

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

01. Karawgodage Don Weetus Modas Anthony Jayawardene,  
No 263, Daluwakotuwa,  
Koch chikade.
02. Dona Polin Mary Jayawardene,  
(Nee Jayasooriya)  
No.263, Daluwakotuwa,Kochchikade.

**Plaintiffs**

C.A. Appeal No. 365/97(F)

Vs

D.C. Negombo No. 6848/M

01. Rohanage Ranjith Chrishantha Fernando  
No422/A, Godawatte Rd,  
Dalupotha,Negombo.
- 02 Senarath Arachchige Don Anton Bonifas Appuhamy  
No.288. Chilaw Rd,  
Daluwakotuwa, Kochchikade.

**Defendants**

**AND BETWEEN**

Senarath Arachchige Don Anton Bonifas  
Appuhamy ,No.288. Chilaw Rd,  
Daluwakotuwa, Kochchikade.

**02<sup>nd</sup> Defendant Appellant**

Vs

- (Deceased) 01. Karawgodage Don Weetus Modas Anthony Jayawardene.  
01A. Karawgodage Don Shihan Johnson  
Jayawardene

**Substituted Plaintiff Respondent**

02. Dona Polin Mary Jayawardene  
(Nee Jayasooriya) *all from,*

No.263.Daluwakotuwa,Kochchikade.

**Plaintiff Respondents**

01. Rohanage Ranjith Chrishantha Fernando,  
No.422/A, Godawatte Rd,  
Dalupotha,Negombo.

**01<sup>st</sup> Defendant Respondent**

On this 23<sup>rd</sup> day of January 2013

C.A.No.365/97(F)

D.C.Negombo No.6848/M

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

Counsel : Sunil Cooray with Amila Kiripitiya for the Defendant-Appellant

Asiri Dissanayake for 1A Substituted Plaintiff-Respondent

Argued & Decided on : 23.01.2013

**K.T.Chitrasiri, J.**

Counsel for both parties submit that the dispute in this matter has now been settled between the parties. Terms of Settlement have been recorded and the document containing ~~it~~ the said terms of settlement is being tendered to Court. In that document all the parties have placed their signatures agreeing to the terms of settlement. f

In the terms of settlement tendered today, the 2<sup>nd</sup> defendant-appellant namely Senarath Aracchige Don Anton Bonifas Appuhamy hands over a cheque for a sum of Rs.300,000/- to the 1A substituted plaintiff-respondent namely K.D.Shihan Jayawardena in open Court.

1A substituted plaintiff-respondent and the 2<sup>nd</sup> plaintiff-respondent accept the aforesaid cheque given by the 2<sup>nd</sup> defendant-appellant. The judgment delivered in the District Court of Negombo is varied to the extent referred to in the terms of settlement contained in the document tendered to Court today. The learned District Judge of Negombo is directed to enter the decree accordingly.

In view of the aforesaid terms of settlement the proceedings in this Court is terminated. Registrar of this Court is directed to file <sup>a</sup> photo copy of <sup>^</sup> the document containing the terms of settlement to this docket and the original to the original case record. *J*

*Proceedings terminated.*

JUDGE OF THE COURT OF APPEAL

KLP/-