

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

CA APPEAL No: 1085/96F

DC Kagalle: 1397/L

M M Gunaratna Manike,  
Bamunaula,  
Hewadiwela,  
Rambukkana and other

**Substituted- Defendant-Respondents**

Vs

R M R Warnakulasuriya Chandrasekara,  
Udanwita,  
Hewadiwela,  
Rambukkana

**Plaintiff- Respondent**

Before: A W A Salam J

Counsel: S A DS Suraweera for the Plaintiff-Respondent.

Substituted-Defendant-Appellants absent and unrepresented.

Argued: 24.01.2011.

Decided on: 27.01.2011.

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A W Abdus Salam, J

This appeal arises from the judgment dated 21 October 1996. The plaintiff filed action for a declaration of title to lots 9 and 10 depicted in plan No P 736 made by Kurukulasuriya, Licensed Surveyor. The position of the plaintiff was that instead of handing over Lot 4 in the said plan by the Magistrate's Court to the defendant, inadvertently lots 9 and 10 in the said plan had been handed over and therefore he is entitled to the reliefs sought in the plaint.

Having considered the evidence adduced on behalf of both parties the learned district judge came to the conclusion that the defendant is not the tenant cultivator of the lands known as Elhana and Kongahamula paddy fields and therefore the plaintiff is entitled to eject the defendant from lots 1 to 4 depicted in plan No 2093 made by Carder, Licensed Surveyor.

On a perusal of the judgment of the learned district judge, the findings arrived at by her appear to me as quite consistent with the evidence led at the trial. As such I see no reason to interfere with the findings, judgment and decree entered in this case.

Hence, the appeal of the defendant-appellant stands dismissed.

There shall be no costs.

Judge of the Court of Appeal