

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

CA No: 1159/98 (F)

DC Galle No : 12694/L

Jagoda Chandrasiri Jayasundara,
Udugama East,
Udugama.

Plaintiff

-Vs-

Muthuhetti Gamage Dayawansa,
Bar Junction,
Udugama.

Defendant

AND

Muthuhetti Gamage Dayawansa,
Bar Junction,
Udugama.

Defendant-appellant

-Vs-

Jagoda Chandrasiri Jayasundara,
Udugama East,
Udugama.

Plaintiff -Respondent

C.A. 1159/98(F) : D.C. Galle Case No. 12694/L

Before : K.T. Chitrasiri,J.

Counsel : Prof. W.M. Karunadasa with Mr. S. Mallawarachchi for
the Defendant-Appellant

Rohan Sahabandu, P.C. with K.V.S. Ganesharajah and
Hasitha Amarasinghe for the Plaintiff-Respondent.

Argued &

Decided on : 15.01.2013

K.T. Chitrasiri,J.

Learned Counsel for the Appellant moves to withdraw the appeal. In view of this application, learned Counsel for the Respondent agrees to waive the damages awarded in terms of paragraph (අ෭) in the prayer to the amended plaint dated 04.10.1995.

Upon considering the above two applications of the parties, the case is decided in favour of the Plaintiff as prayer for in paragraphs (අ) and (අ) in the prayer to the amended plaint dated 14.10.1995. Prayer (අ෭) found therein is dismissed.

Learned District Judge is directed to enter decree accordingly.

Plaintiff-Appellant is entitled to have the decree executed with the assistance of the fiscal.

Subject to the above variations, the appeal is dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Cr/-