

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA.**

CA No.1175/98

D.C.Anuradhapura Case No.15034/L

D.M. Somapala
Ulukkulama,
Mahbalankulama

Plaintiff

-Vs-

Mohamed Hassim Mohamed Ziad
No.113,
Puttalam Road,
Nochchiyagama.

Defendant

Mohamed Hassim Mohamed Ziad
No.113,
Puttalam Road,
Nochchiyagama

Defendant-Appellant

D.M.Somapala
Ulukkulama,
Mahbalankulama.

Plaintiff-respondent

C.A. 1175/98(F)

D.C. Anuradhapura Case No. 15034/L

Before : K.T. Chitrasiri, J.

Counsel : M. Nizam Kariapper with M.C.M. Nawas and M.I.M.

Iynullah for the Defendant-appellant

Athula Perera with Chathurani de Silva for the Plaintiff-

Respondent.

Argued &

Decided on : 15.01.2013

K.T. Chitrasiri, J.

Mr. Nizam Kariapper appearing for the Appellant moves to withdraw this appeal in view of a decision of the Mahaweli Authority made in favour of the Appellant.

However, Mr. Athula Perera appearing for the Respondent submits that the decision referred to by the learned Counsel for the Appellant has already been considered by the learned District Judge. He further states that he is not aware of any decision of the Mahaweli Authority that had been made in favour of the Defendant-Appellant. Accordingly, Mr. Perera denies the submissions made by the learned counsel for the Appellant.

Application of the learned Counsel for the Appellant for the withdrawal of the appeal is allowed. Accordingly, the appeal is dismissed.

No costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Cr/-