

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

CA No. 79/98 (F)

DC. Colombo 16278/L

1. Kondaraamage Amarawathi, (deceased).
2. Walawe Vitharanage jayasena,
3. Walawe Vitharanage Gunawathi,
4. Walawe Vitharange Padmalatha,

All of
No: 160,
Piyadassi Mawatha,
Kudabthgamuwa,
Mulleriyawa New Town.

Plaintiff-Appellants

Vs.

Subsainghe Arachchige Chandrawathee,
No. 346,
Yatalawattta,
Old Waragoda Road,
Kelaniya.

Defendant-Respondent

Now Between

- IA. Walawe Vitharanage jayasena,
- IB. Walawe Vitharanage Gunawathi,
- IC. Walawe Vitharanage Padmalatha,
- ID. Walawe Vitharanage Sunil,
- IE. Walawe Witharanage Lalith Kumara,

No. 160,
Piyadassi Mawatha,
Kudabthgamuwa,
Mulleriyawa New Town.

1A-1E Subtituted PlaintiffsAppellants.

2. Walawe Vitharanage jayasena,
3. Walawe Vitharanage Gunawathi,
4. Walawe Vitharanage Padmalatha,

No. 160,
Piyadassi Mawatha,
Kudabthgamuwa,
Mulleriyawa New Town.

2nd -4th Plaintiff-Appellants

Vs.

Subsainghe Arachchige Chandrawathee,
No. 346,
Yatalawattta,
Old Waragoda Road,
Kelaniya.

Defendant-Respondent- Respondent

C.A. 79/98(F) : D.C. Colombo Case No. 16278/L

Before : K.T. Chitrasiri, J.

Counsel : Samantha Vithana with Ananda Abeywardena for
1A-1E substituted Plaintiff-Appellants and for 2nd -
4th Plaintiff-Appellants

Mevan Bandara for the Defendant-Respondent.

Argued &

Decided on: 17.01.2013

K.T. Chitrasiri, J.

Learned Counsel for the Appellants submits that the Plaintiff-Appellants are prepared to pay Rs. 500,000/- (Five Hundred Thousand) if the Defendant-Respondent leaves the premises in suit. In view of this suggestion, the Defendant-Respondent who is present in Court agrees to vacate the premises within a period of 5 months from today. Accordingly, Counsel for the Plaintiff-Appellants submits that the said Rs. 500,000/- (Five Hundred Thousand) could be deposited in the District Court of Colombo before 30.04.2013.

Acting upon the said agreement suggested by the parties, Court makes the following orders:-

- (1) Plaintiff-Appellant should deposit Rs. 500,000/- (Five Hundred Thousand) before 30.04.2013.
- (2) Defendant-Respondent should hand over the possession of the premises to the Plaintiff-Appellant before 15.06.2013.
- (3) If the Defendant-Respondent fails to deposit Rs. 500,000/- (Five Hundred Thousand) as directed, the appeal will be dismissed and accordingly the Judgment in the District Court would stand.
- (4) If the Defendant-Respondent fails to hand over the possession of the building to the Plaintiff-Respondent before 15.06.2013, the Plaintiff-Appellants are entitled to have the writ issued against the Defendant-Respondent in order to obtain the possession of the land in suit without notice being issued on her.
- (5) Immediately after leaving the premises, the Defendant-Respondent is entitled to obtain Rs. 500,000/- (Five Hundred Thousand) that is to be

deposited by the Defendant-Respondent, upon making a request to the District Court.

In view of the above settlement, the proceedings in this Court is terminated.

The learned District Judge is directed to enter decree in terms of the settlement recorded hereinbefore.

The parties who are present in Court today namely, 2nd Plaintiff-Appellant, Walawa Vitharanage Jayasena and the Defendant-Respondent, Subasinghe Arachcige Chandrawathie sign the record having accepted the terms of settlement mentioned before.

Proceedings terminated

JUDGE OF THE COURT OF APPEAL

Cr/-