abdus Salam, J

This appeal arises from the judgment dated 24 April 1996. By the said impugned judgment, the learned district judge dismissed the partition action inter alia for failure to establish adequate details regarding the original owner of the subject matter.

Even though the plaintiffs maintained in the plaint that the original owner of the corpus was one Hendrik Appuhamy, as is evident from P2 (deed No 617) produced by the plaintiff himself the original owner are Sirisena, Dingihamy and Hinnihamy. As there was a serious confusion arising from the deeds produced by the plaintiffs themselves the learned district judge was not able to investigate the title set out in the plaint and therefore dismissed the partition action.

There are shall be no costs.

Judge of the Court of Appeal