

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

Case No. CA 66/98(F)

DC Kurunegala 1664/L

Pinnawala Dewalayage Gunapala
Kahatagaswala,
Mahamukalan yaya.

Defendant

Vs.

Olga Eeneed Suraweera
"Sagala",
Kanthi Road,
Gampaha.

And

Kahatagaswala,
Mahamukalan yaya.

And Others

Complaint-Respondents

Case No. CA 66/98(F)

DC Kurunegala 1664/L

BEFORE : K.T. Chitrasiri, J.

COUNSEL : Parties are absent and unrepresented.

DECIDED ON : 16.01.2013

K. T. CHITRASIRI, J.

When this matter was taken up on the last occasion namely 26.11.2012, Pinnawala Dewayalage Gunapala who is the 2nd Defendant Appellant had been present in Court.

On 05.10.2011 Counsel for the Appellant had informed Court that the Plaintiff -Respondent had expired and had moved for time to file substitution papers. In many occasions Appellant was given time to file substitution papers. So far, Defendant- Appellants have failed to take steps to substitute the heirs of the deceased Plaintiff -Respondent though the Appellants were given several dates to do so.

None of the Appellants are present in Court today. Accordingly, it is clear that the Appellants are not prosecuting this appeal diligently. Therefore, this Court makes an order abating the appeal.

In view of the said order, the Registrar is directed to send the original record to the District Court of Kurunegala after 02 months from today allowing the learned District Judge to take necessary action. Appeal is abated and the proceedings in this Court are terminated accordingly.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

KRL/-