

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

Case No. **CA 136/98 (F)**

DC Case No: 7127/P

Asana Lebbege Mohommadu Thaha
Kahatagaha Wewa,
Pahamune.

Plaintiff

Vs.

01. Muhandiramalage Gunawathie
Dehigama,
Pahamune.
02. Muhandiramalage Podihamy
Dehigama,
Pahamune.
03. Muhandiramalage Kusumawathie
Dehigama,
Pahamune.
04. Muhandiramalage Nimal
Dehigama,
Pahamune.
05. Muhandiramalage Gnanapala
Dehigama,
Pahamune.
06. Muhandiramalage Podinona
Dehigama,
Pahamune.

07. UdumaLebbege Mohommadu Casim
Dampitiya,
Kekunagolla.
08. Muhandiramalage Ukku Naide
Dehigama,
Pahamune.
09. Rajapaksha Mudiyansele Dingira
Dehigama,
Pahamune.

Defendants

AND NOW BETWEEN

Muhandiramalage Podihamy
Dehigama,
Pahamune.

2nd Defendant- Appellant (Deceased)

- 02A. Muhandiramalage Sugath Bandula
Dehigama,
Pahamune.

Substituted 2nd Defendant- Appellant

Vs.

Asana Lebbege Mohommadu Thaha
Kahatagahawewa,
Pahamune.

Plaintiff- Respondent- Respondent

01. Muhandiramalage Gunawathie
Dehigama,
Pahamune.

02. Muhandiramalage Kusumawathie
Dehigama,
Pahamune.
03. Muhandiramalage Nimal
Dehigama,
Pahamune.
04. Muhandiramalage Gnanapala
Dehigama,
Pahamune.
05. Muhandiramalage Podinona
Dehigama,
Pahamune.
06. UdumaLebbege Mohommadu Casim
Dampitiya,
Kakunagolla.
07. Muhandiramalage Ukku Naide
Dehigama,
Pahamune.
08. Rajapaksha Mudiyanseelage Dingira
Dehigama,
Pahamune.

Defendants - Respondents - Respondents

Case No. CA 136/98 (F)

DC Kuliapitiya 7127/P

BEFORE : K.T. Chitrasiri, J.

COUNSEL : Appellant and the Respondents are absent.
Ranil Samarasooriya for the Substituted 2nd
Defendant Appellant

ARGUED &

DECIDED ON : 06.02.2013

K.T. CHITRASIRI, J.

Mr. Samarasooriya appearing for the Appellant submits that the claim of the 2nd Defendant Appellant derives from the deed bearing No. 101 which was marked as 8V2 in evidence. He further submits that the learned District Judge had carefully considered the rights claimed by the Appellant having looked at the said deed marked 8V2 and had allocated the shares to the Appellant correctly. Accordingly, Mr. Samarasooriya submits that there is no merit in the appeal filed by the 2nd Defendant Appellant.

At this stage it must be noted that no grounds of appeal had even been urged in the petition of appeal filed by the 2nd Defendant Appellant.

In the circumstances, I do not see any reason to interfere with the impugned judgment of the learned District Judge. Accordingly, the appeal of the substituted 2nd Defendant Appellant is dismissed with costs.

Appeal dismissed with costs.

JUDGE OF THE COURT OF APPEAL

KRL/-