

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

C.A.No.777/98(F)

D.C.Colombo No.18077/D

W.J.P. Ariyawansa

A.A. 4/9,

Ranpokunagama,

Nettambuwa.

Appellant

Vs.

Gardi Punchihewa Indrani

No: 220,

Sumithrarama Road,

Colombo 13.

Respondent

Before : **K.T.Chitrasiri, J**

Counsel : Appellant is absent.
W.Dayaratne PC with Miss Sakunthala Jayalath for the
Appellant.

Respondents are absent and unrepresented.

Argued &
Decided on : 21.01.2013

K.T.Chitrasiri, J

Counsel who appears for the appellant submits that they have not received instructions from the appellant. This Court has sent notices to the appellant more than five times directing him to appear in Court to prosecute the appeal. The appellant has not come to Court either today or before. Therefore it is clear that the appellant is not prosecuting this appeal diligently.

This is an appeal seeking to set aside the order made on 23.09.1998. By that order the learned District Judge refused to affirm the order Nisi issued on 29.02.1996. The said order nisi had been issued in terms of Section 608(2)(b) of the Civil Procedure Code. The learned District Judge having considered the evidence, had come to the conclusion that the plaintiff has failed to establish the grounds for divorce urged by the plaintiff-appellant. Upon a careful

J

consideration of the reasons set out in that order dated 23.09.1998, I do not see any reason to interfere with the said decision of the learned District Judge. Accordingly this appeal is dismissed. No costs.

Appeal dismissed.

JUDUE OF THE COURT OF APPEAL

KLP/-